



SAINT ALBANS  
*Vermont*

Revised  
Ordinances

City of St. Albans, VT

City Clerk's Certification:

I hereby certify that this document contains the duly adopted, revised and amended text of the Ordinances of the City of St. Albans, as of the edition date noted on this page, and that the original copy of this document resides at St. Albans City Hall.

Susan C Krupp  
(signature)

9/30/16  
(date)

(seal)

Edition: August 8, 2016

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## **AMENDMENTS AND CONTACT INFORMATION**

### **LIST OF AMENDMENTS**

(record begins March 2013)

Amendments to Title 17, Chapter 5, Subchapter 6 - Timed Parking Zones.  
Approved and Effective on March 11, 2013.

Amendments to Title 17, Chapter 5, Subchapter 2 - Operation of Vehicles and Subchapter 6 - Timed  
Parking Zones.  
Approved and Effective on April 14, 2014.

Amendment to Title 13, Chapter 5, Section 3917 – Park Hours.  
Approved and Effective on June 9, 2014.

Amendment to Title 17, Chapter 5, Subchapter 6 – Timed Parking Zones.  
Approved and Effective on June 9, 2014.

Amendments to the PUBLIC HEALTH AND SAFETY ORDINANCE – Multiple Sections.  
Approved and Effective on November 10, 2014.

Amendments to Title 17, Chapter 5, Subchapter 2 – Operation of Vehicles.  
Approved and Effective on March 9, 2015.

Amendment to Title 17, Chapter 5, Subchapter 6, Section 5351 – Designation of Zones.  
Approved and Effective on April 13, 2015.

Amendment to Title 17, Chapter 5, Subchapter 5, Section 5308 – No Parking Areas.  
Approved and Effective on October 13, 2015.

Amendments to Title 9, Chapter 10 – WASTEWATER SYSTEM OPERATIONS.  
Approved and Effective on November 9, 2015.

Amendment to Title 17, Chapter 5, Subchapter 2, Section 5165 – Stop Signs  
Approved and Effective on November 9, 2015.

Amendment to Title 17, Chapter 5, Subchapter 4, Section 5251 – One-Way Streets.  
Approved and Effective on November 9, 2015.

Amendments to Title 19, Multiple Sections – WATER SYSTEM OPERATIONS.  
Approved and Effective on November 9, 2015.

Adoption of Title 22 – WATER AND WASTEWATER ALLOCATIONS.  
Approved on November 9, 2015 and Effective on November 15, 2015.

Adoption of Title 23 – LIQUOR CONTROL.  
Approved and Effective on December 14, 2015.

Amendment to Title 15, Chapter 5, Section 4304 – Snow and Ice Removal from Sidewalks.  
Approved and Effective on December 14, 2015.

Amendments to Title 17, Multiple Sections – VEHICLES AND TRAFFIC.  
Approved and Effective on March 14, 2016.

Amendment to Title 17, Sub-Chapter 6. Timed Parking Zones, Section 5351 - Designation of Zones  
Approved and Effective on June 13, 2016.

Amendments to Title 15, Multiple Sections – STREETS, HIGHWAYS AND PUBLIC PLACES and Title  
17, Multiple Sections – VEHICLES AND TRAFFIC.  
Approved and Effective on August 8, 2016.

**FOR GENERAL INQUIRIES ABOUT THESE ORDINANCES**

City of St. Albans  
Attn: City Ordinance Inquiry  
100 No. Main Street.  
St. Albans, VT 05478

802-524-1500 x253  
Info@StAlbansVT.com

**CITY OF ST. ALBANS REVISED ORDINANCES**

**TITLES**

INDEX

1. GENERAL PROVISIONS
3. BUILDINGS AND CONSTRUCTION
5. BUSINESSES AND OCCUPATIONS
7. FIRE PROTECTION AND PREVENTION
9. WASTEWATER SYSTEM OPERATIONS AND HEALTH AND SAFETY
11. MORALS AND CONDUCT
13. PARKS AND RECREATION
15. STREETS, HIGHWAYS AND PUBLIC PLACES
17. VEHICLES AND TRAFFIC
19. WATER SYSTEM OPERATIONS
21. LAND DEVELOPMENT REGULATIONS (Available Separately)
22. WATER AND WASTEWATER ALLOCATIONS
23. LIQUOR CONTROL

INCLUDED: PUBLIC HEALTH & SAFETY ORDINANCE

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## INDEX

### A

#### **ABOVE-GROUND STORAGE OF FLAMMABLE LIQUIDS**

Generally, Sections 2101-2114

#### **ADOPTION OF REVISED ORDINANCES OF 1964**

Title, repeals, Sections 101, 102

#### **ADVERTISEMENT**

Posting or painting on property,  
Consent of owner, Section 1701

#### **ADVERTISING**

Indecent, Section 3554 Rude or offensive  
Manner, Section 3552

#### **AIRGUN**

Shooting, Section 3556

#### **ANTI-LITTER**

Garbage, this index/Rubbish, this index

#### **ANIMALS**

Going at large in street, park or Common,  
Section 4254 Hitching to tree, shrub,  
fence, Section 3853  
Park regulations, Section 3901  
Pound, Sections 2801-2806  
Trained, exhibit, licensing,  
Section 1341-1343

#### **APARTMENT HOUSES**

See also minimum Housing Standards  
In City Charter defined, Section 6701(11)

#### **ARSON**

Reward, Section 2006

### ASSEMBLY

Disturbing, Section 3563

### AUTHORIZED EMERGENCY VEHICLES

Application of traffic regulations to,  
Section 5103  
Defined, Section 5101

### AWNINGS

Streets and Sidewalks, this index

### B

#### **BARBED WIRE**

Streets and sidewalks, Section 4210

#### **BATHING**

Parks, Section 3907

#### **BEGGING**

Prohibition, Section 3551

#### **BICYCLES**

Equipment, Section 5001 Fees,  
Section 5002 Parents, responsibility  
Section 5005 Penalties, Section 5007  
Registration,  
    Requirement, Section 5001  
    Revocation or suspension,  
    Section 5006  
Rules and regulations, Section 5004  
Rules of bicycling, Section 5003  
Severability of provisions,  
Section 5008

#### **BILLIARD ROOMS**

Pool Rooms, this index

## **BOARD OF ADJUSTMENT**

Zoning, this index

## **BOILER**

Temporary discontinuance, order,  
Section 2055

## **BOW AND ARROW**

Shooting, Section 3556

## **BOWLING ALLEYS**

Gaming or gambling, Section 1304  
Hours, Section 1303 License,  
Fees, Section 1302  
Required, Section 1031

## **BUILDING INSPECTOR**

Above-ground storage of flammable  
Liquids, Sections 2102, 2107, 2109

Appeals,

Order to make building safe,  
Section 746  
Defined, minimum housing standards,  
(see City Charter)  
Fire hazard, report to be fire  
Engineer or warden, Section 2055

## **BUILDINGS**

Boiler, temporary discontinuance,  
Order, Section 2055  
Cesspools, privies, drains,  
Section 2604  
Chancellor, powers of, Section 748  
Chimney, temporary discontinuance  
Order, fire warden or chief,  
Section 2055  
Dangerous, see Unsafe, this heading  
Disorderly persons, prostitution,  
Section 3560  
Drains, Section 2604  
Fire hazards, removal Section 2054

## **BUILDINGS (CONTINUED)**

Flue, temporary discontinuance order,  
fire warden or chief, Section 2055  
Furnace, temporary discontinuance,  
Order, Section 2055  
Health regulations generally,  
Sections 2602-2612  
Ice falling from, roof guards,  
section 4301  
Injuring, Section 4258  
Moving, Sections 701-706  
Through streets, permit,  
Section 701  
Noisome houses, removing, cleansing  
Section 2601  
Numbering, Sections 4401-4403  
Number of occupants, Section 2602  
Offensive houses, removing,  
Cleansing, Section 2601  
Oil burner, temporary discontinuance, order,  
Section 2602  
Permit,  
Above-ground storage of flammable  
Liquids, Sections 2101-2114  
Moving, Section 701  
Privies, cesspools, and drains. Section 2604  
Roof guards to prevent snow slide, Section 4301  
Sanitation facilities, health provisions,  
Section 2603  
Sewer connections to, Section 2604  
Snow, ice  
falling from to street, Section 4301  
Unsafe  
Appeal from order, Section 746  
Inspection, Section 742  
Lien for  
Making safe or removing, Section 745  
Notice by building inspector, Section 742  
Notice to nonresident owner, Section 747  
Penalty for refusal to make safe, Section 745  
Reconstruction or restoration,  
Type of construction, Section 741  
Zoning, change of use or occupancy,  
Section 741  
Repair or removal, by inspector,  
Sections 743-745  
Required, Section 741  
Survey upon failure of owner to repair  
or remove, Section 744  
Time for securing or removing, Section 743

## **BUILDINGS- CONTINUED**

Unwholesome house, health provisions  
Section 2601  
Violations,  
    Report by fire chief to inspector,  
    Section 2005  
Waterclosets,  
    Health requirements, Section 2603  
Zoning, this index

## **BUS STOPS**

Traffic Regulations, this index

## **C**

### **CARNIVALS**

Licensing, Section 1344

### **CARTMEN**

Licensing, Sections 1441-1444

### **CESSPOOLS**

Health provisions, Section 2604

### **CHANCELLOR**

Buildings, powers regarding,  
Section 748

### **CHIEF OF POLICE**

Police Department, this index

### **CHILDREN**

Houses for care of infants,  
Licensing, Section 1361-1366

### **CHIMNEYS**

Temporary Discontinuance,  
Order, Section 2055

### **CINDERS**

Health officer report, Section  
2853 Penalty, Section 2852  
Prohibition, Section 2851

### **CIRCUSES**

Licenses, Sections 1341-1343

### **CITY ATTORNEY**

License provisions, enforcement,  
Section 1240  
Records, taking from file,  
Section 263

## **CITY CLERK**

Animals, Section 2816  
Dogs, Section 2802  
Houses for care of infants, licensing  
Section 1362  
Illuminated sign license, Section 4505  
Itinerant photographers, Sections  
1564, 1566, 1568, 1570  
Keeper of city seal, Section 132  
Power of attorney, Section 1567  
Licenses, temporary, issuance,  
    Sections 1201 - 1205  
Office hours, Section 262  
Permits, temporary, issuance,  
Sections 1201 - 1205  
Records,  
    Consultation in presence of  
    Clerk or assistants, Section 266  
Duties, Section 261  
Examination by city officers, Section 267  
Furnishing of public records to public  
for examination, Section 265  
Removal from office, Section 263  
Taxicab licenses, Sections 1524-1529  
Vault, entry into, Section 264

## **CITY COUNCIL**

Awnings, shades, flags, signs over street  
or sidewalk, permit, Section 4207  
Buildings, numbering, Section 4401  
Coasting, street designation for, Section 4251  
Contracts, authorizations, Sections 241-243  
Curbing, breaking, permit, Section 4212  
Fire district, Section 2201  
Fires, entry into area, Section 2004  
Garbage collection, Section 2905  
    Illuminated signs, license, Sections 4501-4507  
Licenses,  
    Powers, Section 1235  
    Temporary, Sections 1201-1205  
Meat rules and regulations, Section 2659  
Moving building through streets, permit,  
    Section 701  
Open fire permit, Section 2152  
Parks, Section 3801  
Permits, temporary, Sections 1201-1205  
Planning Commission, Sections 6502-6504  
Public dances, license, Sections 1461-1462

## **CITY COUNCIL - CONTINUED**

Recreation Commission, Section 3951  
Reward for report of arson, Section 2006  
Sale of fruit or merchandise in streets  
or other public place, permit,  
Section 4256  
Sanitary landfill, Section 2951  
Signs, illuminated, Sections 4501-4507  
Streets,  
Curbing and guttering, Sections 4353-4354  
Grade, establishing, Section 4352  
License for use of, Sections 1591-1601  
Obstruction, permit, Section 4201  
Taxicab licenses, Sections 1521-1532  
Trailers and trailer parks, Section 6601  
Underground storage of oil, Section 1598  
Unsafe buildings, Section 743

## **CITY MANAGER**

Civil defense director, appoint Section 432  
Fire department equipment, Section 2005  
Fire wardens, appointment, Section 2051  
Garbage and refuse trucks, Section 2907  
Games in street, Section 4255  
Horses and animals, Section 3853  
Illuminated signs, Section 4505  
Moving buildings, Section 706  
Numbering buildings, Sections 4401-4403  
Parking, duties as to, Section 5301  
Parking meter funds, Section 5359  
Parking meter zones, Section 5352  
Parks, Section 3913  
Pound, Section 2812  
Sidewalks, curbs, and gutters,  
Section 4354  
Sanitary Landfill, Section 2952  
Streets, and sidewalks, digging up,  
Closing, Sections 4201-4212  
Street line or grade, marking of  
Section 4355  
Trees, planting of, Section 3851  
Trees, cutting of, Section 3852  
Unsafe buildings, Section 755  
Water works, Sections 6001,  
Sections 6003, 6004

## **CITY OFFICERS**

Contracts, payment of money, authorization  
required, Sections 241 - 243  
Enforcement of laws, ordinances, orders,  
duty of, Section 201  
Expenditures for ordinary administration,  
Section 243  
Public document or records, examination of,  
Section 267

## **CITY SEAL**

Adoption, Section 131

## **CITY TREASURER**

Bicycle registration fees, Section 5002  
Fines and penalties, payment into  
Section 202

## **CIVIL DEFENSE**

Department, creation, Section 431  
Director, Section 432  
Funds, Section 433  
Plans,  
Conformity with state and national,  
Section 433  
Submission to state agency, Section 433

## **COASTING**

Streets or sidewalks, Section 4251

## **COMMON**

Animals going at large, Section 4254  
Conduct in, Sections 3551 - 3553  
Excavations, Section 4201 - 4212  
Injuring property in, Section 4257

## **CONCEALING IDENTITY**

Prohibition, Section 3564

## **CONTRACTS**

Authorization of contract by city council  
Required, Sections 241 - 243

## COWS

Going at large, Section 4255

## CROSS-WALK

Defined, Section 5101

## CURBING

Breaking, permit, Section 4212

## D

## DANCES

Licenses, Sections 1461-1462

## DEFINITIONS

Masculine and feminine, Section 151

Owner, Section 153

Person, Section 151

Singular, plural, Section 151

Street, Section 152

Tenant, Section 154

Time, computation of, Section 151

## DISORDERLY CONDUCT

Prohibition, Section 3553

Use of building, Section 3560

## DISTURBING MEETING

Prohibition, Section 3563

## DISTURBING PEACE

Noise, Sections 3501-3502

Parks, Section 3905

Prohibition, Section 3563

## DOGS

Duties of owner, Section 2802

Park regulations, Section 3901

Pound, this index

## DUMP

Sanitary landfill, this index

## E

## ENFORCEMENT

Duties of city officers, Section 201

## EXCAVATION

Streets and Sidewalks, this index

## EXPENDITURES

Contracts, Sections 241, 242

Ordinary administration, Section 243

## F

## FACTORIES

Sanitation facilities, Section 2603

## FALSE ALARMS

Prohibition, Section 2155

## FENCES

Injuring, Section 4257

## FILTHY WATER

Health provisions, Section 2604

## FINES

Disposition of, Section 202

## FIREARMS

Discharge, Section 3555

Parks, in Section 3903

## FIRE DEPARTMENT

Assisting neighboring community, Section 2002

## FIRE DEPARTMENT - CONTINUED

### Chief,

- Open fire permit, Section 2152
- Removal of fire hazards from Premises, Section 2054
- Street closing, notice, Section 4201
- Underground oil storage, Section 1598

### Chief Engineer,

- Above-ground storage of flammable Liquids, approval, Sections 2102-2107
- Building violations, report to Inspector, Section 2005

### Deputy,

- Section 2056
- Entry into buildings, Section 2053
- Entry into premises, Section 2057
- Fire wardens, control over, Section 2051
- Furnace, oil burner, boiler, flue, Chimney, temporary discontinuance, Order, Section 2055
- Name of person ringing alarm, Section 2009
- Performance of work by when owner fails or refuses, Section 2059
- Powers and duties generally, Section 2005
- Rubbish container, approval, Section 2151
- Unsafe buildings, member of board to survey, Section 744
- Use of street for sale of gasoline, oil or other product, approval of plans, Sections 1595 - 1599
- Enforcement of ordinance, Section 2011
- Engine, apparatus, taking from city, Section 2002
- Fire alarm telegraph, Section 2007
- Hose, driving over, Section 5153
- Hydrants or fire plugs, report of, use Of, Section 2005
- Parking meter collection, Section 5359
- Penalties, Section 2058
- Property, taking of, Section 2008
- Traffic regulations, Section 5152

## FIRE DISTRICT

General, Sections 2201 - 2206

## FIRE HAZARDS

- Above-ground storage of flammable liquids, Section 2101 - 2114
- Removal, Section 2054
- Temporary discontinuance of furnace, oil burner, boiler, flue, chimney, order, Sections 2055

## FIREPLACES

Outside fires, hours, Sections 2153 - 2154

## FIRE PREVENTION

## FIRES

- Alarm, person ringing in, name and address Section 2009
- Chief engineer, powers, Section 2003
- Disorderly conduct at, Section 2001
- Entry into area forbidden, Section 2004
- False alarms, Section 2155
- Obeying orders of persons in command, Section 2001
- Open fires, prohibition with permit, Section 2152
- Outside fires,
  - Endangering buildings or noxious to others, Section 2154
  - Hours of keeping, Sections 2154- 2154
- Parks, Section 3908
- Police, attendance, Section 2010
- Rewards for report of arson, Section 2006

## FIRE WARDENS

- Appointment, Section 2051
- Entry into buildings, Section 2053
- Entry into premises, Section 2057
- Furnace, oil burner, boiler, flue, chimney, temporary discontinuance order, Section 2055
- Inspection, Section 2052
- Open fire permit, Section 2152

## FIRE WARDENS - CONTINUED

Outside fires, complaint concerning,  
Section 2154  
Penalties, Section 2058  
Performance of work by when owner  
Fails or refuses to obey order,  
Section 2059  
Removal of fire hazards, Section 2054

## FIREWORKS

Parks, Section 3911

## FLAMMABLE LIQUIDS

Above-ground storage,  
Capacity and location, Section 2109  
Dikes, Section 2107  
Foundation, Section 2106  
Horizontal tanks, Section 2104  
Inspection, Section 2112  
Maintenance, Section 2111  
Materials, Section 2103  
National Fire Protection Association  
standards, Section 2114  
plans, Section 2102  
Permits,  
Contents, Section 2108  
Purpose of ordinance, Section 2101  
Retail delivery, Section 2113  
Vents, Section 2110  
Vertical tanks, Section 2105  
Welding of tanks, Section 2114

## FLUE

Temporary discontinuance, order,  
Section 2055

## FOOD

Conveyance through streets,  
Section 2651  
Exposure for sale, Section 2651  
Health regulations, Sections 2651-  
2661 meat, this index  
Peddlers, license, Sections 1404-1410  
Penalty, Section 2651

## FREEZERS

Outside iceboxes, refrigerators or freezers,  
prohibition, Sections 2751- 2754

## FURNACE

Temporary discontinuance, order, Section 2055

## G

### GAMBLING

Bowling alleys, Section 1304  
Pool rooms, Section 1286  
Prohibition, Section 3559  
Skating rinks, indoor, Section 1304

### GAMING

Bowling alleys, Section 1304  
Pool rooms, Section 1286  
Shooting galleries, Section 1304

### GARBAGE

Collection,  
Definition, Section 2901  
Penalties, Section 2910  
Provision for, Section 2902  
Receptacles, Section 2902  
Vehicles, Section 2907  
Street or near buildings, Section 2605  
Street, placing in, Section 4253

### GASOLINE STATIONS

License for use of street, Sections 1591-1601  
Zoning, Section 6514

### GLASS

Placing in street or other public place,  
Section 4253

### GOATS

Going at large, Section 4254

## GUN

Discharge, Section 3555

## H

## HEALTH

See also Minimum Housing standards, in City Charter

See also Sanitary Landfill, This index

Cesspools, drains, Section 2604

Cinders, Sections 2851-2853

Cinders, Sections 2851-2853

Drains, Section 2604

Filthy Water, on street or near building, Section 2605

Food regulations, Sections 2651-2661

Garbage and refuse collection, Sections 2901-2910

Garbage, on street or near building, Sections 2605-4253

Houses for the care of infants, Regulations, Section 1362  
Report, Section 1365

Manure, offal, refuse, Section 2605

Noisome houses or places, Section 2601

Offal, refuse, Section 2605

Offensive houses or places, Section 2601

Overcrowding of houses, tenements, Section 2602

Penalties, Section 2608

Privies, cesspools and drains, Section 2604

Rabies, Section 2807

Refuse, deposit of, Section 2605

Sanitation facilities, houses, tenements, factories, Section 2603

Sewer connection required where Available, Section 2604

Smoke, Sections 2851-2853

Swine, maintaining near dwelling, Section 2606

Unwholesome, noisome, or offensive Houses or places, Section 2601

## HEALTH OFFICER

Order,

Contents, service of, Section 2607

Doing work by health officer, cost, Section 2609

Outside fire complaint, Section 2154

Privy, vault or cesspool, permit for, Section 2604

Report of violations to city council Section 2610

Sanitation facilities in buildings, approval, Section 2603

Smoke, cinders, report, Section 2853

## HITCHHIKING

Prohibition, Section 3557

## HITCHING RIDES

Prohibition, Section 4259

## HORSES

Frightening, Section 3553

Going at large, Section 4254

Hitching to tree, shrub, fence, Section 3853

Parks, Section 3914

## HOUGHTON PARK

Described, Section 3801

## HOUSE OF PROSTITUTION

Prohibition, Section 3561

## HOUSING

Minimum Housing Standards, in city charter

## HYDRANTS

Water Department, this index

## I

### ICEBOXES

Outside icebox, refrigerator or  
Freezer, prohibition, Sections 2751-2754

### ILLUMINATED SIGNS

Generally, Sections 4501-4507

### INCINERATORS

Fires in, hours, Sections 22153-2154

### INDECENT EXHIBITIONS

Prohibition, Section 3558

### INDECENT FIGURES OR WRITING

Prohibition, Section 3553

### INDECENT LANGUAGE

Parks, Section 3905  
Prohibition, Section 3553

### INDECENT SHOW BILL

Prohibition, Section 3554

### INFANTS, HOUSES FOR CARE OF

Licensing, Sections 1361-1366 Report  
to board of health, Section 1365

### INNS

Licensing, Sections 1381-1382

### INSULTING LANGUAGE

Prohibition, Section 3553

### INTERSECTION

Defined, Section 5101

### ITINERANT AUCTIONEERS

Licensing, Sections 1408-1410

### ITINERANT PEDDLERS

Licensing, Sections 1408-1410

### ITINERANT PHOTOGRAPHERS

Bond, Section 1566  
Definitions, Section 1562  
Investigation and report, Section 1568  
License,

Application for, Section 1564

Fees, Section 1565

Requirement, Section 1563

Orders, Section 1571

Penalties, Sections 1569-1573

Power of attorney, Section 1567

Prohibited acts, Section 1572

Purposes of ordinance, Section 1561  
Separability of provisions, Section 1574  
Statement of business, Section 1570

### ITINERANT VENDORS

Licenses, Sections 1405-1407, 1410

## J

Jitney

Taxicab, Section 1522

### JUNK YARD

General, Section 1421

## K

## L

### LANDLORD

See generally Minimum Housing  
Standards in City Charter

## LICENSES

Above-ground storage of flammable  
Liquids, Section 2101-2114  
Animals, Section 2816  
Application for, Section 1233  
Assignment, Section 1237  
Auctioneers, Section 1261  
Billiard rooms, Sections 1281-1286  
Bowling alleys, Sections 1301-1304  
Carnivals, Section 1344  
Cartmen, Sections 1441-1444  
Circuses, Sections 1341-1343  
City Council, granted by, Section 1235  
Dances, Sections 1461, 1462  
Defined, Section 1231  
Dogs Sections 2801-2816  
Duration, Term, Section 1232  
Enforcement of provisions, Section 1240  
Fees, Section 1234  
Fire district, Section 2201  
Forfeiture, Section 1236  
Garbage collection, Section 2905  
Gasoline stations, Sections 1591-1601  
Houses for care of infants,  
Sections 1361-1366  
Illuminated signs, Sections 4501-4507  
Indemnification of city for damages,  
Section 1238  
Inns, Sections 1381, 1382  
Itinerant auctioneers,  
Sections 1408-1410  
Itinerant peddler, Sections 1408-1410  
Itinerant photographers,  
Sections 1561-1574  
  
Itinerant vendors, Sections 1405  
1407-1410  
Junk Yards, Section 1421  
Lunchrooms, Sections 1481, 1482  
Menageries, Sections 1341-1343  
Movies, Sections 1551, 1552  
Number card, plate or badge,  
Section 1239  
Parks, selling in, Section 3906  
Peddlers, Sections 1401-1404, 1410  
Pool rooms, Sections 1281-1286  
Porters, Sections 1441-1444  
Public dances, Sections 1461,1462  
Restaurants, Sections 1481, 1482

Revocation, Section 1235  
Sale, Section 1237  
Shooting galleries, Sections 1301-1304  
Skating rinks, indoor, Sections 1301-1304  
Slaughterhouses, Sections 1321, 1324, 1325  
Steam mills, Sections 1322-1325  
Street musicians, Sections 1501, 1502  
Taxicabs, Sections 1521-1524  
Temporary issuance by city clerk,  
Sections 1201-1205  
Term, Section 1232  
Theaters, Sections 1551,1552  
Trailers and trailer parks General, Section 6603  
Zoning, Section 6701  
Trained animals, Sections 1341-1343  
Transient photographers, Section 1561-1574  
Transfer, Section 1237  
Use of streets by businesses, Sections 1591-  
1601  
Vaudeville shows, Sections 1551, 1552  
Victualing houses, Sections 1481,1482

## LIEN

Unsafe house, Section 745  
Vehicle removed when unlawfully parked,  
Section 5306  
Water charges, Section 6005

## LITTER

Garbage, this index  
Rubbish, this index

## LIVERY BUSINESS

Vehicle as taxicab, Section 1522

## LOITERING

Prohibition, Sections 3502, 3553

## LUNCHROOM

Licenses, Sections 1481, 1482  
Pool room or billiard room, prohibition,  
Section 1283

## M

### MALICIOUS INJURY TO PROPERTY

Prohibition, Section 4258

### MANURE

Health provisions, Sections 2605, 2608

### MAPS

General, Sections 261 - 267

Water, Section 6004

Zoning, Section 6701

### MASK

Wearing of, Section 3564

### MAYOR

Board of adjustment, appointment,  
Section 6701 (X)

Fires, destruction of buildings,  
Section 2003

Flammable liquid tanks, inspection,  
Section 2112

Open fire permits, section 2152

Planning commission, Section 6502

Recreation commission, Section 3951

Unsafe buildings, board to survey,  
Appointment of member, Section 744

### MEAT

Carcasses, offer for inspection  
Section 2654

For slaughter, Section 2654

Inspection, Section 2652

Fees, Section 2660

Mark, stamp or brand of inspection,  
Section 2653

Penalties, Section 2661

Rules and regulations, Section 2659

Slaughterhouses, Sections 2656, 2658

Standards, Section 2659

Transportation, Sections 2652, 2657

Unauthorized possession of mark,  
Stamp or brand, Section 2655

## MEETINGS

Disturbing, Section 3563

Wearing masks, Section 3564

## MENAGERIES

Licenses, Sections 1341-1343

## MINORS

Pool rooms, Section 1284

## MINIMUM HOUSING STANDARDS

See City Charter

## MOTOR VEHICLES

Defined, Section 5101

Parking, this index

Traffic Regulations, this index

## MOVING BUSINESS

Licensing, Sections 1441-1444

## MOVING PICTURES

Licensing, Sections 1551-1552

## MUSICIANS

Street, licensing, Sections 1501,1502

## N

### NAILS

Placing in street or other public place,  
Section 4253

### NEAT CATTLE

Going at large, Section 4255

### NOISE

Disturbing peace, Section 3501

## N

### NOISE (CONTINUED)

Frighten horse, Section 3553  
Radios, other sound-producing  
Devices, Section 3501

### NO-PARKING AREA

Parking, this index

### NOTICES

Indecent, Section 3554  
Posting or painting, consent of  
Owner of building or land,  
Section 1701

### NUISANCE

Hitchhiking, Section 3557  
Parking, unlawful as, Section 5302  
Smoke, cinders, Section 2851  
Street, Section 4209  
Winter parking, Section 5311

## O

### Obscenity

Indecent exhibition, Section 3558  
Prohibition, Section 3553

### OFFAL

Health provisions, Section 3605  
Street, placing in, Section 4253

### OFFICERS OF THE CITY

City Officers, this index

### OFFICIAL TRAFFIC SIGNS

Defined, Section 5101

## OIL

Selling, license for use of street,  
Sections 1591 - 1601  
Underground storage, Section 1598

### OIL BURNER

Temporary discontinuance, order,  
Section 2055

### OPERATOR

Defined, Section 5101

### ORDINANCES

Publication by city clerk, Section 103  
Revised Ordinances of 1964, this index

### OWNER

Defined, Section 153

### OYSTER SHELLS

Placing in street or other public place,  
Section 4253

## P

### PARADES

Clearing streets, Section 5362  
Masks, Section 3564

### PARCEL DELIVERY

Licensing, Sections 1441 -1444

### PARKING

Abreast of other vehicle, Section 5158  
Bridges, viaducts, Section 5158  
Bus stops, Section 5312  
Churches, Section 5310  
Commercial vehicles loading or unloading,  
Section 5309

## PARKING (CONTINUED)

Cross-walk, Section 5158  
Defined, Section 5101  
Evidence, Section 5318  
Fire hydrant, Section 5158  
General prohibition, Section 5318  
Intersection, prohibition, Section 5158  
Meters,  
    Bus stops, Section 5357  
    Collection, Section 5359  
    Designation of areas, Section 5351  
    Disabled persons, Section 5361  
    Extending time, Section 5354  
    Fees, use of, Section 5360  
    Installation, Section 5352  
    Maintenance, Section 5352  
    Parades, Section 5362  
    Periods, Section 5353  
    Separability of provisions,  
        Section 5363  
    Slugs or other devices, Section 5355  
    Tampering with, Section 5356  
    Taxi stands, Section 5358  
    Time limitations, Section 5353  
No-Parking,  
    Abreast other vehicle, Section 5158  
    Areas, Sections 5158, 5308  
        Designated, Section 5308  
        Private driveways, Section 5158  
    Bridge, viaduct, Section 5358  
    Bus stop, space reserved for,  
        Section 5308  
    Cross-walks, Section 5158  
    Curb line, within 50 feet of,  
        Section 5308  
    Fire hydrants, Section 5158  
    Intersection, Section 5158  
    School yard, public, Section 5308  
    Sidewalk, Section 5158  
Nuisance, unlawful parking as  
    Section 5302  
Police parking, Section 5313  
Premises of another, Sections 5051, 5052  
Private driveways, Section 5158  
Private premises, without permission,  
    Sections 5051, 5052  
Sidewalk, Section 5158  
Signs, Section 5301  
Street department work, Section 5315

## PARKING (CONTINUED)

Sunday restrictions, Section 5310  
Towing away of vehicle, Charges,  
    Section 5305  
    Not a fine, penalty or forfeiture,  
        Section 5307  
    Lien, foreclosure, Section 5306  
    Parking lots, winter parking violations,  
        Section 5406  
    Public nuisance, Section 5302  
    Reclaiming, Section 5304  
    Record of vehicle, Section 5303  
    Winter parking, Section 5311  
Winter parking, Section 5311  
    Parking lots, Section 5406  
    Towing away, Section 5302  
Zoning, spaces, Section 6701

## PARKING LOTS

Areas designated, Section 5401  
Effectiveness, hours, Section 5407  
Extension of time, Section 5405  
Failure to deposit coin, Section 5404  
Improper parking, Section 5404  
Installation and operation of meters,  
    Section 5402  
Rates, Section 5403  
Slugs, Section 5405  
Tampering with meters, Section 5405  
Time limitation, Section 5404  
Winter Parking, Section 5406

## PARKS

Alcohol Section 3917  
Animals, Sections 3901, 4254  
Bathing, Section 3907  
Birds, nests, eggs, injuring,  
    Section 3910  
Carrying away plant, flower, vase or  
    other vessel, Section 3855  
Cottonwood, Section 3916  
Damage to, Section 3902  
Described, Section 3801  
Digging, blasting, Section 3912  
Driving in, Section 3909  
Excavations, Section 4206  
Firearms, Section 3903  
Fires, Section 3908

## PARKS (CONTINUED)

Fireworks, Section 3911  
Horses, hitching, Section 3914  
Hours, Section 3918  
Injuring property in, Section 4257  
Language in, Section 3905  
List of parks, Section 3801  
Motor vehicles, in, Section 3915  
Names, Section 3801  
Penalties, Section 3919  
Playing games, Sections 3903,4255  
Poplar, Section 3916  
Property, carrying away, Section 3855  
Regulations, Sections 3901-3919  
Riding in, Section 3909  
Rubbish, Section 3913  
Selling in, Fruit or merchandise in,  
    Permit, Section 4256  
    Generally, Section 3906  
Speech, Section 3905  
Speed in, Section 3904  
Squirrel, injuring, Section 3910  
Throwing stones, Section 3903  
Trees,  
    Attaching advertisement to,  
        Section 3854  
    Cutting, pruning, removing,  
        Section 3852  
    Damage to, Section 3902  
    Hitching horse to, Sections 3853, 3914  
    Planting, Section 3851  
Willow, Section 3916

## PEDDLERS

Itinerant Peddlers, this index  
Licensing, Sections 1401-1404, 1410

## PEDESTRIAN

Defined, Section 5101  
Traffic regulations, Section 5160

## PENALTIES

Animals, Section 2813  
Awnings, signs, banners, etc., over  
    Streets and sidewalks, Section 4207

## PENALTIES (CONTINUED)

Bicycles, Section 5007  
Buildings, Moving, Section 704  
Numbering, Section 4403  
Unsafe, Section 745  
    Disposition of fines and penalties,  
        Section 202  
Dogs, Section 2813  
Excavations, Section 4206  
Fire provisions, Section 2058  
Food sale, Section 2651  
Garbage collection, Section 2910  
Health, Section 2608  
Houses for care of infants, Section 1366  
Illuminated signs, Section 4507  
Itinerant peddlers, auctioneers, licensing,  
    Section 1410  
Itinerant photographers, Sections 1569 - 1573  
Junk yard, Section 1423  
Meat inspection, Section 2661  
Outside fires, refusal to obey order,  
    Section 2154  
Park regulations, Section 3917  
Peddlers, licensing, Section 1410  
Powder storage, licensing, Section 1325  
Sanitary landfill, Section 2953  
Sewers, connections to, Sections 3605, 6610  
Slaughterhouses, licensing, Section 1325  
Smoke, cinders, Section 2852  
Street line or grade monuments, moving or  
disturbing, Section 4355  
Traffic regulations, Section 5104  
Use and occupancy of streets by gasoline  
stations and other purposes, Section 1601  
Zoning, Section 6523

## PERMITS

Temporary, issuance by city clerk,  
    Sections 1201 - 1205

## PERSON

Defined, Section 141

## PHONOGRAPH

Noise, Section 3501

## PHOTOGRAPHERS

Itinerant Photographers, this index  
Statement of business, Section 1570

## PISTOL

Discharge, Section 3555  
General, Sections 6501-6504

## PLAYING GAMES

Streets or parks, Sections 3903, 4255

## POLICE DEPARTMENT

Accidents, Section 5163  
Animals, Section 2816  
Bicycles, Sections 5001 - 5008  
Chief of police,  
    Bicycles, Section 5004  
    Disabled Persons, license plate tag,  
        Section 5361  
Exhibitions on streets, fixing  
    of location, Section 1343  
Firing range, Section 3555  
License number card, plate or badge,  
Approval Section 1239  
Moving buildings, Section 706  
Parades, Section 5362  
Snow removal from awnings, report  
of violations, Section 4302  
Trucks on certain streets, permit,  
    Section 5316  
Compliance with directions of,  
    Section 5164  
Dogs, Sections 2801 - 2816  
Fire ordinance, enforcement,  
    Section 2011  
Fires, attendance, Section 2010  
Licenses, enforcement of license  
provisions, Section 1240  
Parking by police, Section 5313  
Pound, Sections 2801 - 2816  
Rabies, Section 2807

## POLICE DEPARTMENT (CONTINUED)

Towing away of parked vehicles,  
    Sections 5302 - 5307  
Traffic Regulations, powers, Section 5108  
Traffic signals, Section 5202

## POLICE STATION

Parking, Section 5313

## POOL ROOMS

Fee, Section 1282  
Food Sales, Section 1283  
Gaming or gambling, Section 1286  
Hours, Section 1285  
License required, Section 1281  
Minors, Section 1284

## PORTERS

Licensing, Sections 1441 - 1444

## POUND

Duties of dog owner, Section 2801  
Established, Section 2808  
Poundkeeper, Section 2808

## POWDER STORAGE

Licenses, Sections 1322 - 1325

## PRIVIES

Health provisions, Section 2604

## PROFANITY

Prohibition, Section 3553

## PROSTITUTION

House of, Section 3561  
Prohibition, Section 3562  
Use of building, Section 3560

## PROWLING

Prohibition, Section 3502

## PUBLIC BUILDINGS

Sanitation facilities, Section 2603

## PUBLIC DANCES

Licenses, Sections 1461, 1462

## PUBLIC DUMPING GROUND

Sanitary Landfill, this index

## PUBLIC RECORDS

Sections 261 - 267

## R

## RADIOS

Noise, Section 3501

## RECORDS

City clerk, duties, Sections 261 -267

## REFRIGERATORS

Outside iceboxes, refrigerators or  
Freezers, prohibition, Sections 2751 -2754

## REFUSE

See also Garbage, this index

Covering of trucks carrying,  
Section 2907

Dumping on other than public  
dumping ground, Section 2908

Placing in street, Section 4253

## RESTAURANTS

Licenses, Sections 1481, 1482

## REVISED ORDINANCES OF 1964

Adoption and approval,  
Sections 101, 104

City Clerks, duties, section 103

Copies, Section 103

Official loose leaf copy, Section 103

Publication of ordinances, Section 103

Repeals, Sections 101, 102

Title, Section 101

## REWARDS

Arson, Section 2006

## ROADWAY

Defined, Section 5101

## RUBBISH

Covering of trucks carrying,  
Section 2907

Parks, Section 3913

Placing in street or public place  
Section 4253

Near building, Section 2151

## SANITARY LANDFILL

General, Sections 2951 - 2953

## SCHOOL YARDS

No parking in, Section 5308

## SCHOOL ZONES

Establishment, Section 5151

## SEAL

Adoption, Section 131

## SEWERS

Connections to, Required,  
Sections 2604, 6604, 6605

Note: Revised - now # 2855

Sewer Use & Allocation Ordinance

## SHOOTING GALLERIES

Gaming or gambling, Section 1304  
Hours, Section 1303  
License, Fees,  
Section 1302  
Required, Section 1301

## SHOW BILLS

Posting or painting, consent of owner,  
Section 1701

## SIDEWALK

Streets and sidewalks, this index

## SIGNS

New Zoning Ordinances  
Effective 1978 Revised &  
Amended 2002

## SKATING RINKS, INDOOR

Gaming or gambling, Section 1304  
Hours, Section 1303  
License, Fees  
Section 1302  
Required, Section 1301

## SLAUGHTERHOUSES

Inspection of, Section 2658  
Carcasses in, Section 2656  
Licenses, Sections 1321, 1324, 1325  
Meat inspection, Sections 2652 - 2661

## SLIDING

Streets and sidewalks, Section 4251

## SMOKE

Health Officer report, Section 2853  
Penalty, Section 2852  
Prohibition, Section 2851

## SOLICITING

Rude or offensive manner, Section 3552

## SOUND AMPLIFICATION

Disturbing peace, Section 3502

## SPEED LIMIT

Traffic Regulations, this index

## STATE FIRE MARSHAL

Above-ground storage of flammable  
liquids approval, Sections 2102, 2112

## STEAM MILLS

Licenses, Sections 1322 - 1325

## STONES

Throwing, Section 3553

## STORES

Exposure of food for sale, Section 2651

## STREET

Defined, Section 152

## STREET MUSICIANS

Licensing, Sections 1501 - 1502

## STREETS AND SIDEWALKS

Streets and sidewalks, this index  
See also Traffic Regulations, this index  
Advertisements, notices, attaching to tree,  
Section 3854  
Animals going at large, Section 4254  
Awnings,  
Construction, Section 4208  
Injuring, Section 4257  
Permit, Section 4207  
Snow removal from Section 4302

STREETS AND SIDEWALKS  
(CONTINUED)

Barbed wire, Section 4210  
Books of record, Section 5351  
Carrying away plant, flower, vase or  
  Other vessel, Section 3855  
Closing for street department work,  
  Section 5315  
Conduct in, Sections 3551 - 3553  
Cottonwood planting, Section 3914  
Curbing and guttering,  
  Sections 4353 - 4354  
Curbing, breaking, permit,  
  Section 4212  
Definition, Sections 151, 1591  
Display of articles over,  
  Section 4207  
Encumbering with hose,  
  Section 4258  
Excavation, Damages, liability  
For, Section 4205  
  Fences, Section 4202  
  Lights, Section 4202  
  Method, Section 4203  
  Notice to fire chief, Section 4201  
  Penalties, Section 4206  
  Permit, Section 4201  
  Refilling, Section 4203  
  Resurfacing, Section 4204  
Fees for permit for awnings,  
  Banners, signs, etc., Section 4207  
Fires,  
  Entry into area, Section 2004  
  Powers of chief engineer of fire  
  Department, Section 2003  
Flags, banners, display over, permit,  
  Section 4207  
Garbage, placing in, Section 4253  
Grades of street,  
  Alteration, Section 4352  
Guide-posts, injuring, Section 4257  
Hitching rides, Section 4259  
Illuminated signs, Sections 4501-4507  
Inclosing, erecting fence, encroaching  
  upon, obstructing, Section 4209

STREETS AND SIDEWALKS  
(CONTINUED)

Injuring property in, Section 4257  
Interference with sidewalk, unnecessary,  
  Section 4211  
Lights, posts, injuring, Section 4257  
Manure, moving through streets, Section 2605  
Maps, Section 4351  
Moving buildings through, permit,  
  Sections 701 - 706  
Numbering of buildings, Section 4401 - 4403  
Obstructing, prohibition, Section 4209  
Offal, refuse, moving through streets,  
  Section 2605  
Penalties, street line or grade monuments,  
  moving or disturbing, Section 4355  
Playing games in, Section 4255  
Poplar, planting, Section 3914  
Profiles, Section 4351  
Railing, Section 4210  
Refuse, moving through streets, Section 2605  
  Placing in, Section 4253  
Sale of fruit, or merchandise in, permit,  
  Section 4256  
Salt, sprinkling, Section 4252  
Selling or renting vehicles in, Section 5162  
Sidewalk,  
  Defined, Section 5101  
  Specifications, Section 4354  
Signs,  
  Display over Street, permit, Section 4207  
  Illuminated, Sections 4501 - 4507  
Snow and ice,  
  Falling from buildings, roof guards,  
  Section 4301  
  Placing in street, Section 4303  
  Snow removal from awning or shade,  
  Section 4302  
  Street, defined, Section 5101  
  Street line or grade, monuments,  
  moving, penalty, Section 4355  
  Surveys of streets, Section 4351  
  Taxi stands, Section 5358  
Trees,  
  Attaching, advertisement to, Section 3854  
  Cutting, pruning, removing, Section 3852  
  Hitching horse to, Section 3853  
  Planting, Section 3851

STREETS AND SIDEWALKS  
CONTINUED

Trees,

Use of by businesses, license,  
Sections 1591 - 1601

Wetting sidewalks, Section 4258

Willow, planting, Section 3914

SUPERINTENDENT OF STREETS

Moving buildings, Section 706

Snow removal, Section 4302

Streets and sidewalks,

Curbing and guttering, Sections 4353, 4212

Digging in, Sections 4201, 4212

Resurfacing, Section 4204

Use of, Section 4201

SWINE

Maintaining near dwelling, Section 2606

T

TACKS

Placing in street or other public

Place, Section 4254

TAXICABS

Sections 1521 - 1524

TAYLOR PARK

Described, Sections 3801

TENANT

Defined, Section 154

THEATERS

Licensing, Section 1551 - 1552

THROWING STONES OR OTHER MISSILES

Parks, Section 3903

Prohibition, Section 3553

TIME

Computation of Section 141

TIN

Placing in street or other public place

Section 4254

TRAFFIC REGULATIONS

Accidents, report, Section 4163

Authorized emergency vehicles

Application of regulations to,

Section 5103

Defined, section 5101

Bus stops, Generally Section 5312

No parking in, section 4308

Compliance with directions, signs, or

signals, Section 5164

Covering of vehicles carrying ashes, rubbish  
or waste, Section 2907

Curb, stopping close to, Section 5157

Definitions, Section 5101

Fire apparatus, approaching, Section 5152

Fire hose driving over Section 5153

Intersecting streets, approaching

Section 5156

Left turns, Section 5252

One-way streets, Section 5251

Passing on, Section 5252

Parades - Sections 5362

Parking, this index

Passing, Section 5154

Pedestrians, Section 5160

Penalty, Section 5104

Police department, powers, Section 5102

Right-of-way, Section 5159

Right side driving, Section 5151

School zones, Section 5151

Selling or renting vehicles in street,

Section 5162

TRAFFIC REGULATIONS  
CONTINUED

Sidewalks,  
    parking on Section 5158  
    vehicles on, Section 5161  
Speed, Section 5151  
Standing, where prohibited,  
    Section 5158  
Starting, Section 5155  
Stopping, Curb, close to  
    Section 5157  
    Generally, Section 5155  
    Where prohibited, Section 5158  
Taxicabs,  
    Sections 1521 - 1524, 5311  
Traffic signals,  
    Generally, Section 5201  
    Location, Section 5202  
Traffic signs, interference with,  
    Section 5204  
Trucks,  
    Covering when carrying ashes,  
    Rubbish or waste, Section 2907  
    Generally, Section 5161  
Turning, Section 5155  
Yield signs, Section 5203

TRAILER - TRAILER PARKS

Definition, Section 6601-II  
General, Section 6601 - 6612  
Zoning, Section 6701-VI

TRANSIENT PHOTOGRAPHERS

Itinerant Photographers, this index

TREASURY

Fines and penalties, payment into,  
    Section 202

TREES

Attaching notice to, Section 3854  
Cutting, pruning, removing, Section 3852  
Hitching horse to, Sections 3853, 3914  
Planting approval, Section 3851

TRUCKING

Licensing, Sections 1441 - 1444

TRUCKS

Traffic Regulations, this index

U

UNITED STATES DEPARTMENT OF  
AGRICULTURE

Meat inspection, Sections 2652, 2659

V

VAUDEVILLE SHOWS

Licenses, Sections 1441, 1442

VEHICLE

Defined, Section 5101

VICTUALING HOUSES

Licenses, Sections 1481, 1482

W

WATERCLOSETS

Buildings, this index

WATER DEPARTMENT

(New updated regulations)  
6000 - 6019  
Hydrants and fire plug, use of  
reported by fire chief. Section 2005

WIRES

Fireman, cutting by, Section 2003

Z

ZONING  
(New updated regulations 2003)

## TITLE 1

### GENERAL PROVISIONS

#### CHAPTER

1. Adoption of Revised Provisions
3. City Seal
5. Definitions
7. Enforcement
9. Claims against City
11. Public Records
13. Department of Civil Defense

## CHAPTER 1

### ADOPTION OF REVISED ORDINANCES

#### SECTION

- 101. Title adoption; repeals
- 102. Repeal of ordinance, effect.
- 103. Ordinances of the City of St. Albans; city clerk duties; copies.
- 104. Adoption and approval.

- 101. Title; adoption; repeals

This and the following titles shall be known as the "City of St. Albans Revised Ordinances", hereinafter referred to as the "Revision" and so far as the provisions of the Revision are the same in effect as those of previously existing ordinances, they shall be construed as a continuance thereof. This Revision shall not affect an act done, a right accruing, accrued, acquired, or established, a penalty incurred, a suit, prosecution, or proceeding pending or the tenure of a person holding office, at the time when it takes effect. Subject to said limitations, all ordinances of the city heretofore in force are hereby repealed; but this repeal shall not apply to or affect an ordinance heretofore adopted which accepts or adopts the provisions of the Statute of the State. No ordinance which has been heretofore repealed shall be revived by the repeal mentioned in this section.

Cross references. Power of City Council  
to make, amend or repeal ordinances, see  
City Charter Section 25.

- 102. Repeal of ordinance, effect.

The repeal of an ordinance shall not revive one which has been repealed, nor affect a right accruing, accrued, acquired, or established, a punishment, penalty or forfeiture incurred before the repeal took effect, or a suit, prosecution, or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

SECTION

103. Ordinances of the City of St. Albans, city clerk duties; copies.

- (a) A copy of the Revision bound in loose-leaf form shall be signed by the mayor and the city clerk. Whenever a new chapter is added, or when sections are added to existent chapters, or when existing sections are amended, the city clerk shall have new or replacement pages printed and drilled, shall have such pages inserted in appropriate places in the volume. Whenever a section is repealed, the affected page shall be reprinted with the section deleted and a statement made of the repeal.
- (b) This book shall be kept up to date by the city clerk and shall be kept in the office of the city clerk subject to inspection by citizens. The city clerk may prepare copies thereof for the use and convenience of the officials of the city.
- (c) All ordinances hereafter enacted shall be published by the city clerk in a convenient form and in sufficient numbers to supply all persons who may reasonably desire them.

104. Adoption and approval.

The City of St. Albans Revised Ordinances were passed June 8, 1964.

ATTEST: John G. O'Brien

City Clerk

The City of St. Albans Revised Ordinances were approved June 8, 1964.

James B. Pignona

Mayor

## **CHAPTER 3**

### **CITY SEAL**

#### **SECTION**

131. Adoption of seal.

131. Adoption of seal

Section 131 The Seal of the City of St. Albans, which is hereby adopted, shall have two circles, one within the other between which will appear the words, "City of St. Albans, State of Vermont", and within the inner circle the words "organized 1897."

#### **SECTION**

132. The city clerk shall be ex-officio keeper of the city seal, and is empowered to affix the same to such papers and instruments as by law are required to bear the seal of the city.

Cross references. An identical provision was contained in the original ordinances of 1897.

## CHAPTER 5

### DEFINITIONS

#### SECTION

- 151. Singular and plural masculine gender, person; computation of time.
- 152. Street.
- 153. Owner.
- 154. Tenant.

- 151. Singular and plural; masculine gender; person; computation of time.

Words importing the singular number may extend and be applied to more than one person or thing; words importing the plural number may be applied as if singular; words importing the masculine gender; the words "person" or "individual" may extend and be applied to bodies corporate and politic and to partnerships and unincorporated associations; when time is to be reckoned from a day, date, or an act done such day, date, or day when such day, date, or day when such act is done, shall not be included in the computation, unless otherwise provided.

- 152. Street

The word "street" shall include the entire width between property lines of every way used for vehicular and pedestrian travel which has become public by authority of the law, and such ways in public places other than highways as the public is permitted to use for vehicular and pedestrian traffic.

Cross references. Streets and highways generally, see section 4201 et seq.  
Traffic regulations see section 5101 et seq.

- 153. Owner

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

- 154. Tenant

The word "tenant" applied to a building or land shall include any person who occupies the whole or a part of such building or land, either alone or with others.

**CHAPTER 7**  
**ENFORCEMENT**

SECTION

- 201. Duties of officers of the city.
- 202. Disposition of fines and penalties.

201. Duties of officers of the city

All officers of the city shall enforce obedience to such laws of the state, ordinances of the city, and orders of the mayor and city council, as may be the duty of such officers respectively to enforce, and shall notice all complaints, and shall institute such proceedings as may be necessary.

202. Disposition of fines and penalties

All fines and penalties for the violation of any ordinance or the order of any board lawfully established thereunder, or the order of any person or persons who have been given lawful authority to issue such order, or the order of the mayor or city council, shall, when recovered, inure to the city, and be paid into the city treasury, unless otherwise directed by the laws of the state, the city charter, or the ordinances of the city.

Cross references, see city charter  
Section 10.

## CHAPTER 9

### CLAIMS AGAINST CITY

#### SECTION

- 241. Authorization of contract or debt by city council.
- 242. Power of city officers to bind city for payment of money.
- 243. Expenditures for ordinary administration.

- 241. Authorization of contract or debt by city council.

No contract shall be made whereby the city shall be holden or bound for the payment of any sum of money, nor shall any debt be created against the city by any person or persons acting or pretending to act for the city, in any capacity whatever, unless the same shall have been previously authorized by the city council.

- 242. Power of city officer to bind city for payment of money.

No city officer shall have any authority or power to bind the city for the payment of any sum of money for any purpose, or to make any contract whereby the city may become bound for the payment of any sum of money, unless such officer shall have been previously authorized to such action by city council.

- 243. Expenditures for ordinary administration

Nothing in this chapter shall be construed to prevent the expenditure by such officer of moneys in the ordinary administration of his department, which have been previously appropriated to such use by the city council and authorized by the city manager.

## CHAPTER 11

### PUBLIC RECORDS

#### SECTION

- 261. Duty of city clerk to keep records and papers.
- 262. Office hours of city clerk.
- 263. Removal of public records or papers.
- 264. Entry into vault.
- 265. Furnishing of public records or papers by city clerk.
- 266. Consultation of records or documents in presence of city clerk.
- 267. Examination of records or documents by officers of the city.

- 261. Duty of city clerk to keep records and papers.

The records and papers kept or deposited in the city clerk's office shall be under the exclusive care and control of the city clerk and he shall be responsible for the safekeeping and custody thereof.

Cross references. Duties of city clerk,  
see city charter section 14.

- 262. Office hours of city clerk

The office of the city clerk shall be open daily except Saturdays, Sundays and legal holidays from nine o'clock in the morning to three o'clock in the afternoon, and such additional times as the city clerk may desire.

- 263. Removal of public records or papers

No book or volume of public records or papers duly filed shall be taken from the office of the city clerk, unless upon the order or process of a court of competent jurisdiction. Copies of public records or papers, if needed for official city business, shall be made by the city clerk.

Cross references. See City  
Charter section 14.

- 264. Entry into vault

No persons, other than the city clerk or his assistants, shall enter the vault where public records and documents are kept, without the permission of the city clerk.

## SECTION

### 265. Furnishing of public records or papers by city clerk

It shall be the duty of the city clerk to furnish, upon all proper occasions such public records or papers as may be called for, to the person who shall apply therefor, and to place such records or papers in a convenient place in his office for examination.

### 266. Consultation of records or documents in presence of city clerk

All public documents and records in the custody of the city clerk shall be consulted in the presence of the city clerk or one of his assistants.

### 267. Examination of records or documents by officer of city

An officer of the city in an official capacity may examine or consult without charge any public document or record in the custody of the city clerk subject to the rules and regulations set forth in this chapter.

## CHAPTER 13

### DEPARTMENT OF CIVIL DEFENSE

#### SECTION

- 431. Department of civil defense, creation.
- 432. Director.
- 433. State and national plans.

#### 431. Department of civil defense, creation

There is hereby created within and for the City of St. Albans as department of civil defense, which said department is hereby authorized and directed to participate in, and cooperate with, all appropriate departments or agencies of the State of Vermont and the United States having direction or control of civil defense programs.

Cross references. State civil defense Provisions, see 20 V. S. A. Section 1 et seq.

#### 432. Director

Said department shall be under the direction and control of a civil defense director. The City Manager shall within 30 days of his appointment and annually thereafter appoint, and may remove at his pleasure and appoint others in his stead, said director. Said director shall, unless removed, serve for one year and until his successor is appointed and qualified. Said director shall not be a member of the city council. Said director shall be immediately responsible to the city manager for the administration of this department.

Cross references. See City Charter Section 9, paragraph V.

## SECTION

### 433. State and national plans

All plans formulated by the department of civil defense shall be in conformity to the regulations and standards established by the Department of Defense and the Office of Emergency Planning, including the regional offices thereof, by the State of Vermont and the Division of Civil Defense of the Department of Public Safety, and with the National Plan and the State of Vermont Operations Plan, all of which are accepted by the City of St. Albans as controlling in the operations and planning of said department. It shall be one of the objects of said department to expand and develop its operational plans, with the assistance of available state or federal funds, in accordance with the regulations and standards above referred to.

Cross references. Authority of local Governments to create civil defense Organizations, see 20 V. S. A. section 6, and as amended.

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## **TITLE 3**

### **BUILDINGS AND CONSTRUCTION**

#### **CHAPTER**

1. Moving Buildings
3. Minimum Housing Standards
5. Unsafe Buildings
7. Subdivision

**CHAPTER 1**  
**MOVING BUILDINGS**

**SECTION**

- 701. Permit requirement.
- 702. Damages.
- 703. Obstructions.
- 704. Penalty for violations.
- 705. Notices and lights.
- 706. Notification of permit.

**701. Permit requirement**

Whenever any person shall intend to move any building or other structure along, across, or through any of the streets or public highways within the City of St. Albans, he shall present his petition in writing to the city council for permission to make such move, which petition shall describe the building, its dimensions, location, the place to which it is designed to be moved, and the streets along, across or through which the same is to be moved, and no building shall be moved along, across, or through any of the streets or highways of the city without the written permit of the city council.

**702. Damages**

The owner of every building or other structure moved as aforesaid shall pay to the city all damages, costs and expenses occasioned to the city by such removal, to be ascertained by the city council, and before moving such building the owner, if required, shall give a bond to the city treasurer in such sum as the city council shall prescribe, satisfactory to said council, for the payment of all such damages, costs and expenses that may be caused to the property of, or that may be incurred by any person, firm or corporation in consequence of such removal.

**703. Obstructions**

In case it shall be necessary in the moving of any building to cut down or trim any tree, or move any post, wire or other obstruction on the line of the street or highway along, across or through which said building is to be moved, that fact shall be set forth in the petition, and no tree shall be cut down, nor its branches cut off, and no post, wire, or other obstruction shall be so moved, unless special permit shall have been given therefor as aforesaid.

## SECTION

### 704. Penalty for violations

Every person who shall move, or be employed in moving any building along, across, or through, any of the streets or highways aforesaid, and every person who shall cut down any tree, or cut off any branch or branches of any tree, not his own, or who shall cut or remove any post or wire, without such permit from the city council, or in a manner not in compliance with the terms and condition of such permit, shall be fined not more than one hundred dollars.

### 705. Notices and lights

Every person engaged in moving a building as aforesaid, shall cause to be posted and maintained at proper distances in either direction from said building, suitable notices by day, and suitable lights by night, to give warning that the street is impassable by reason of the moving of said building. Every person neglecting or refusing to so place and maintain such notices and lights, and every person illegally removing or interfering with such notices and lights, shall be fined not more than twenty dollars for each offense.

### 706. Notification of permit

The city manager shall, upon the granting or refusal by the city council of a permit applied for under this chapter, immediately notify the chief of police and the street superintendent thereof in writing.

## **CHAPTER 3**

### **MINIMUM HOUSING STANDARDS**

## MINIMUM HOUSING STANDARDS ORDINANCE

AN ORDINANCE PROVIDING MINIMUM HEALTH STANDARDS FOR SANITATION FACILITIES IN HOUSING; REQUIRING ADEQUATE VENTILATION, LIGHT AND HEATING; DETERMINING ACCEPTABLE OCCUPANCY OF SPACE; REQUIRING SAFE AND SANITARY MAINTENANCE; PROHIBITING SUBSTANDARD CONDITIONS, STRUCTURALLY AND GENERALLY; REQUIRING ENFORCEMENT BY THE BUILDING INSPECTOR; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISION.

WHEREAS, there exists in the City numerous dwellings which are sub-standard in one or more important features of structure, equipment, maintenance or occupancy; and

WHEREAS, such conditions adversely affect public health and safety and lead to the continuation, extension and aggravation of urban blight; and

WHEREAS, adequate protection of public health, safety and welfare therefore requires the establishment and enforcement of minimum housing standards;

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "Minimum Housing Standards Ordinance of the City of St. Albans."

SECTION 2. Definition. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural numbers. The word "shall" is always mandatory and not merely directory.

- (1) "Basement" is a portion of any dwelling located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (2) "Building Inspector" is the Building Inspector of this city.
- (3) "Cellar" is a portion of any dwelling having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (4) "City" is the City of St. Albans.
- (5) "Dwelling" is a building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

SECTION 2. Definitions (continued):

- (6) "Dwelling Unit" is a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (7) "Habitable Room" is a room or enclosed floor space used or intended to be used for living, sleeping, or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, basement recreation rooms, and storage spaces.
- (8) "Multi-family dwelling" is any dwelling or part thereof containing three or more dwelling units.
- (9) "Occupant" is any person including an owner or operator living and sleeping in a dwelling unit or rooming unit.
- (10) "Openable area" is the part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (11) "Operator" is any person having charge, care management or control of any dwelling or part of it, in which dwelling units or rooming units are let.
- (12) "Owner" is any person who, alone, jointly or severally with others, holds legal or equitable title to any dwelling, rooming house, dwelling unit, or rooming unit.
- (13) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (14) "Plumbing" is water-heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water or sewer lines.
- (15) "Premises" is a lot, or parcel of land including the buildings and structures thereon.
- (16) "Rooming House" is any dwelling or that part thereof containing one or more rooming units, in which space is let to three or more persons.

SECTION 2. Definitions (Continued):

- (17) "Rooming Unit" is any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (18) "Single Family Dwelling" is any dwelling containing one dwelling unit.
- (19) "Supplied is installed, furnished, or provided by the owner or operator at his expense.
- (20) "Two-Family Dwelling" is any dwelling containing two dwelling units.
- (21) "Yard" is all ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a dwelling.

SECTION 3. Sanitation Facilities. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for basic equipment and facilities:

- (1) Dwelling Units. Every dwelling unit shall contain within its walls:
  - (a) Toilet Facilities. A room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet.
  - (b) Bathtub or shower. A room, separate from the habitable room, which affords privacy to a person in the room and which is equipped with a bathtub or shower.
  - (c) Sharing by Dwelling Units in Same Dwelling. The occupants of not more than two dwelling units which are located in the same dwelling may share a single flush water closet, a single lavatory basin, and a single bathtub or shower provided:
    - 1. Neither of the two dwelling units contains more than two rooms; however, for the purpose of this Subsection, a kitchen with not more than 60 square feet of floor area is not counted as a room;
    - 2. The habitable room area of each of such dwelling units aggregates not more than 300 square feet;

### SECTION 3. SANITATION FACILITIES (CONTINUED):

3. The water closet and lavatory basin are within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or going outside the dwelling.
  4. The bathtub or shower is within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going outside the dwelling.
- (d) Kitchen Sink. A kitchen sink.
- (2) Water Line connections. Every kitchen sink, lavatory basins and bathtub or shower required by this Ordinance shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water-heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, and bathtub or shower at a temperature of not less than 120 degrees F. even when the heating facilities required by this ordinance are not in operation.
- (a) Plumbing Fixtures. All plumbing fixtures required by this Section shall be properly connected to a water system and a sewerage system.
- (3) Rubbish Collection. Every multi-family dwelling shall have garbage and rubbish storage or disposal facilities.
- (4) Rooming House - Additional Sanitation Standards.
- (a) Lavatories. Every rooming house shall be equipped with at least one flush water closet, one lavatory basin and one bathtub or shower for each six persons or fraction thereof living within the rooming house, including members of the family of the owner or operator if they share the use of facilities. In a rooming house in which rooms are let only to males, flush urinals may be substituted for no more than one-half the required number of water closets. All such facilities shall be properly connected to approved water and sewerage systems. No such facilities located in a basement or cellar shall count in computing the number of facilities required by this Subsection except when approved by the Building Inspector.

**SECTION 3. Sanitation Facilities (Continued):**

(a-1) Every flush water closet, flush urinal, lavatory basin, and bathtub or shower required by this Subsection shall be located within the room house in a room or rooms which:

- (1) Afford privacy and are separate from the habitable rooms;
  - (2) Are accessible from a common hall and without going outside the rooming house;
  - (3) Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.
- (b) Bedding and Towels.

Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner and he shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

**SECTION 4. Ventilation, Light and Heating.** No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for ventilation, light and heating:

- (1) Windows and openable space.
  - (a) Habitable Rooms. Every habitable room shall have at least one window which can be easily opened and which faces directly to the outdoors. The minimum glass area shall be 10% of the floor area of the room. The openable area shall not be less than 4% of the floor area of the room.
  - (b) Glass-enclosed Porch. For the purpose of this Section, where a habitable room faces onto a glass-enclosed porch, the porch shall be considered as a part of the living room if the total window and open area between the porch and the habitable room is at least 20% of the floor area of the living room.

SECTION 4. Ventilation, Light and Heating ((Continued):

- (c) Bathrooms. Every bathroom and water closet compartment shall have at least one window facing to the outdoors and having a minimum openable area of 3 square feet, except where there is supplied some other positive and dependable device approved by the Building Inspector as affording adequate ventilation.
  - (d) Laundry Rooms. Every laundry room shall have a minimum openable area of at least 3 square feet except where there is supplied some other device approved by the Building Inspector as affording adequate ventilation.
  - (e) Insufficient Air Space. Whenever a window of a room faces a wall or other portion of any abutting structure which is located less than 3 feet from the window and extends to a level above that of the ceiling of the room, the window shall not be counted in calculating window area or openable area.
  - (f) Sky-light-type windows. A skylight-type window shall be considered as a window for the purpose of this Section except in the case of a kitchen with more than 60 square feet in floor area, a living room or sleep room.
  - (g) Public Halls and Stairways. Each public hall and stairway in every two-family dwelling, multi-family dwelling and rooming house shall be adequately ventilated.
- (2) Lighting. Every dwelling within 500 feet of a power line shall be supplied with electricity as follows:
- (a) Habitable Room. Every habitable room shall contain at least two separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling type electric light fixture.
  - (b) Bathrooms, Utility Rooms. Every water closet compartment, bathroom, laundry room and furnace room, shall contain at least one supplied ceiling or wall-type electric light fixture.
  - (c) Public Halls. Every public hall and stairway in a dwelling shall contain at least one supplied ceiling or wall-type electric light fixture and one outlet.

#### **SECTION 4. Ventilation, Light and Heating (Continued):**

- (c-1) Two family Dwelling, Multi-family Dwelling and Rooming House. Every Public hall and stairway in every two-family dwelling, multi-family dwelling and rooming house shall be adequately lighted at all times except that in a two-family dwelling an adequate lighting system which may be turned on when needed by conveniently located wall switches shall be permitted instead of a full-time lighting system.
  - (d) Standards for Installation. Every outlet and fixture shall be properly installed and maintained in good and safe working condition.
- (3) Heating. Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms bathrooms, and water closet compartments within its walls to a temperature of at least 70 degrees F. when the outside temperature is 0 degree F.
- (a) Gas Heaters. Portable heating equipment employing a flame and heating equipment using gasoline or kerosene do not meet the standards of this Ordinance and are prohibited.

**SECTION 5. Space and Occupancy.** No person shall occupy or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for space and occupancy.

- (1) Habitable Floor Area. Every dwelling unit shall contain at least 130 square feet of habitable floor area for the first occupancy, at least 100 square feet of additional habitable floor area for each of the next three occupants, and at least 50 square feet of additional habitable floor area for each additional occupant.
- (1A) Exception for Children under 1 year of age. For the purposes of this Section a person under one year of age shall not be counted as an occupancy.
- (2) Sleeping Rooms. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 40 square feet of floor area for each occupant 12 years of age and over and at least 20 square feet for each occupant under 12 years of age.

## **SECTION 5. Space and Occupancy (Continued):**

- (3) Calculation of Floor Area. Floor area shall be calculated on the basis of habitable room area. Closet area and hall area within the dwelling unit, where provided may not be counted as required habitable floor area. At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet, and the floor area of any part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.
- (4) Cellars. No cellar shall be used for living purposes.
- (5) Basements. No basement shall be used for living purposes unless:
  - (a) The floors and walls are substantially watertight.
  - (b) The total window area, total openable area and ceiling height are in accordance with this Ordinance.
  - (c) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

## **SECTION 6. Safe and Sanitary Maintenance of Structural Elements.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or room unit which does not comply with the following minimum standards for safe and sanitary maintenance:

- (1) Foundation, Exterior Walls and Roofs. Every foundation, exterior wall and exterior roof shall be substantially weathertight, watertight, and rodent proof, shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (2) Floors, Interior Walls and Ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof.

**SECTION 6. Safe and Sanitary Maintenance of Structural Elements (Continued):**

- (3) Windows and Exterior Doors. Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight and rodent proof; and shall be kept in sound working condition and good repair.
- (4) Stairways and Porches. Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- (5) Plumbing Fixtures. Every plumbing fixture shall be properly installed and maintained in sound mechanical condition, free from defects, leaks and obstructions.
- (6) Bathroom Floor Surfaces. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition.
- (7) Maintenance of Required Equipment and Utilities. Every supplied facility, piece of equipment or utility, which is required under this Ordinance, and every chimney and smokepipe shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.

**SECTION 7. COOKING EQUIPMENT.** No owner, operator or occupant shall furnish or use any cooking equipment which does not comply with the following minimum standards:

- (1) Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.
- (2) Portable cooking equipment employing flame and cooking equipment using gasoline or kerosene as fuel for cooking are prohibited.

## **SECTION 8. Responsibilities of Owners, Operators and Occupants.**

- (1) Sanitation.
  - (a) Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he occupies and controls; and shall be responsible for his own misuse of areas and facilities available in common.
  - (b) Every owner or operator of a two-family dwelling, multi-family or rooming house shall maintain in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.
- (2) Removal of Waste Matter.
  - (a) Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage, and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide such facilities for his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multi-family dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He shall be responsible further for placing out for collection all common garbage and rubbish containers, except where such facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place these containers out for collection.
  - (b) Every owner or operator of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in supplied and approved storage or disposal facilities which are safe and sanitary.

**SECTION 8. Responsibilities of Owners, Operators and Occupants (Continued):**

- (3) Extermination
  - (a) Every occupant of a dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard. In a two-family dwelling or a multi-family dwelling the occupant shall be responsible for such extermination whenever his dwelling unit is the only one infested. When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.
  - (b) Every owner or operator shall be responsible for extermination of any insects, rodents, or other pests whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public areas of any two-family dwelling or any multi-family dwelling.
  - (c) Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard.
- (4) Heat. During the time of the year when it is necessary, as determined by the Building Inspector, every owner or operator of every two-family dwelling, multi-family dwelling and rooming house shall supply adequate heat to every habitable room therein except where there are separate heating facilities for each dwelling unit, whose facilities are under the sole control of the occupant of such dwelling unit.
- (5) Utilities. No owner, operator or occupant shall cause any service equipment or utility which is required by this Ordinance to be removed, shut off or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.
- (6) Transfer of Responsibility. A contract effective as between owner and operator, operator and occupant or owner and occupant with regard to compliance hereunder shall not relieve any part of his direct responsibility under this Ordinance.

**SECTION 8. Responsibilities of owners, Operators and Occupants (Continued):**

- (7) Notice of Maximum Occupancy. Every owner or operator shall advise the occupant in writing either by insertion in the lease between the parties or otherwise of the maximum number of occupants permitted in the occupied premises under this Ordinance.

**SECTION 9.** This Ordinance shall be enforced by the Building Inspector who shall be appointed by the City Manager. He shall keep complete records of all proceedings, records and whenever he is informed or has reason to believe that any provision hereof is being violated, shall have the right, at reasonable times, to enter any dwelling in the city for the purpose of determining whether such violation in fact exists therein. The Deputy Building Inspectors shall have like duties and rights. It shall be the duty of such officers to report to the City Attorney for prosecution or other action any violations found by them to exist.

**SECTION 10.** Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in an amount not exceeding \$50.00, or imprisoned not to exceed 90 days. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Violations or threatened violations of any provision of this ordinance may also be restrained under the provisions of Section 25 of the City Charter, and no criminal prosecution shall be a bar to any civil action brought for such purpose.

**CHAPTER 5**  
**UNSAFE BUILDINGS**

**SECTION**

- 741. Removal or repair of unsafe buildings.
- 742. Inspection; notice.
- 743. Time for securing or removing building.
- 744. Survey upon failure of owner to comply.
- 745. Building taken down or made safe by inspector.
- 746. Appeal from order.
- 747. Notice of nonresident owner.
- 748. Powers of chancellor.

741. Removal or repair of unsafe buildings

- (a) A building or structure or part thereof that may be or shall at any time hereafter become dangerous or unsafe, shall, unless made safe and secure, be taken down and removed by the owner of such building or structure.
- (b) A building or structure or part thereof declared structurally unsafe or hazardous by duly constituted authority may be restored to safe condition; provided that if the damage or cost of reconstruction or restoration is in excess of 50 per cent of the value of the building or structure, exclusive of foundations, such building or structure, if reconstructed or restored, shall be made to conform with respect to materials and type of construction, to the requirements for buildings and structures hereafter erected; but no change of use or occupancy shall be compelled by reason of such reconstruction or restoration.

Cross references. Fire building regulations  
of state fire marshal, see 20 V. S. A. 2721 et. Seq.  
Fire hazards, orders of fire  
marshal, see 20 V. S. A. 2791 et. Seq.  
Fire wardens, inspections and orders,  
see section 2052 et. Seq.  
Municipal ordinances, filing with fire  
marshal, jurisdiction of fire marshal,  
see 20 V. S. A. 2798.  
Public Buildings, health regulations,  
see 18 V. S. A. 1301 et. Seq.  
Report by chief engineer of violations,  
see section 2005.  
Unsafe buildings; see 24 V. S. A. 3111-3117.

## SECTION

### 742. Inspection; notice

The building inspector, upon being informed by report or otherwise, that a structure or anything attached to or connected therewith is unsafe and dangerous, shall inspect the same; and if in his judgment, it appears to be dangerous, he shall forthwith notify, in writing, the owner, agent, or person having an interest therein to remove it or make it safe and secure. If it appears that such structure would be especially unsafe in a case of fire, it shall be deemed dangerous within the meaning thereof, and the inspector may fix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without authority from him.

### 743. Time for securing or removing building

A person notified as provided in section 742 shall, before twelve o'clock noon of the day following the service of such notice, commence to secure or remove such structure, and shall employ sufficient workmen speedily to secure or remove it; and if the public safety so required, and if the mayor and aldermen so order, said inspector shall immediately enter upon the premises with the necessary workmen and cause said structure to be shored up, taken down, or otherwise secured without delay, and a proper fence or boarding put up for the protection of the passers-by.

### 744. Survey upon failure of owner to comply

If said owner, agent, or person interested in such unsafe structure, refuses or neglects to comply with the requirements of such order within the time limited, a careful survey of the premises shall be made by a board consisting of the city manager, the chief engineer of the fire department, and one disinterested person to be appointed by the mayor who shall fix the fee for services of such person so appointed. A report of such survey shall be made in writing and a copy thereof served on said owner, agent, or other person interested.

Cross references. Statutory provisions  
see 24 V. S. A. 3113

## SECTION

### 745. Building taken down or made safe by inspector

If such report declares such structure to be unsafe, and if the owner, agent, or person interested continues such refusal or neglect, the inspector shall cause it to be taken down or otherwise made safe; and the costs and charges incurred shall constitute a lien upon the land upon which such building is situated, and shall be enforced within the time and in the manner provided for the collection of taxes on land; and said owner or person interested shall, for every day's continuance of such refusal or neglect be fined not more than \$50 nor less than \$10.

Cross references. Statutory provisions,  
see 24 V. S. A. 3114.

### 746. Appeal from order

The owner or person interested who feels aggrieved by any order of the inspector or by the report of said board appointed as provided in section 744 may petition the board of aldermen for relief, setting forth in detail his grievances, filing his petition with the city clerk within 5 days after receiving such order and giving the mayor a copy of such petition. Upon receipt of such copy by the mayor, he shall at once call a special meeting of the board of aldermen to consider the subject matter of said petition and take such action in the premises as the board of aldermen shall deem best; but the provisions of this section shall not prevent the city from recovering the forfeiture provided in section 745 from the date of the original notice, unless such order is set aside and annulled by the city council.

Cross references. Statutory provisions,  
See 24 V. S. A. 3115.

## **SECTION**

### 747. Notice to nonresident owner

If such owner, agent or person interested lives out of the state and has no known attorney or agent residing within this state, the notice required in each of sections 742 and 743 may be served upon such owner, or agent or interested person, by a notary public residing in the town or county in which said owner, agent or interested person resides, by delivering to him, his agent or attorney, a true and accurate copy of such notice, and the certificate upon the original notice of such delivery by the notary under his notarial seal, shall be sufficient evidence of the delivery of such copy.

Cross references. Statutory provisions,  
see 24 V. S. A. 3116.

### 748. Powers of chancellor.

A chancellor may restrain the contraction, alteration, maintenance, or use of a building or structure in violations of the provisions of this chapter, and order its removal or abatement as a nuisance; and restrain the further construction, alteration or repair of a building or structure reported to be unsafe under a survey authorized by section 744 until the matter is determined as provided in this chapter.

Cross references. Statutory provisions,  
see 24 V. S.A. 3117.

## **TITLE 5**

### **BUSINESSES AND OCCUPATIONS**

#### **CHAPTER**

1. Temporary Permits and Licenses
3. Licensed Privileges and Occupations
4. Posting Bills

## CHAPTER 1

### TEMPORARY PERMITS AND LICENSES

#### SECTION

1201. Issuance of temporary license or permit.

1202. Conditions for issuance.

1203. Notice of revocation.

1204. Construction.

1205. Rights of licensee.

1201. Issuance of temporary license or permit.

Whenever, by any provision of the ordinances of the city as heretofore or hereafter enacted, a license or permit is required to be secured from the city council for the carrying on of any business, trade or occupation, or for the doing of any act, the city clerk shall have power, in his discretion, to grant a temporary license or permit for such purpose, upon the payment of the fee prescribed by ordinance for a regular license or permit therefore. Such temporary license or permit shall not be for a period of time in excess of 30 days, and shall be subject to revocation at any time by the city clerk or by the city council, and any action taken by the city council in refusing to issue a regular license or permit therefor shall be considered a revocation of such temporary license or permit.

1202. Conditions for issuance

The city clerk shall not issue such temporary license or permit unless he is satisfied that all conditions requisite to a regular license or permit have been complied with, including the securing of any necessary approvals therefor.

1203. Notice of revocation

In the event that any such temporary license or permit shall be revoked as herein provided, the city clerk shall promptly notify the holder thereof, in person or by mail sent postage prepaid to his last or usual address. The giving of such notice shall terminate any rights under such temporary license or permit.

1204. Construction

Nothing in this chapter shall be so construed as to make the issuance of any temporary licenses or permit mandatory upon the city clerk.

## **SECTION**

### 1205. Rights of licensee

The carrying on of any business, trade or occupation, or the doing of any act, by any person to whom a temporary license or permit shall have been granted authorizing the same pursuant to the terms of this chapter, during the term of such license or permit or until the same shall have been revoked as herein provided, shall not be subject to criminal prosecution or equitable restraint or injunction.

## CHAPTER 3

### LICENSED PRIVILEGES AND OCCUPATIONS

#### Subchapter 1. General Provisions

##### Section

- 1231. Definitions.
- 1232. Duration of license.
- 1233. Application.
- 1234. Fee.
- 1235. Granting by city council; revocation.
- 1236. Forfeiture.
- 1237. Sale, assignment, transfer.
- 1238. Indemnification of city.
- 1239. Number card, plate or badge.
- 1240. Enforcement.

#### Subchapter 2. Auctioneers

(Reserved for Future Use)

#### Subchapter 3. Billiard Rooms and Pool Rooms

- 1281. Billiard rooms and pool rooms.
- 1282. Fee.
- 1283. Food sale.
- 1284. Minors.
- 1285. Hours.
- 1286. Gaming or gambling.

#### Subchapter 5. Bowling Alleys, Shooting Galleries, and Indoor skating rinks

- 1301. Bowling alleys, shooting galleries, and indoor skating rinks.
- 1302. Fee.
- 1303. Hours.
- 1304. Gaming and gambling.

## **LICENSED PRIVILEGES AND OCCUPATIONS (Continued):**

Subchapter 5. Buildings Hazardous to Health or Property.

### **SECTION**

- 1321. Slaughterhouses.
- 1322. Steam mills; powder storage
- 1323. Petition for license.
- 1324. Fee.
- 1325. Penalties.

Subchapter 6. Circuses, Menageries, Trained Animals, Carnivals

- 1341. License.
- 1342. Fee.
- 1343. Location.
- 1344. Carnivals.

Subchapter 7. Houses for Care of Infants

- 1361. License.
- 1362. Application; issuance; term; regulations; renewal.
- 1363. Revocation.
- 1364. Exemptions.
- 1365. Report.
- 1366. Penalty.

Subchapter 8. Inns

- 1381. License.
- 1382. Fee.

Subchapter 9. Peddlers, Itinerant Vendors, Street Hawkers, and Transient Auctioneers

- 1401. Peddler.
- 1402. Exceptions.
- 1403. License.
- 1404. Food products.
- 1405. Itinerant vendors.
- 1406. License.
- 1407. Fee.
- 1408. Itinerant peddler, auctioneer; definitions.
- 1409. License.
- 1410. Penalties.

**LICENSED PRIVILEGES AND OCCUPATIONS (Continued):**

Subchapter 10. Junk Yards

SECTION

- 1421. Junk yards.
- 1422. Fee.
- 1423. Penalties.

Subchapter 11. Porters and Cartmen

- 1441. Definitions.
- 1442. License.
- 1443. Fee.
- 1444. Employees.

Subchapter 12. Public Dances

- 1461. License.
- 1462. Fee.
- 1463. Conditions to granting license.

Subchapter 13. Restaurants, Lunchrooms and Victualing Houses

- 1481. Definitions; license.
- 1482. Fee.
- 1483. Tax on Sale of Alcoholic Beverages.

Subchapter 14. Street Musicians

- 1501. License.
- 1502. Fee.

Subchapter 15. Taxicabs

- 1521. Purposes.
- 1522. Definitions.
- 1523. License - Prohibited activities.
- 1524. License - Fees; grounds for rejections; transfer.

Subchapter 16. Theaters, Moving Picture and Vaudeville Shows

- 1551 License.
- 1552 Fee.

## **LICENSED PRIVILEGES AND OCCUPATIONS (Continued):**

### Subchapter 17. Transient or Itinerant Photographers.

#### SECTION

- 1561. Purposes.
- 1562. Definition.
- 1563. License requirement.
- 1564. Application for license.
- 1565. Fee
- 1566. Bond.
- 1567. Power of attorney.
- 1568. Investigation and report.
- 1569. Penalty.
- 1570. Statement of business.
- 1571. Orders.
- 1572. Prohibited acts.
- 1573. General penalty.
- 1574. Unconstitutionality.

### Subchapter 18. Use and Occupancy of Streets

- 1591. Definition.
- 1592. License requirement.
- 1593. Granting of license; term.
- 1594. Persons eligible.
- 1595. Application; supervision and approval of work.
- 1596. Filling of application blank; fees.
- 1597. Suspension or revocation.
- 1598. Underground oil storage.
- 1599. Inspection.
- 1600. Damages.
- 1601. Penalties.

### Subchapter 19. Lawn/Porch/Garage Sales

- 1650. Definition.
  - 1651. License.
  - 1652. License Requirements and Conditions.
  - 1653. Fee.
  - 1654. Penalties.
- 
- 1701 Posting Bills.

## Subchapter 1. General Provisions

### SECTION

#### 1231. Definitions

The word "license" as used in this chapter shall mean a license granted by the city council.

#### 1232. Duration of license

All licenses issued under this chapter shall continue and be in force until the second Monday of May next following the respective dates thereof unless otherwise provided.

#### 1233. Application.

Before a license shall be granted, the applicant shall file a written application with the city clerk, directed to the city council, signed by the applicant, and stating his place of residence with street and number and the particular kind of license he desires. The applicant in said application shall also state that he will observe the conditions of his license and all provisions of the ordinances governing it.

#### 1234. Fee

- (a) The fee shall be paid to the city clerk before a license shall be issued.
- (b) All fees received by the city clerk for licenses shall be turned over to the city treasurer for the use of the city.

#### 1235. Granting by city council, revocation.

All licenses shall be granted by the city council and any licenses may be revoked at any time by the city council, upon hearing and for cause.

#### 1236. Forfeiture

A licensee who shall violate a provision of an ordinance relating thereto or a condition of his license shall, on conviction, in addition to the penalty imposed, forfeit his license.

#### 1237. Sale, assignment, transfer

A license shall not be sold, assigned or transferred.

## SECTION

### 1238. Indemnification of city

All licenses shall be subject to the condition that the licensee shall indemnify and reimburse the city for any damages sustained by the city by reason of the granting or exercise of such license.

### 1239. Number card, plate, or badge

The city clerk at the expense of the city shall furnish each licensee with a suitable card, plate, or badge bearing the number of his license and the same shall be conspicuously placed or worn by the licensee according to the provisions of his license or to the approval of the chief of police.

### 1240.

It shall be the duty of the police department to see that all ordinances relating to licenses and the carrying on of licensed occupations and privileges are obeyed and promptly report to the city attorney for prosecution of all violations thereof.

## Subchapter 2. Auctioneers

(Reserved for future use)

Cross references. Auctioneers, Licensing  
generally, see 32 V. S. A. 7601 - 7603  
City Council powers, see city charter  
Section 25 (16).  
Transient Auctioneers, see Sections 1408 - 1409.

### Subchapter 3. Billiard Rooms and Pool Rooms

#### SECTION

#### 1281. Billiard rooms and pool rooms

No person shall keep for public use a billiard room or pool room unless duly licensed.

Cross references. Application of statutes, see V. S. A. 507.

Charitable exemptions, see 31 V. S. A. 506.

City council powers, see city charter section 25 (16).

License required, see 31 V. S. A. 503.

Regulations of operation, see 31 V. S. A. 505.

#### 1282. Fee

The fee for such license shall be \$30.

Cross references. Fees, see 31 V. S. A. 504, 507.

#### 1283. Food Sale

A billiard room or pool room license shall not authorize the licensee to keep a lunchroom or victualing house in a billiard room or pool room.

#### 1284. Minors.

No persons keeping a billiard room or pool room shall permit a minor to be admitted thereto or to play at billiards or pool therein without the written consent of his parents or guardian.

#### 1285. Hours

No person keeping a billiard room or pool room shall permit the same to be kept open or used between the hours of twelve o'clock midnight and six o'clock in the morning.

Cross references. Sabbath breaking, see 13 V. S. A. 3301.

#### 1286. Gaming or gambling

The suffering or permitting of gaming or gambling in or upon the premises licensed as a billiard room or pool room shall forfeit and render void such license.

Cross references. Gambling machines, possession, see 13 V. S. A. 2136.

Gaming house, keeping, see 13, V. S. A. 2134.

## Subchapter 4. Bowling Alleys, Shooting Galleries, and Indoor Skating Rinks

### 1301. Bowling Alleys, Shooting Galleries, and Indoor Skating Rinks

No person shall keep a bowling alley, shooting gallery, or indoor skating rink unless duly licensed.

Cross references. Charitable exemption, see 31 V. S. A. 506.  
Licensing generally, see 31 V. S. A. 503 - 508.

### 1302. Fee

The fee for such license shall be \$10 for a bowling alley, \$10 for a shooting gallery, and \$10 for an indoor skating rink.

### 1303. Hours

No person keeping a bowling alley, shooting gallery, or indoor skating rink shall permit the same to be kept open or used between the hours of twelve o'clock midnight and six o'clock in the morning.

### 1304. Gaming and gambling

The suffering or permitting of gaming or gambling in or upon the premises licensed as bowling alley, shooting gallery, or indoor skating rink shall forfeit and render void such license.

Cross references. Gambling machines, Possession, see 13 V. S. A. 2136.  
Gaming house, keeping, see 13 V. S. A. 2135.  
City Council powers, see City Charter, Section 25 (2).

## Subchapter 5. Buildings Hazardous to Health or Property

### SECTION

#### 1321. Slaughterhouses

No person shall build, use, or occupy a slaughterhouse, or place for butchering or killing animals or for killing and dressing fowls unless duly licensed.

Cross references. City council powers, see city charter section 25 (9).  
Regulation by state health commission, see 18, V. S. A. 4501 - 4507.

#### 1322. Steam mills; powder storage

No person shall build, use or occupy a steam mill, or house for storing powder, or alter the same, unless duly licensed.

Cross references. City Council powers, see section 25 (10).

#### 1323. Petition for license

The petition for such license shall state the proposed location of the steam mill, or house for storing powder, or the proposed alteration or changes to be made in such building already erected, the materials with which the same is to be built or repaired, the dimensions, height and number of stories of the proposed building, the situation of all boilers therein, the manner in which the same are to be secured or set, the height of chimney to be built or altered, and the various kinds of work to be carried on, in said building.

#### 1324. Fee

The fee for a license required by sections 1321 or 1322 shall be \$10.

#### 1325. Penalties

A person who shall violate a provision of section 1321 or 1322 or who, while using or occupying, under such license, a steam mill, or house for storing powder, fails to comply with and maintain all of the specifications contained in his petition for the license, shall be fined not more than \$20 nor less than \$3 for each and every day he continues such violation or fails and neglects to comply with and maintain any of said specifications.

## Subchapter 6. Circuses, Menageries, Trained Animals, Carnivals

### SECTION

#### 1341. License

No person shall exhibit or operate a circus, menagerie, or trained animals, or combination thereof, unless duly licensed.

Cross references. City council powers, see city charter section 25 (3). Municipal regulation or shows, see 31 V. S. A. 401 - 407. Penalty imposed on city officers for issuance of license for less than minimum fee, or when state license fee has not been paid, see 31 V. S. A. 403. State license, see 32, V. S. A. 9501 - 9510.

#### 1342. Fee

The fee for such license shall be, for each day, \$50.

Cross references. Minimum and maximum municipal fees, see 31 V. S. A. 401. Penalties imposed on municipal officers, see 31 V. S. A. 403. State license fees, see 32 v. S. A. 9505.

#### 1343. Location

The chief of police shall fix the station of every such exhibition in such manner as not to interfere with the ordinary passage of business of the streets and walks, and may suppress and prevent the continuance of such exhibition if it disturbs the public peace, notwithstanding such license.

#### 1344. Carnivals

No person shall exhibit or operate a carnival in the City unless duly licensed and the fee for such license shall be, for each day, \$50.

Cross references. City council powers, see city charter section 25 (3). Municipal regulation of shows, see 31 V. S. A. 401 - 407. State license, see 32. V. S. A. 9501 - 9510.

## Subchapter 7. Houses for Care of Infants

### SECTION

#### 1361. License

No person, except as hereinafter provided, shall establish, conduct, manage, or maintain in the City, a house or other boarding place for the care, rearing, or management of infants under the age of 14 years unless duly licensed. No person shall have, maintain, receive, or take in to maintain and care for, either for compensation or otherwise, any such infant without first having obtained a license therefor.

Cross references. Dependent children, placement, see 33 V. S. A. 623. Foster homes, see 33 V. S. A. 501 - 505.

#### 1362. Application; issuance; term; regulations, renewal

- (a) Any person desiring to establish, conduct, manage, or maintain any such house or boarding place, or have, receive, take in, maintain, or care for in such house or boarding place, whether for compensation or otherwise, any such infant, shall apply in writing to the board of aldermen for a license and the application shall be signed by the applicant and shall contain the nature of the business desired to be conducted, the location and the name or names of the owner or lessee of the house or boarding place, the name or names of any person or persons interested in the conduct of such business, the name of each infant and its parentage, or other person who has the legal or actual custody of such infant, the name and residence of any person applying for the admittance of any such infant, the terms and conditions of the proposed admission, and the security offered to be given to meet the expenses of the care and maintenance of each infant, and such other information as said board of aldermen shall require.
- (b) A blank application containing questions to be answered, shall be furnished such applicant by the city clerk and each question shall be answered by the applicant, honestly and truthfully, and when such application shall be signed, it shall be returned to said clerk.
- (c) If said board shall be satisfied, from an inspection of such application and from such other investigation as it may see fit to make, that the applicant is a proper person to receive such license and the premises described in the application are suitable and sanitary, it shall order said clerk to issue a license to such applicant for a period not exceeding one year, subject to the rules and regulations the board of health shall from time to time prescribe.

## SECTION

### 1362. Application; issuance; term; regulations; renewal (Continued):

- (d) The board of health of said city shall formulate, adopt, and have printed such rules and regulations as said board shall deem proper and necessary to be made to carry out the purpose of this subchapter, limiting the number of infants under 14 years of age that shall be received into such a house or boarding place and prescribing in a general way the care that shall be given them, and setting forth any additional requirements which said board shall deem that any such licensee should observe. No such license shall be delivered to such applicant unless there shall be attached thereto a copy, duly attested by the health officer of said city, of such rules and regulations as said board of health shall prescribe. The fee for each license shall be \$2.
- (e) The board of aldermen, in its discretion, may renew any such license for a term not exceeding one year, upon application in writing of the licensee, setting forth in details the reasons for the request and answering such questions as shall be asked the licensee by said board.

### 1363. Revocation

Each such license shall include a statement that it is granted under and by virtue of the provisions of this subchapter and under such rules and regulations as the board of health shall prescribe, and that any violation of the terms of this subchapter or any violation of any such rules or regulations prescribed by said board of health shall be sufficient cause for revocation of such license and the forfeiture of the fee paid therefor.

### 1364. Exemptions

Corporations and societies existing in said city, organizing and existing under and by virtue of the laws of the State of Vermont for the purpose of conducting, managing or maintaining a house or other boarding place for the care, rearing, or management of such infants, and charitable societies existing, controlled, and cared for by recognized church organizations in said city, shall be excepted from the provisions of this subchapter.

## SECTION

### 1365. Report

- (a) Each licensee shall, on the first Monday in each month, and at such other times as the board of health of said city shall direct, make report in writing to said board of health, of all infants under said age of 14 years who have been received by such licensee during the preceding month.
- (b) Such report shall contain the name of each infant, its age, the name of its parent or parents, if required by said board, and of the person who applied for its admission, and the name of the person who became responsible for its care, the terms and conditions of its admission, including a statement as to the security given to meet the expense of its care, and such other information as said board shall require.
- (c) Each licensee shall also notify in writing said board of health at once, when such licensee disposes of any such infant and shall set forth the nature of its disposition and give the name and address of the person who has received such infant.

### 1366. Penalty

Any person who shall violate any of the provisions of sections 1361 - 1365 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$50 or by imprisonment of not more than 30 days for each offense.

## **Subchapter 8. Inns**

### **SECTION**

#### 1381. License

No person shall keep an inn unless duly licensed.

Cross references. City council powers  
see city charter section 25 (16).

License, issuance and revocation, see  
9 V. S. A. 3061.

#### 1382. Fee

The fee for such license shall be as follows: hotel or motel \$35; tourist-rooming house accommodating less than 10 people \$5; tourist-rooming house accommodating 10 or more people \$10.

## **Subchapter 9. Peddlers, Itinerant Vendors, Street Hawkers, and Transient Auctioneers**

### **SECTION**

#### 1401. Peddler

A person going from town to town or from place to place in a town carrying goods, wares or merchandise, and offering to sell or barter the same, or actually selling or bartering the same, or who having no regularly established place of business in this or any other state, open at all times in regular business hours and at the same place, takes orders by sample or otherwise for future delivery of goods, wares, or merchandise, by himself or his agents, from any source within the state thereby completing a sale; or a person who keeps a regular place of business, open at all times in regular business hours and at the same place, who shall elsewhere than at such regular place of business, personally, or through his agents, offer for sale or sell, and at the time of such offering for sale, deliver goods, wares or merchandise shall be deemed to be a peddler.

Cross references. City Council powers, see city charter  
Section 25 (3). State license, see 32 V. S. A. 9301 - 9312.

#### 1402. Exceptions

The provisions of the preceding section shall not apply to one who sells or offers for sale, in person or by his employees or agents, newspapers, ice, wood, meats, bread, and pastry, milk, butter, eggs, poultry, fish or vegetables, or other articles of food which other articles of food have been grown or produced by him, or to the old fashioned tin peddler, so-called, or to sales made by commercial travelers to manufacturers, merchants, and dealers, for resale only. For the purpose of this subchapter a commercial traveler is defined as one who represents a manufacturer, jobber, wholesaler, producer or distributor, which manufacturer, jobber, wholesaler, producer or distributor is so designated in a recognized trade directory, registry or association.

Cross references. Exemptions, see 32  
V. S. A. 9302.  
Loss of exempt status, see 32 V. S. A. 9303.

## SECTION

### 1403. License

- (a) Such peddler shall pay a license tax of \$10.
- (b) No license shall be granted to any person who does not at the time hold a peddler's license from the state.
- (c) Such licensed peddler may employ, without the payment of any additional license fee, one person who may engage in the business of peddling for his employer under such license. Such employee, while so engaged, shall be entitled to all the rights and privileges granted by said license and be subject to all granted by said license and be subject to all the provisions, regulations and penalties which apply to the same. The city clerk shall furnish such employee without charge, a written permit authorizing him to engage in such employment and such employee shall not engage in such employment until he receives such permit, and while so engaged, shall carry such permit on his person at all times and show the same upon request. For each person in addition to one, that such licensed peddler may employ in the business of peddling under such license such peddler shall pay to the city clerk an additional fee of \$5 and the city clerk, upon the payment of such fee, shall issue to such peddler a written permit to so employ such person, which permit such additional employee shall carry on his person at all times when engaged in the business of peddling under such license and shall show the same upon request.

Cross references. Issuance only to persons who have received state license, see 32 V. S. A. 9310. State license tax, see 32 V. S. A. 9305.

### 1404. Food products

No person, except owners and renters of land as to the products of their own land, shall peddle or sell from vehicles, fish, fruit, meat, vegetables, or other provisions, including bakery products and other food products manufactured by himself or others, unless licensed. The fee for such license shall be \$10. Such licensee may, without the payment of any additional fee, employ one person who may engage in the business of peddling for his employer under such license. Such employee, while so engaged shall be entitled to all of the rights and privileges granted by said license and be subject to all the provisions, regulations and penalties which apply to the same. The city clerk shall issue to such employee a written permit to engage in such employment under said license, which person such employee shall carry on his person when so engaged and shall show on request.

## SECTION

### 1404. Food products (Continued):

For each person in addition to one that such licensee may employ in the business of peddling under such license, such licensee shall pay to the city clerk an additional fee of \$2 and the city clerk shall issue to such licensee a written permit authorizing him to employ such additional person in said business and such additional employee shall carry such permit on his person while engaged in the business of peddling under said license and shall show such permit upon request.

### 1405. Itinerant vendors

The words "itinerant vendor" as used in this chapter shall be construed to include any person, partnership or corporation that engages in a temporary or transient business in this city either in one location or traveling from place to place selling goods, wares or merchandise and for the purpose of carrying on such business, hires, leases or occupies a building or structure for exhibition and sale of such goods, wares or merchandise.

Cross references. State license, see 32 V. S. A. 9201 - 9215.

### 1406. License

No person, firm or corporation, shall act as an itinerant vendor within the city unless licensed, as herein provided.

Cross references. Applications; contents and recording, see 32 V. S. A. 9203. Licenses required; Construction with local law, see 32 V. S. A. 9202. State License Application, fee and deposit, see 32 V. S. A. 9204. When effective, see 32 V. S. A. 9207.

### 1407. Fee

The fee for such license, in addition to the license fee provided and required by the Vermont Statutes Annotated, shall be \$75. Such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vendor, either by agent or clerk or in any other way than in his own proper person; but such licensee may have the assistance of one or more persons in conducting the business, who shall have authority to aid him but not to act for or without him.

Cross references. Fee and deposit see 32 V. S. A. 9204

## SECTION

### 1408. Itinerant Peddler, Auctioneer; Definitions

The words "itinerant peddler" as used herein, shall be construed to include a person who, without going from house to house, goes from place to place on the streets or any of the public grounds of the city or remains in a single location thereon, selling from any vehicle or otherwise, as a temporary or transient business, goods, wares, merchandise or provisions and shall include a street hawker who does not peddle from house to house. The words "itinerant auctioneer" as used herein shall be construed to include a person who temporarily holds himself out as a public auctioneer and engages temporarily in the business of an auctioneer within the city.

### 1409. License

No person shall act as an itinerant peddler or transient auctioneer unless licensed as herein provided. No such licensee shall interfere with the ordinary passage of business on the streets and sidewalks of the city. The fee for such license shall be \$5 for each day. The itinerant peddler license shall restrict sales thereunder to such location or locations on the street or public grounds of the city as the chief of police may designate and approve. The mayor may revoke any such license when in his judgment the public good requires and the police may suppress and prevent the continuance of such selling, peddling or auctioneering, if it shall disturb the public peace, notwithstanding such license. No license issued hereunder shall be transferable or authorize any person except the licensee to act or sell goods thereunder, except an itinerant peddler license issued to a partnership which shall authorize any one member thereof to act thereunder and an itinerant peddler issued to a corporation which shall authorize some one person, to be named in such license, to act thereunder.

### 1410. Penalties

Any person who engages within the city in the business of a peddler, itinerant vendor, itinerant peddler, or transient auctioneer, as defined in the eight preceding sections and who violates any of the provisions of this subchapter shall be fined no more than \$50 nor less than \$5 or imprisoned not to exceed 90 days or both.

Cross references. Advertising without license,  
see 32 V. S. A. 9215.

Penalties relating to peddlers,  
see 32 V. S. A. 9312.

Selling without license,  
see 32 V. S. A. 9214.

## Subchapter 10. Junk Yards

### SECTION

#### 1421. Junk Yards

No person shall keep a junk yard unless duly licensed. Junk shall be broadly interpreted to include old automobiles and trucks, waste papers, used rags, used metals, and other similar items.

#### 1422. Fee

The fee for such license shall be \$25.

Cross references. State regulations,  
see 24 V. S. A. 2067 et seq.

#### 1423. Penalties

A maximum fine of \$10 shall be imposed upon a person for each twenty-four hours or fraction thereof in which he is in violation of this subchapter.

## Subchapter 11. Porters and Cartmen

### SECTION

#### 1441. Definition

Persons engaged in the business of carrying with vehicles for hire, materials, goods, baggage, or other property, from place to place within the city, including the business of general carters, parcel delivery, trucking and moving furniture, are porters or cartmen.

Cross references. City council powers  
see section 25 (19).  
Garbage collector; see section 2901 et seq.

#### 1442. License

No persons shall carry on the business of porter or cartman unless licensed as herein provided.

#### 1443. Fee

The fee for such license shall be \$5 for each motor vehicle, regardless of capacity. Such license shall be granted only to the owner of the vehicle, and shall be at all times kept and on request exhibited by the person in charge of the licensed team or vehicle while the same is in use under such license.

#### 1444. Employees

Such licensed porter or cartman may employ, without the payment of any additional license fee, one person to drive and operate the licensed vehicle in the business of carrying for hire materials, goods, baggage, and other property for his employer from place to place within the city. Such employee, while so engaged, shall be entitled to all the rights and privileges granted by said license and be subject to all the provisions, regulations, and penalties which apply to the same. Such licensee may also employ without the payment of any additional license fee such additional persons as may be required to assist such driver in the operation of such vehicle in said business.

## Subchapter 12. Public Dances

### SECTION

#### 1461. License

No person shall operate or maintain for profit and gain, except for the sole benefit of a recognized fraternal, college, school, military, or charitable organization, any public dance within the city limits without first obtaining a license therefor from the city council.

Cross references. City council powers,  
see city charter section 25 (4).  
Municipal regulation of dance halls,  
see 31 V. S. A. 501 - 508.

#### 1462. Fee

The license fee shall be \$5 for each occasion or \$50 per year.

#### 1463. Conditions to granting license

Such license shall be granted only upon application, shall conform in all respects to the provision of sections 1231 - 1240, inclusive, and shall require that the licensee insure the maintenance of law and order at all public dances operated and maintained under such license.

Cross references. Police supervision,  
see 31 V. S. A. 502.  
Regulations on operations, see  
31 V. S. A. 505.

## Subchapter 13, Restaurants, Lunchrooms and Victualing Houses

### SECTION

#### 1481. Definitions, License

For the purpose of this subchapter a victualing house shall mean and include restaurant, lunchrooms, public eating places and drug stores and other stores dispensing food and drink to the public for consumption on the premises. No person shall keep a victualing house unless duly licensed.

Cross references. City council powers,  
see city charter section 25 (16).  
State license, see 18 V. S. A. 4351 - 4358.

#### 1482. Fee

The fee for such license shall be \$20 if seating more than 20 people, \$10 if seating 6 to 10 people, or \$5 if seating 5 or less people.

#### 1483. Tax on Sale of Alcoholic Beverages

- (a) Words, terms and phrases defined in Chapter 225 of Title 32 Vermont Statutes Annotated, as amended, shall have the same meanings when used in this section unless the context clearly indicates a different meaning.

(Add 4-1-90)

- (b) Notwithstanding subsection (a) hereof, "Operator" shall include any person, or his agent, operating a victualing house. In the event that an operator is a corporation, the term "operator" shall include any officer or agent of such corporation who, as an officer or agent of the corporation, is under a duty to pay the gross receipts tax to the City treasury as required by this section.

(Add 4-1-90)

- (c) A tax on the sale of alcoholic beverages is hereby levied and imposed and shall be collected by the operator, and paid over to the City as herein provided. The amount of this tax shall be measured by 10 percent of the tax levied and imposed by the State of Vermont pursuant to 21 V. S. A. 9241, as amended, rounded upward to the nearest whole cent. The purchaser of alcoholic beverages shall pay the tax to the operator and each operator shall be liable for the collection thereof.

(Add 7-1-90, 2:01 a. m.)

Subchapter 13. Restaurants, Lunchrooms and Victualing Houses

**SECTION**

1483. Tax on Sale of Alcoholic Beverages (Continued):

- (d) A tax on the gross receipts from alcoholic beverages, exclusive of taxes collected pursuant to subsection (c) of this section, is hereby levied and imposed and shall be paid to the City by the operator as herein provided, in lieu of payment of taxes collected pursuant to subsection (c) of this section remaining in the possession of the operator after payment of the tax imposed by this subsection shall be retained by the operator as compensation for remitting of taxes by him, her or it. The amount of this gross receipts tax shall be measured by 10 percent of the tax levied and as amended, rounded upward to the nearest whole cent.

(Add 7-1-90, 2:01 a. m.)

- (e) Each operator shall file with the City Treasurer a photocopy of the return filed with the Commissioner of Taxes at such time as the return filed with the Commissioner of Taxes is required to be filed pursuant to 32 V. S. A. 9243 and 9244, as amended. A remittance for the amount of the gross receipts taxes shall accompany each such return.

(Add 7-1-90, 2:01 a. m.)

- (f) Each operator shall file with the City Treasurer a photocopy of any written determination by the Commissioner of Taxes that gross receipt taxes have been overpaid or underpaid. In the event of an underpayment, a remittance for the underpayment, measured by 10 percent of the taxes and interest assessed by the Commissioner of Taxes, shall accompany each such photocopy of a written determination. In the event of an overpayment, the overpayment, measured by 10 percent of the taxes and interest computed by the Commissioner of Taxes, shall be credited by the City Treasurer on any taxes then due from the operator, and the balance shall be refunded to the operator or his, her or its successors, administrators, executors or assigns.

(Add 7-1-90, 2:01 a.m.)

- (g) An operator who violates any provision of this section shall pay a fine not exceeding \$500.00.

(Add 4-1-90)

- (h) A violation of any provision of this section shall constitute a violation of a condition of a license issued pursuant to this subchapter.

(Add 4-1-90)

Subchapter 13. Restaurants, Lunchrooms and Victualing Houses

**SECTION**

1483. Tax on Sale of Alcoholic Beverages (Continued):

- (i) No license shall be issued to an operator of a victualing house pursuant to this subchapter unless said operator has executed a release or waiver, incorporated in the written application for said license, waiving the provisions of 32 V. S. A. 9204, as amended, and authorizing the Commissioner of Taxes to divulge or make known to the city all reports or returns filed by the operator with the Commissioner or written determination issued to the operator by the Commissioner in connection with 32 V. S. A., chapter 225, as amended.

(Add 4-1-90)

- (j) This section shall become effective upon adoption. The foregoing notwithstanding, subsections (c), (d), (e) and (f) of this section shall become effective on July 1 1990, at 2:01 a. m.

(Add 4-1-90)

Effective Paragraph 1483 a, b, g, h, i, j, - 1 April 1990.

- (i) Subsection (c) of this section notwithstanding, during the period from October 1, 1993 to June 30, 1994, inclusive, the amount of the tax levied and imposed pursuant to subsection (c) of this section shall be measured by 30 percent of the tax levied and imposed by the State of Vermont pursuant to 32 V. S. A. 9241, as amended, rounded upward to the nearest whole cent.
- (j) Subsection (d) of this section notwithstanding, during the period from October 1, 1993 to June 30, 1994, inclusive, the amount of the gross receipts tax levied and imposed pursuant to subsection (d) of this section shall be measured by 30 percent of the tax levied and imposed by the State of Vermont pursuant to 32 V. S. A. 9242 (c), as amended, rounded upward to the nearest whole cent.

(Add 10-1-93)

## Subchapter 14. Street Musicians

### **SECTION**

#### 1501. License

No person shall play any musical instrument on any street as a street musician unless duly licensed.

Cross references. City council powers,  
see section 25, (3).

#### 1502. Fee

The fee for such license shall be \$5.

## Subchapter 15. Taxicabs

### SECTION

#### 1521. Purpose

It is hereby declared that the business of operating motor vehicles for the carriage of passengers for hire along the public highways of this city is one affected with a public interest; that the rapid increase of the carriage of passengers for hire by motor vehicles and the lack of effective regulation have increased the dangers and hazards on said public highways; and that much more stringent regulations are imperative to the end that said highways may be rendered safer for public use, congestion of traffic minimized, and the motor vehicle accident rate decreased, and the use of said highways for the transportation of passengers for hire restricted to the extent required by the necessities of the public and the various agencies within the city for the transportation of passengers for hire adjusted and correlated so that said highways may serve the best interests of the people of this city. To secure such ends is the purpose of this subchapter.

Cross references. City council powers,  
see city charter section 25 (19).  
Financial responsibility, see 23  
V. S. A. 841 - 848.  
Municipal regulation, see 214  
V. S. A. 2031, 2032.

#### 1522. Definitions

A taxicab, for the purposes of this subchapter, shall include any motor vehicle, regularly used in the business of carrying passengers for hire, with or without baggage, on the public highways of the city, and which receives or discharges passengers within the city limits, or advertised for such use, including motor vehicles operated for hire in connection with a livery business, and a jitney as defined in section 4 of Title 23, Vermont Statutes Annotated, but shall not include any such vehicle while being used in interstate or foreign commerce, or a vehicle used in their business by common carriers as defined in section 235 of Title 30, Vermont Statutes Annotated.

A taxidriver is the operator of a taxicab.

## SECTION

### 1523. License - Prohibited activities

- (a) No person shall advertise for use as a taxicab or use or operate as a taxicab upon any public highway within the city, any motor vehicle, or cause the same to be so operated, unless such motor vehicle is licensed for such use as hereinafter provided, or use or advertise for use as a taxicab on any public highway within the city, any motor vehicle which has not been inspected and certified to be safe for such use and to comply in its condition, and equipment with all requirements of law as hereinafter provided, or which to his knowledge is not safe for use and does not comply with such requirements, or the license for which is suspended.
- (b) No person shall operate or act as the operator or driver of any taxicab upon any public highway within the city, unless licensed so to do as hereinafter provided, nor while his taxidriver's license or the license for such taxicab is suspended, nor while such taxicab to his knowledge is not safe and does not comply in its condition and equipment with all requirements of law.

### 1524. Fees; grounds for rejection; transfer

- (a) The fee for a taxidriver license for an owner of a vehicle to personally operate the same within the city as a taxicab, shall be \$2, and the fee for a taxidriver license to operate any taxicab within the city shall be \$5. No such license shall be granted to any person, who, in the judgment of the city council, because of disability, physical or mental defects, bad character or bad habits, is not a suitable person to have such license.
- (b) The fee for a taxicab license shall be \$10 for each vehicle to be operated as a taxicab within the city. A taxicab license may be transferred to another vehicle without payment of another fee, on proper application by the same owner to the city clerk.

## **Subchapter 16. Theaters, moving picture and vaudeville shows**

### **SECTION**

#### 1551. License

No persons shall carry on the business of a theater, moving picture, or vaudeville show unless duly licensed.

Cross references. Licenses for theaters,  
see 31 V. S. A. 442, 443.

#### 1552. Fee

The fee for such license shall be \$50.

## Subchapter 17. Transient or Itinerant Photographers

### SECTION

#### 1561. Purposes

- (a) It is hereby declared that the regulation of itinerant photographers is essential to the public safety, morals and welfare of the inhabitants of this city to the end that certain abuses heretofore practiced shall be curbed. Some of the practices sought to be regulated are as follows: The practice of itinerant photographers, going from house to house in the city collecting monies without giving proper receipts therefor, delaying delivery of pictures for an unreasonable time beyond the promised date, defalcating orders of which no duplicate is left with the customer, nor leaving their names and addresses with the customer or of supplying the customer with false names and addresses, the fraudulent misrepresentation that pictures are being taken for some press service that does not exist, the taking of pictures, delivering them and receiving pay, which pictures within a few months thereafter fade when in many cases the customer does not even know the name and address of the photographer, the practice of irresponsible itinerant photographers of taking obscene photographs or portrait. Many of these practices and others, including the charging of unconscionable prices, have been shown to have been practiced upon minors.
- (c) This subchapter is also enacted as a revenue measure.

Cross references. City council powers,  
see city charter section 25 (3).

Licensing by local officials of persons  
not having state license prohibited,  
see 32 V. S. A. 9106.

State licensing, see 32 V. S. A. 9101 - 9108.

## **SECTION**

### 1562. Definition

The words "itinerant photographers" as used in this subchapter shall be construed to mean all persons, whether as principals or agents, who engage in a temporary or transient business in this city, whether such persons conduct their said business by traveling from house to house taking pictures in houses or operate from a hotel room, store or other place of business, or otherwise, and who perform any of the following acts of the photography business: Solicit orders, take pictures, assist in taking pictures, show proofs, deliver pictures, make collections for pictures sold.

### 1563. License requirement

An itinerant photographer, before commencing business, shall apply for and obtain a license as hereinafter provided.

### 1564. Application for license

Each applicant for an itinerant photographer's license shall apply for the same on an application blank to be prepared and furnished by the city clerk at the expense of the city, answer in his own hand all questions therein asked and personally appear and file such application at the office of the city clerk and answer such further oral inquiries as the city clerk shall make at such time. The application blank shall contain inquiries concerning other places the applicant has engaged in business during the past 5 years, names and address of references, and such further inquiries as the city clerk shall prepare, having in mind the purposes for which this subchapter is enacted. The applicant at the same time shall deposit with the city clerk the fees herein imposed and the power of attorney and bond herein required.

### 1565. Fee

The itinerant photographer's license fee shall be \$100 per year.

## SECTION

### 1565. Bond

Each applicant shall file with the city clerk at the time of making application, a bond in the penal sum of \$1,000 executed by the applicant and a competent surety company authorized to do business in Vermont or by two responsible free-holders residing in St. Albans and approved by the city clerk, or in lieu thereof, a cash deposit of equal amount. Such bond shall be conditioned that all photographs, photographic pictures or enlargements taken or made, or for which orders shall be taken, will be completed and delivered, will be done in a good workmanlike manner and will be as represented by the licensee, that the licensee will refund any monies paid on such work which has not been done in a good workmanlike manner or which is not completed and delivered according to contract or which is not as represented by the licensee, that the licensee will indemnify and reimburse any person dealing with such licensee to the amount of any payment or payments such purchaser may have been induced to make through misrepresentation and will reimburse such person for failure of the licensee to complete and deliver such work. Any person so aggrieved shall have a right of action on the bond for the recovery of the amount of payments made or damages suffered or both. Said bond shall run for a period of time of at least 6 months beyond the last day for which license is applied and in the event of a cash deposit the same shall not be refunded by the city clerk until 6 months after the expiration of the license.

### 1566. Power of Attorney

With each application the applicant, if not a resident of the State of Vermont shall in writing, appoint the city clerk his true and lawful attorney on whom service of legal process in any action or proceeding against the applicant may be made with the same validity as if made upon such applicant personally and said appointment shall be filed with the city clerk. Such power of attorney shall be upon forms prepared and furnished by the city clerk at the expense of the city.

## SECTION

### 1568. Investigation and report

After the applicant shall have filed with the city clerk his application together with the fees, bond and power of attorney hereinbefore provided, the city clerk shall make an investigation particularly of the reputation and standing of the applicant as to moral integrity, professional ability, criminal record (if any) and along such additional lines as may seem requisite in the light of the purposes for which this ordinance is enacted. Upon completion of this investigation he shall make written report thereon to the city council. The city council after receiving such report shall consider the personal fitness of the applicant and if it adjudges that the granting of such license would not be contrary to the public safety, morals or welfare, shall grant an itinerant photographer's license to the applicant for the length of time for which application is made.

### 1569. Penalty

An itinerant photographer who takes pictures or performs any of the acts of the photographic business set forth in section 1563 hereof without first having obtained a license as hereinbefore provided shall be imprisoned not more than 60 days or fined not more than \$50 or both.

### 1570. Statement of business

In order that the administrative officers of the city may know the extent of photographic business done in this city and the names of all persons doing such business to the end that they can determine whether or not the persons doing photographic business are or are not itinerant photographers, all persons engaged in this city in the photographic business shall within 30 days after this subchapter shall take effect, file with the city clerk at the expense of the city a statement of the nature of their business, the places, if any, where they have been located for the past 5 years and answer such further inquiries thereon as the city clerk may make, having in mind the purposes for which this subchapter is enacted. All persons who, more than 30 days after the effective date of this subchapter, begin to do photographic business in this city, whether as an itinerant photographer or not, shall 5 days before commencing such business file with the city clerk a statement as required by the preceding sentence. After this subchapter shall have been in effect for 30 days no persons shall engage in the business of photography or perform any of the acts commonly associated with the photography business in the City of St. Albans until 5 days after he shall have filed with the city clerk the statement required in the two preceding sentences.

## **SECTION**

### **1571. Orders**

All orders taken by a licensee shall be in writing and in duplicate, which orders shall set forth the true name and address of the licensee, the terms thereof, the amount paid in advance and the balance remaining due, and the delivery date. A copy of such order shall be delivered to the purchaser at the time the order is taken.

### **1572. Prohibited acts**

An itinerant photographer shall not, after delivery of copy of an order to a customer, defalcate or alter the original order in any respect, shall not take obscene photographs nor detach the heads from pictures of customers and affix them to bodies of other subjects nor otherwise make unlawful use thereof. An itinerant photographer shall not make fraudulent misrepresentation of his pictures nor misrepresent that they are taken for a press service bureau, or publication. An itinerant photographer shall not take orders from minors unless and except such order is approved in writing by one of the minor's parents, or in the event such minor has no living parent, by his legally appointed guardian, or in the absence of such guardian, by an adult with whom he makes his home.

### **1573. General penalty**

Any person, firm or corporation who makes a false statement on an application or in the statement required by section 1571, or who violates any of the provisions hereof for which penalty is not already provided shall be imprisoned not more than 30 days or fined not more than \$50 or both.

### **1574. Unconstitutionality**

In case any of the sections of this subchapter shall be held unconstitutional or invalid for any reason the remainder of the subchapter shall continue in full force and effect and be construed as though such valid section, paragraph or clause had not been included herein.

## Subchapter 18. Use and Occupancy of Streets

### Section

#### 1591. Definition

The word "street" shall include the entire width between property lines of every way used for vehicular traffic and pedestrian travel which has become public by authority of the law, and such ways in public places other than highways as the public is permitted to use for vehicular and pedestrian traffic.

Cross references. City Council powers, see city charter section 25 (22).

#### 1592. License requirement

No person shall use or occupy any part of any street for the sale or storage of gasoline, oil, wares, or other merchandise of any kind, or for the erection and maintenance of any gasoline pump or oil pump or other structure in connection with such use or occupancy without first having obtained a license from the city council.

Cross references. Above-ground storage of flammable liquids, see section 2101 et seq.

#### 1593. Granting of license; term

The city council may grant a license for the use of a specified part of such street upon application as herein provided, to any proper person and shall determine the specified part of such street to be so used and may at any time require the licensee to change the location at his own expense. All licenses granted under this section shall expire on the second Monday of May following the date thereof.

#### 1594. Persons eligible

No such license shall be granted to any person who is not the owner, or lessee for the term of one year or more and in actual occupancy, of the premises abutting such part of a street sought to be used; and if to a lessee, the owner's consent shall first be obtained.

## SECTION

### 1595. Application, supervision and approval of work

Any person seeking such license shall make application therefor to the city council in writing, upon a blank to be furnished by the city clerk, and shall state his residence and place of business. He shall describe accurately in writing, by plan or otherwise, the exact location desired, the kind of structure which he wishes to erect, also the shape and the dimensions of the space or specified part of such street which he desires so to use and occupy and the kinds of merchandise which he wishes to store or sell. All work done by the licensee in establishing his said business under this subchapter shall be done under the supervision of the superintendent of streets of the City of St. Albans and subject to his approval and the approval of the chief engineer of the fire department.

### 1596. Filling of application blank fees

- (a) The answers to all questions noted on said blank shall be written therein by the applicant or by his express authority and shall be truthfully made. A false answer knowingly made shall be grounds for revoking any license granted.
- (b) The license fee for the sale or storage of gasoline, oil, wares, or other merchandise upon any street shall be \$25 and the license fee for the erection or maintenance of any gasoline pump or oil pump or other structure shall be \$50 for each such pump or other structure so erected and maintained. The license fee for double gasoline or oil pumps, shall be \$75 for such double gasoline or oil pump so erected and maintained.

### 1597. Suspension or revocation

- (a) The city council may in its discretion suspend or revoke any such license granted for any reason which it shall consider sufficient and shall revoke any such license when it appears to the city council, upon hearing, due notice to the licensee having been given, that the use of such specified part of such street has created, or is, a nuisance, or when the city council shall deem it for the public welfare that such license should be revoked.
- (b) In case a license shall be revoked, the licensee shall at once remove from said street whatever he has erected thereon under his said license and put such specified part of said street used by him in as good condition as it was before such license was granted.

## SECTION

### 1598. Underground oil storage

- (a) No underground plant within the street limits of the City of St. Albans to be used for the storage of oil under said street shall be permitted without the consent of the city council and such consent shall be stated in such license; but underground connecting pipes may be laid under the sidewalk within the street limits, under the supervision of the superintendent of streets and subject to his approval and the approval of the chief of the fire department, by the licensee, from any storage plant not placed under said sidewalk or within the street limits, which the licensee may have a right to use, to the pump erected to be used for the sale of oil within said street limits.
- (b) In case an underground plant is desired in such street and under such sidewalk for the storage of oil, the applicant shall include in his application a detailed plan of the same, showing exact location, kind of storage plant or other structure proposed to be used, the size and shape of the proposed plant, and mode of construction.

### 1599. Inspection

All work done under any license granted by virtue of section 1593 and all privileges exercised thereby, shall be subject to inspection without let or hindrance, at any time, by the superintendent of streets, or the chief of the fire department.

### 1600. Damages

Any person who establishes, uses, or occupies any part of such street, or such underground plant, for the purposes provided in this subchapter, shall be liable in damages to the City of St. Albans or to any person, if the city or such person shall sustain damages as the result of such use and occupancy of such street, or such plant, to be recovered in an action declaring upon this subchapter.

### 1601. Penalties

Any person who violates any provision of this subchapter relating the use and occupancy of streets shall be subject to a fine not exceeding \$20 for the first offense and not exceeding \$50 for each subsequent offense; and each day's violation shall be deemed a separate offense.

## Subchapter 19. Lawn/Porch/Garage Sales

### SECTION

#### 1650. Definition

A lawn, porch or garage sale or any combination thereof is the casual sale, as such term is defined by 32 V. S. A. Section 9701 (12) (A) and (B), as amended, of items of tangible personal property advertised, on premises or off-premises, as available for sale at a residential property.

(Add 7-1-97)

#### 1651. License

No person shall operate or maintain a lawn/porch/garage sale or any combination thereof within the city limits without first obtaining a license therefor from the city clerk.

(Add 7-1-97)

#### 1652. License Requirements and Conditions

1. The license may be issued only to the owner/lessee of a dwelling unit on the property on which the sale will be conducted.
2. The license shall be in clear view at all times during the sale.
3. The license is valid for ten (10) days from date of issuance.
4. No more than four (4) licenses per calendar year shall be issued per dwelling unit. Second and subsequent licenses will not be issued earlier than seven (7) days after expiration of the prior license.
5. The license shall not be transferable.
6. The sale shall be operated only on the property of the licensee, and shall not be located in any public right of way, street or sidewalk.
7. The sale shall not begin before 8:00 a. m. nor continue past 8:00 p. m.

(Add 7-1-97)

## **SECTION**

### 1653. Fee

There will be no cost for the first and second licenses. The third license shall cost \$10.00. The fourth license shall cost \$15.00.

(Add 7-1-97)

### 1654. Penalties

Any person who shall violate any of the provisions of this subsection relating to the operation of a lawn/porch/garage sale shall be subject to a fine not exceeding \$15.00 and each day's violation shall be deemed a separate offense.

(Add 7-1-97)

**CHAPTER 5**  
**POSTING BILLS**

**SECTION**

1701. Posting or painting show bill, advertisement, sign or notice.

1701. Posting or painting show bill, advertisement, sign or notice

No person shall post a show bill, advertisement or paper, or paint a sign, advertisement, or notice on a building, fence, post, pole, stone, or wall within the city, without the written consent of the owner thereof and approval of the city council.

Cross references. Buildings and fences,  
Disfiguring, see 13 V. S. A. 3701.

City council power, see city charter  
section 25 (13) (16) (22) (23).

Filing of municipal ordinance with  
Secretary of State, see 9 V. S. A. 3628.

Injuring post, fence, building, or sign,  
see section 4258.

Liquor advertisements, penalty, see 13  
V. S. A. 304.

Posting or painting indecent or immodest  
Show bill, advertisement, sign or notice  
or marking sidewalk, see section 3554.

Private property, posting on, see  
13 V. S. A.

State control of outdoor advertising  
Generally, see 9 V. S. A. 3621 et seq.

Street lights, poles, posting on, see  
13 V. S. A. 3785.

Tobacco signs, see 13 V. S. A. 304.

Utility poles, posting on, see 13  
V. S. A. 301

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**TITLE 7**  
**FIRE PROTECTION AND PREVENTION**

**CHAPTER**

1. Fire Department
3. Fire Wardens and Inspections
5. Above Ground Storage of Flammable Liquids
7. Prohibited Activities
9. Fire District

**CHAPTER 1**  
**FIRE DEPARTMENT**

**SECTIONS**

- 2001. Control of department disorderly conduct; conduct at fires; assistance.
- 2002. Taking engines from city.
- 2003. Control of streets; entry; destruction of buildings; cutting of wires, current.
- 2004. Entry in area near fire.
- 2005. Chief engineer, powers and duties.
- 2006. Reward for information.
- 2007. Fire alarm telegraph.
- 2008. Property of department, taking.
- 2009. Ringing in of alarm name and address.
- 2010. Policemen, attendance at fire.
- 2011. Enforcement.

2001. Control of department; disorderly conduct; conduct at fires; assistance.

No person not a member of the fire department shall assume, without authority, control over any members of the department in respect to their duty. No person, while present at any fire, shall willfully or unnecessarily make outcries or other loud noises, or be guilty of disorderly conduct in others. All firemen and citizens are required to obey the orders and directions of the officers in command at a fire, and to render their services if ordered to do so by him.

Cross references. City Council powers  
See city charter section 25 (11).

2002. Taking engines from city

No engine or any part of the apparatus belonging to said department shall be taken from the city at any time, except either for the purpose of having the same repaired or for the purpose of fulfilling the city's obligations under the mutual fire assistance contract in effect with a neighboring town.

Cross references. Outside aid by  
local fire department, see 20 V. S. A.  
Sections 2961 et seq.

## SECTION

### 2003. Control of streets entry destruction of buildings; cutting of wires, current

During the continuance of any fire the chief engineer shall have absolute control of the streets adjacent thereto; he may blockade such streets and forbid passage therein he may order those present to stand back to any reasonable distance he may command the assistance of any police officer or other person present at the fire in extinguishing the same or preventing its spread or in saving and securing property. He shall have power with necessary assistance to enter any building or premises for the purpose of extinguishing or checking the progress of fire or securing and protecting property and he may with the consent of the mayor or two members of the city council, direct the destruction of any building to stay the progress of the fire and shall have power to cut or cause to be cut any electric, telephone, telegraph or other wire when it is necessary in order to control a fire, and to order the cutting out of any electric current which may interfere with extinguishing a fire.

Cross references. Driving over  
hose and other apparatus, prohibition,  
See section 5153.  
Powers and duties of chief engineer,  
see 20 V. S. A. 2671 - 2675.  
Right of way of apparatus, see  
Section 5152.

### 2004. Entry in area near fire

No person not a member of the city council or of the fire department or of the police department shall, without the authority of some one of the officers of one of said departments, enter upon such part of a street, lane, or alley roped off, barricaded, or plainly designated in any way for the use of the fire department, in extinguishing a fire or for the protection of persons attending a fire, by the officers of either of said departments. No person not a member of the city council or of the fire department or of the police department shall enter on foot or with any animal or vehicle upon a street adjacent to a fire within the block where and while such fire is in progress.

## SECTION

### 2005. Chief engineer, powers and duties

The chief engineer, subject to the direction of the city manager, shall have the supervision, care and control of all engines, trucks, hose, carriages, hook and ladder trucks and houses used for the purpose of the department and of all furniture and apparatus belonging thereto, and, in case of fire, of all hydrants. After the use of a hydrant he shall immediately report such use to the superintendent of streets. The chief engineer shall be held responsible for the discipline, good order and proper conduct of the whole department. It shall be his duty to report to the building inspector all violations of any ordinances establishing fire districts and regulating the construction of buildings, or to the zoning administration officer.

Cross references. Building inspector, see city charter, page 30.  
Powers and duties of chief engineer, see 20 V. S. A. 2671 - 2675.  
Appointment of chief engineer, see City Charter, section 9 (V).

### 2006. Reward for information

The city council may offer a reward of not more than \$1,000 for information which shall result in the detection and conviction of any person or persons guilty of arson or the malicious or felonious burning of property in the city.

### 2007. Fire alarm telegraph

- (a) The fire alarm telegraph shall be considered as apparatus connected with the fire department and shall be under the full control of the department.
- (b) No person shall destroy, deface, or in any way injure the fire alarm telegraph or any part, or appurtenance thereof, or interfere with or do anything to the same, so as to prevent or delay the proper or timely use thereof. Any person held in violation of this section shall be fined not more than \$100 and shall also pay to the city any costs involved in repairing the damage done.

Cross references. Trespass to fire protection apparatus, see 13 V. S. A. 3729.

## **SECTION**

### 2008. Property of department, taking

No person shall wrongfully appropriate, use, take away, conceal, or refuse or neglect to deliver up to an authorized officer of the city or of the fire department, property belonging to the city and use by or required for the use of said department. Any person held in violation of this section shall be fined not more than \$20.

### 2009. Ringing in of alarm, name and address

A person ringing in an alarm of fire shall forthwith give his name and address to the chief engineer of the fire department who shall place the same on file in his office.

### 2010. Policemen, attendance at fire.

All policemen not otherwise specially employed shall, on the breaking out of a fire, immediately repair to the vicinity thereof and use their best endeavors to save and secure property.

### 2011. Enforcement

It shall be the duty of all members of the fire department and the police department to see that the provisions of this chapter are duly observed and that all violations of the same are promptly prosecuted.

## CHAPTER 3

### FIRE WARDENS AND INSPECTIONS

#### SECTION

- 2051. Appointment of fire wardens.
- 2052. Inspections.
- 2053. Entry into premises.
- 2054. Removal of fire hazard.
- 2055. Temporary discontinuance of use of furnace, oil burner, boiler, flue or chimney.
- 2056. Deputy chief engineer.
- 2057. Refusal to permit entry.
- 2058. Penalties.
- 2059. Performance of work by official.

#### 2051. Appointment of fire wardens

The city manager shall annually appoint a fire warden who shall be subject to the order and direction of the chief engineer of the fire department. The chief engineer or any member of the paid fire department may be appointed a fire warden.  
(Ch 8-2-94)

#### 2052. Inspections

The fire wardens shall insure that all public buildings within the city are inspected on a periodic basis.

The fire warden shall at once, on the application of any trustworthy person or at the request of said chief engineer or of the city manager, inspect any building or premises within the city complained of as being unsafe or containing unsafe material.  
(Ch 8-2-94)

## SECTION

### 2053. Entry into premises

For the purposes aforesaid, the chief engineer or any fire warden may at all reasonable times have access to and enter into any and all premises and buildings in the city.

### 2054. Removal of fire hazard

The chief of the fire department or any fire warden shall direct the owner or occupant of any building or premises to move to a place of safety, any unsafe or combustible materials which in his opinion shall expose to unnecessary hazard, such building or the surrounding or adjacent buildings or property, and may also direct such owner or occupant to clear away from his building or premises debris or other materials resulting from fire, windstorm or other catastrophe, within a reasonable time after the occurrence of such fire, storm or catastrophe.

Cross references. Rubbish and waste,  
Prohibition, see section 2151.

### 2055. Temporary discontinuance of use of furnace, oil burner, boiler, flue or chimney

Said chief engineer of the fire department or any fire warden shall also direct the owner or occupant of any building or premises in the city to discontinue, temporarily, the use of a furnace, oil burner, boiler, flue, or chimney which such engineer or fire warden shall deem unsafe to be used, and shall at once notify the building inspector and the inspector of plumbing of his action, and the building inspector and the inspector of plumbing shall at once examine the premises in question and order the owner or user of such furnace, oil burner, boiler, flue, or chimney to make such alterations or repairs of the same as such inspectors shall deem necessary for protection against fires, and when such alteration is so made to the acceptance of said building inspector and inspector of plumbing, they shall permit the owner or user of such furnace, oil burner, boiler, flue, or chimney to resume the use of the same. Any person feeling aggrieved by the action of said inspector in determining whether such alteration or repairs should be made, may appeal in writing to the board of aldermen, who may make such order in the premises to said inspectors as said board shall deem wise; but pending such an appeal the owner or user of said furnace, oil burner, boiler flue, or chimney shall not resume the use of the same.

Cross references. Unsafe buildings,  
see section 741 et seq.

## SECTION

### 2056. Deputy chief engineer

For the purpose of making such inspection and facilitating the services required in this chapter, the chief engineer of the fire department may appoint in writing any member of the paid fire department his deputy, who shall have and exercise the powers of a fire warden in making the inspections provided in this chapter and report his findings to said chief engineer. Only once such deputy shall be appointed for each ward of the city, and he shall be appointed for a term of not less than six months nor more than one year and his appointment may be revoked at any time by said chief engineer.

### 2057. Refusal to permit entry

No person shall refuse to allow said chief engineer or his said deputy or a fire warden to enter upon or into his premises or buildings for the purposes provided in this chapter, or attempt to prevent the inspection aforesaid or obstruct such official in carrying out the provisions of this chapter. If requested, a fire warden or such deputy when making such inspection, shall show the owner or person in charge of such buildings or premises, his appointment.

### 2058. Penalties

If a person who neglects or refuses for the space of 24 hours to comply with or obey a lawful order of the chief engineer of the fire department, or of a fire warden, shall be fined \$20 and he shall be subject to an additional fine of \$2 for each and every day he shall so neglect or refuse, after the expiration of said 24 hours.

### 2059. Performance of work by official

If a person shall neglect or refuse to comply with or obey a lawful order of the chief engineer of the fire department or of a fire warden, such official may in his discretion, after the expiration of the aforesaid 24 hours, do the work required by such order or cause the same to be done, and the expense therefor with full costs may be recovered of the person so neglecting or refusing, in a suit brought in the name of the city, declaring, upon this chapter, against such person for labor performed and materials furnished; but after said chief engineer or a fire warden shall commence the work required by said order, such person shall not be liable to the additional penalty provided in the preceding section.

## CHAPTER 5

### ABOVE GROUND STORAGE OF FLAMMABLE LIQUIDS

#### SECTION

- 2101. Purpose.
- 2102. Permit; plans.
- 2103. Materials.
- 2104. Horizontal tanks.
- 2105. Vertical tanks.
- 2106. Foundation.
- 2107. Dikes.
- 2108. Permits.
- 2109. Capacity and location of above ground tanks.
- 2110. Vents.
- 2111. Maintenance.
- 2112. Inspection.
- 2113. Retail delivery.
- 2114. Welding; National Fire Protection Association requirements.

#### 2101. Purpose

The rules and regulations set forth in this chapter are hereby ordained for the purpose of reducing, and insofar as possible, eliminating the hazards to persons and property by fire and explosion, and in other respects, in the storage of flammable liquids in above-ground tanks in connection with any business that requires or utilizes such storage. Every above ground tank hereafter constructed or installed within the city limits for the storage of any flammable liquid, shall comply with the requirements of this chapter.

Cross references. Gas stations, storage of gasoline, see section 1592 et seq. City council powers, see city charter section 25 (10).

#### 2102. Permit; plans

No such tank shall hereafter be constructed or installed until a permit for the same is obtained from the building inspector and approved by the chief engineer of the fire department and state fire marshal. Applications for such permits shall be made to the building inspector and shall be accompanied by plans and specifications for such tanks in duplicate. One set of such plans and specifications shall be retained by the building inspector and one set returned to the applicant to be kept on the premises for the use of the contractor and the chief of the fire department and state fire marshal. Plans shall be drawn to scale and shall clearly indicate the following:

## SECTION

### 2102. Permit; plans (Continued):

- (1) Kind of material in shell plates, heads and rivets.
- (2) Thickness of shell plates and heads, and tensile strength of same.
- (3) Size of rivets after driving.
- (4) Style of riveted seams and pitch of rivets.
- (5) Construction of heads, bottoms, roofs, inlets and outlets.
- (6) The construction in detail of any manhole frame in the shell of a vertical tank.
- (7) The location of each tank in relation to the nearest buildings, roads, sewers, trenches, rivers, or any other waters.

### 2103. Materials

All materials used in the construction of tanks shall conform to the following requirements:

- (1) Rivets shall be of soft steel.
- (2) The heads and shell plates shall be of open-hearth steel or refined iron.
- (3) No cast iron shall be used in the construction of any tank where such material is in tension.

### 2104. Horizontal tanks

Horizontal tanks shall be so constructed as to conform to the following requirements:

- (1) The thickness of shell plates used in horizontal tanks shall be not less than one-quarter of an inch, except that when the diameter of a tank is in excess of 10 feet, 6 inches, the thickness of such plates shall not be less than five-sixteenths of an inch, and when a tank is over 24 feet, in length, the thickness of shell plates shall not be less than five-sixteenths of an inch. The thickness of the heads of all horizontal tanks shall not be less than the thickness of the shell plates of such tanks. When the heads of horizontal tanks are not dished to a proper radius, they shall be stiffened with steel structural members securely riveted to the heads.

## SECTION

### 2104. Horizontal tanks (Continued):

- (2) All seams shall be substantially riveted; when the plate does not exceed five sixteenths of an inch in thickness, the minimum size of rivets after driving shall be eleven sixteenths of an inch; the maximum pitch of rivets for single riveting shall be two and one-eighth inches; and the maximum pitch of rivets for double riveting shall be two and five-eighths of an inch, the size and pitch of all rivets may be increased, provided that the increase in the pitch of the rivets is not too great to prevent substantial caulking of the seam. All rivet holes shall be fair and the rivets shall be driven so as to fill the holes and to form substantial heads. All seams or joints shall be made tight by proper caulking, or by electric welding done in such a manner that in case of a leak the welding may be caulked. The use of a driftpin in lining up rivet holes is prohibited. The distance from the center of rivet holes to the edge of the plate shall be at least one and one half times the diameter of rivet holes.
- (3) Horizontal tanks shall be supported by substantial masonry or steel structural members capable of sustaining the superimposed load.
- (4) All attachments shall be made at the top of the tank by means of suitable flanges, outlet faucet shall be an anti-drip type and gauge glasses, the breakage of which will allow the escape of liquid, shall not be used.

### 2105. Vertical tanks

Vertical tanks shall be constructed as to conform to the following requirements:

- (1) The minimum thickness of the shell plates in the bottom course of any vertical tank shall be one-quarter of an inch. When a vertical tank exceeds 25 feet in diameter, or 25 feet in height, the minimum thickness of the shell plates in the second course from the bottom shall be one-quarter of an inch. No plate that is less than three-sixteenths of an inch in thickness shall be used in the shell of a vertical tank.

## SECTION

### 2105. Vertical Tanks (Continued):

- (2) Rivet holes shall be fair and all rivets shall be driven so as to fill the holes and to form substantial heads. All seams or joints shall be made tight by proper caulking, or by electric welding done in such a manner that in case of a leak the welding may be caulked. The use of a driftpin in lining up rivet holes is prohibited. The distance from the center of the rivet holes to the edge of the plate must be at least one and one-half times the diameter of the rivet holes. Lap riveted seams shall be restricted to not more than two rows of rivets. Butt and double strap joint construction shall be used when a greater joint efficiency is required.
- (3) When a manhole is provided in the shell plate of a vertical tank, the manhole frame shall be constructed of pressed or cast steel, and shall have the cross-sectional area of a line parallel to the axis of the tank not less than the cross-sectional area of the plate removed on the same line. The frame for a manhole in a vertical tank shall be riveted to the shell plate, and the rivets in shear shall not be less than the tensile strength of the shell plate removed on the same line through the center of the manhole. No strength shall be allowed for welding of a manhole frame if the weld is in tension.
- (4) The bottom of floor plates of a vertical tank shall be substantially riveted and shall be of sufficient thickness to withstand any stress to which they may be subjected, and all seams or joints shall be caulked and made tight.
- (5) All attachments shall be made at the top of the tank by means of suitable flanges, outlet faucet shall be on an anti-drip type, and gauge glasses, the breakage of which will allow the escape of liquid, shall not be used.

### 2106. Foundation

When a tank or dike is to be located on land, the bearing value of which is questionable, borings shall be made or test piles driven and, where necessary, suitable piles shall be provided, and a plan of the proposed foundation must be submitted to the building inspector for approval.

## SECTION

### 2107. Dikes

The chief engineer of the fire department or the building inspector may require any tank to be enclosed by a substantial dike, constructed of suitable material forming a retaining basin with a capacity at least equal to that of the largest tank, plus 10 percent of the capacity of all other tanks within the basin.

- (1) All such retaining basins shall be kept clear of snow, ice, water, or other materials which will decrease the cubic capacity thereof.
- (2) All such retaining basins must be maintained in liquid-tight condition.

### 2108. Permits.

All permits shall specify by name the fluid for which they are issued, and shall be posted on the premises where the tank or tanks are located. No tank shall be used for the storage of any fluid of greater specific gravity than that stated in the permit.

### 2109. Capacity and location of above-ground tanks.

The minimum distance of above-ground storage tanks for flammable liquids to the line of adjoining property or nearest building shall be as follows:

Capacity of Tank, Gallons	Minimum Distance Line of adjoining Property of Nearest Building
0 to 600	5 feet
601 to 1,000	10 feet
1,000 to 3,000	20 feet
3,001 to 21,000	25 feet
21,001 to 31,000	30 feet
31,001 to 45,000	40 feet

At marketing stations and elsewhere, truck loading racks shall be separated from tanks, warehouse, and other plant buildings, by distances at least equivalent to those above specified.

For tanks exceeding 45,000 gallon capacity and in particular installations for tanks of any size, these distances may be increased at the discretion of the chief engineer of the fire department, the building inspector, and

## **SECTION**

### 2109. Capacity and location of above ground tanks (Continued):

the state fire marshal, after consideration of the special features, such as topographical conditions, nature of occupancy and proximity to buildings on adjoining property, and height and character of construction of such building, capacity and construction of proposed tanks and character of liquids to be stored, degree of private fire protection to be provided, and facilities of the fire department to cope with oil fires.

### 2110. Vents

In all closed tanks there shall be one or more vents large enough to relieve the tank of any undue pressure to which it may be subjected.

### 2111. Maintenance

All tanks and their appurtenance shall be maintained in proper condition at all times.

### 2112. Inspection

All tanks and containers and the manner of storing fluid in connection therewith shall be subject to the inspection of the building inspector, chief engineer of the fire department, mayor, and state fire marshal.

### 2113. Retail delivery

No wagon, truck, or delivery vehicle shall at the same time carry both flammable and nonflammable liquids for retail delivery.

### 2114. Welding, National Fire Protection Association requirements

Any and all above ground tanks and containers for flammable liquids may be welded, instead of riveted, and all such tanks and containers shall be constructed and installed in accordance with the requirements of the National Fire Protection Association at the time of construction and installation, and whenever foregoing provisions of this chapter conflict with such requirements, such requirements shall control.

## PROHIBITED ACTIVITIES

### SECTION

- 2151. Rubbish and other waste.
- 2152. Open fires.
- 2153. Outside fire; hours of keeping.
- 2154. Outside fire endangering buildings or noxious to others.
- 2155. False alarm.

#### 2151. Rubbish and other waste

No person shall put or place, or cause to be put or placed, within 20 feet of any building in the fire district, as defined in section 761, any rubbish, paper, shavings, waste, cartons or boxes, except in a container approved by the chief engineer of the fire department.

Cross references. Removal of fire hazard, see section 2054.

#### 2152. Open fires

- (a) No person shall make an open fire in a street, common or other public place except by permission of the city council or the mayor.
- (b) No person shall make an open fire within 25 feet of a building, wooded area, standing brush or tall grass without obtaining a written permit therefor from the chief of the fire department, a deputy chief, or one of the fire wardens of the city, nor except upon the terms and conditions of such permit.
- (c) No person shall build an open fire in a yard or lot without attendance by some responsible person who shall see that the fire is extinguished before leaving it.

#### 2153. Outside fire; hours of keeping

Other than on Saturdays and Sundays no person shall build an outside fire, open or contained in an incinerator, fireplace or other receptacle, or permit the same burning except during the hours from 3:00 p. m. to 9:00 p. m., inclusive. Such fires shall not be started on any day between the hours of 9:00 p. m. and 7:00 a. m., nor shall they be permitted to remain unextinguished during such hours without obtaining a written permit therefor from the chief of the fire department, a deputy chief, or one of the fire wardens of the city, or except upon the terms and conditions of such permit. The burning of recognized fuels for cooking purposes shall not be construed as prohibited by this section.

## SECTION

### 2154. Outside Fire endangering buildings or noxious to others

- (a) No person shall build, permit to be built, upon premises under his use or control, any outside fire, whether the same be open or confined, in a manner, in a location, or of materials which will endanger the safety of any existing building or structure, or which will be noxious or injurious to others. Upon complaint to any fire warden of the city that any building or structure is being so endangered, or to the health officer that such noxious or injurious condition exists, such fire warden or health officer shall make investigation, and issue to any person found to be in violation of the subsection his written order to cease or desist, or to take such action with respect thereto as may be necessary to prevent or correct such dangerous, noxious or offensive condition.
- (a) A person who neglects or refuses for the space of 24 hours to comply with or obey a lawful order of a fire warden or of the health officer, issued under subsection (a) of this section, shall be fined \$20, and each and every 24 hour period of such neglect or refusal shall be deemed to be a separate offense.

### 2155. False alarm.

No person shall cry out or ring in or cause to be given a false alarm of fire. Any person held in violation of this section shall be fined not more than \$200 and shall also pay to the city all costs involved in responding to said false alarm.

CHAPTER 9  
FIRE DISTRICT

SECTION

- 2201. Permit.
- 2202. Roofs.
- 2203. Front Walls.
- 2204. Fire district described.
- 2205. Drawings, plans, specifications required.
- 2206. Penalty for violation.

2201. Permit

Every person, firm or corporation who shall hereafter intend to erect or construct any building within the district prescribed in Section 2204 of this chapter, or shall intend to make any addition to, alteration in, or on any building now erected in said prescribed district, shall before beginning such construction or reconstruction thereof, give notice of such intention to the City Council; and every such notice shall be accompanied by a written notice of the character and dimensions of the building whose construction or reconstruction is so intended, the location thereof, the purpose for which it is to be used, the materials of which it is to be built, and its relative situation with reference to the street and to the adjoining estates. Such notice shall state definitely the kind of materials of which the proposed building is to be constructed, including foundations, walls, party walls, roofs, cornices, shutters, out-buildings, verandahs, balconies, etc., and shall contain a request for a permit from said City Council, authorizing the erection or repair of said building. The council may also require that a blueprint or scale plan be presented to it at the time of application for a permit.

Cross references. Fire building regulations of state fire marshal, see 20 V. S. A. section 2721 et seq. Fire hazards, orders of fire marshal, see 20 V. S. A. section 2791 et seq. Fire wardens, inspections and orders, see section 2052, et seq. Municipal Ordinances, filing with fire marshal, jurisdiction of fire marshal, see 20 V. S. A. section 2798. Public buildings, health regulations, see 18 V. S. A. section 1301 et seq.

## SECTION

### 2201. Permit (Continued):

Report by chief engineer of violations see section 2005.  
Unsafe buildings, see 24 V. S. A. section 3111 – 3117.  
Municipal building regulations generally, see 24 V. S. A. section 3101 et seq.

### 2202. Roofs

The roofs of all buildings to be hereafter erected within the prescribed district shall be properly and securely covered with non-combustible material approved by the City Council.

### 2203. Front Walls

It shall be unlawful to build upon the front walls of any buildings within said prescribed district any portico, porch, bay window, balcony, or any other projection over the line of the street; and the erection of such projection over the line of the street within said district is prohibited, except on special permit therefor from the City Council.

Cross references. Fire regulations, see 20 V. S. A. section 2721 et seq.  
Municipal building regulations generally, see 24 V.S. A. section 3101 et seq.  
Municipal fire ordinances, filing with fire marshal, see V. S. A. section 2798.  
Fire wardens, inspections and orders, see section 2052 et seq.

### 2204. Fire district described

The following are constituted the limits of the prescribed fire district to which the prohibitions and restrictions of this Subchapter apply:

Commencing at a point in the westerly line of South Main Street and the intersection of Parsons Avenue at the city limits; thence preceding northerly in the westerly line of South Main Street, including all abutting land of said street, to the intersection of Grice Creek on the westerly side of South Main Street; thence

2204. Fire district described (Continued):

meandering along the northerly side of said Creek to the interesection of Steven's Brook; thence meandering along the northerly side of said Brook to the intersection of the south line of Lower Welden Street; thence westerly in the southerly line of Lower Welden Street, including all abutting properties on the south side of Lower Welden Street to the intersection of South Elm Street; thence northerly in the westerly line of South Elm Street, including all abutting properties on the westerly side of South Elm Street, to the intersection of the southerly side of Lake Street; thence westerly in the southerly side of Lake Street, including all abutting properties on the southerly side of Lake Street, continuing along the southerly side of Lake Street to the western city boundary; thence northerly at a right angle on Lake Street; thence easterly along the northerly line of Lake Street. At the intersection of Adams Street, including all abutting properties along the northerly side of Lake Street to the intersection of the westerly side of North Elm Street; thence along the westerly side of North Elm Street, and continuing to the prolongation of the westerly side of North Elm Street to the city boundary; thence at a right angle and continuing in an easterly direction of the prolongation of the city boundary line to a point on the westerly side of North Main Street; thence in a northerly direction along the westerly side of North Main Street, including all abutting properties along the westerly line of North Main Street, to the northern boundaries of the city limits; thence at a right angle and intersecting at a point on the easterly side of North Main Street and the city boundary; thence southerly in the easterly side of North Main Street, to the intersection of the northerly side of Congress Street; thence in an easterly line along the northerly side of Congress Street to the intersection of Lincoln Avenue; thence southerly along the westerly side of Lincoln Avenue to the intersection of the northerly side of Fairfield Street; thence in a southeasterly direction along the northerly side of Fairfield Street, including all abutting properties along the northerly side of Fairfield Street, to city boundaries on Fairfield Street; thence at a right angle to the southerly side of Fairfield Street; thence westerly along the southerly side of Fairfield Street, including all abutting properties along the southerly side of Fairfield Street, to the intersection of the westerly side of Lincoln Avenue; thence southerly along the westerly side of Lincoln Avenue to the intersection of the southerly side of Ferris Street; thence westerly along the southerly side of Ferris Street, including all abutting properties along the southerly side of Ferris Street, to the intersection of the easterly side of South Main street; thence southerly along the easterly side of South Main Street, including all abutting properties along the easterly side of South Main Street, to the point of beginning at Parsons Avenue.

## SECTION

### 2205. Drawings, plans, specifications required

The City Council shall seasonally examine each notice, statement, and application which shall be made under the provisions of this chapter, and if they deem it necessary or expedient, may require the drawings, plans, specifications for any and all such building or buildings to be submitted for their inspection; if upon such examination and inspection, the City Council shall adjudge the building so intended to be constructed or reconstructed to be a safe and suitable structure to be erected at the place for which the same is intended, they shall direct the City Clerk to issue a building permit therefor; if said City Council shall deem any building so proposed to be constructed, or reconstructed, to be an unsafe, improper or unsuitable structure for the location and use for which the same shall be so intended, they shall by vote so determine, and no building permit shall be issued.

### 2206. Penalty for violation

Every person, firm or corporation, whether as owner, lessee, contractor, workman or agent, who shall do, or cause or permit to be done, any work or labor of any kind whatsoever in or about the construction, erection, reconstruction, repair or removal of any building contrary to the provisions of this subchapter shall be fined not more than fifty dollars for each offense; and every day's violation of any of the provisions of this subchapter after the service of the notice, order or warrant issued, shall be deemed a separate offense; and shall subject the offender to an additional penalty.

## **TITLE 9**

### **WASTEWATER SYSTEM OPERATIONS AND HEALTH AND SAFETY**

#### **CHAPTER**

1. General Health Regulations
2. Health & Plumbing
3. Food Regulations
5. Outside Iceboxes, Refrigerators or Freezers
7. Animals
9. Smoke and Cinders
10. Wastewater System Operations
11. Garbage and Refuse
13. Sanitary Landfill

## CHAPTER 1

### GENERAL HEALTH REGULATIONS

#### SECTION

- 2601. Unwholesome, noisome, or offensive houses or places.
- 2602. Number of occupants.
- 2603. Sanitation facilities or dwelling houses, public buildings or factories.
- 2604. Sewers, connection of, construction of, penalties.
- 2605. Manure, offal, refuse, garbage.
- 2606. Swine.
- 2607. Orders of health officer.
- 2608. Penalties.
- 2609. Doing of work by health officer.
- 2610. Report of violations.

#### 2601. Unwholesome, noisome or offensive houses or places

The owner or occupant of an unwholesome, noisome or offensive house or place shall remove or cleanse the same from time to time, so far as may be necessary for the health or comfort of the inhabitants of the city.

Cross references. City Council powers,  
See city charter section 25 (8).  
Local board of health, composition, see  
18 V. S. A. section 604.  
Minimum housing standards ordinance, see  
city charter pages 24 - 30.

#### 2602. Number of occupants

No person shall authorize, suffer, or permit a dwelling house, building or tenement, belonging to him or of which he shall have the possession, care, or control, to be used or occupied by a greater number of persons than shall be consistent with a due regard to the health of such occupants.

## SECTION

### 2603. Sanitation facilities for dwelling houses, public buildings or factories

No person shall occupy or lease to another a dwelling house, building, or tenement, to be used or occupied for dwelling house purposes, or a public building or factory within the limits of this city, which shall not first be provided with suitable toilets, and suitable drains for the accommodation of all persons who may occupy such dwelling house, building, factory, or tenement, to the acceptance of the health officer.

Cross references. Local health officials, powers, see 13 V. S. A. section 601 et seq.  
Appointment of health officer, see city Charter section 9 (V).

### 2604. Sewers, connecting of, construction of, penalties

A person owning or having the care of lands or buildings shall connect such lands and buildings into the public sewer, at his own expense, without charge therefor from the city except the actual cost of making the connection; provided that all connections with the public sewers shall be made under the direction of the superintendent of streets, upon the written application of such person. The superintendent of streets shall superintend the making of all such connections.

All private drains connecting with a public sewer shall be constructed of iron pipe or vitrified tile pipe, not less than 4 inches in diameter, or such other pipe as the superintendent of streets may approve, and all points of such drains be so made as to prevent the escape of gas therefrom. Cellar drains shall be laid on an inclination or pitch of not less than one-quarter inch to 2 feet, and all sewage drains shall be laid on an inclination or pitch of not less than one-quarter inch to 1 foot.

A person who shall connect or attempt to connect any private drain with any public sewer of the city without the direction and supervision of the superintendent of streets on written application to him therefore, shall be guilty of a misdemeanor and shall be fined not more than \$20 not less than \$2.

Cross references. City Council powers,  
See city charter section 25 (24).  
Owner defined, see section 153.

## SECTION

### 2605. Manure, Offal, Refuse, Garbage

- (a) No person shall deposit or suffer to remain upon the surface of land owned or occupied by him, manure, offal, filthy water, garbage, or other noxious or filthy substance, within 50 feet of an occupied building or a street in the fire district.
- (b) No person shall remove house offal, kitchen refuse, manure, or any other offensive or decaying solid or liquid matter through a street except in tight vessels or vehicles with close-fitting or canvas covers such as will, so far as possible, prevent the dropping of the same or the emission of offensive odors.

Cross references. Placing refuse in Street or public place, see section 4254.

### 2606. Swine

No person shall maintain a pen or sty for swine so near the dwelling house of another person as to be a nuisance.

### 2607. Orders of Health Officer

An order of the health officer, made in connection with the duties of his office, shall specify the time within which the same is required to be executed and shall be served by a constable or police officer upon the person to whom the order is directed in the same manner as is provided by law for the service of a writ of summons.

Cross references. Local health Officials, powers, see 18 V. S. A. 601 et seq.

### 2608. Penalties

A person who disobeys a lawful order of the health officer after the same shall have been served upon him as aforesaid shall be fined \$10 and an additional penalty of \$1 for each and every day he shall neglect or refuse to obey such order after the expiration of the time specified therein.

## **SECTION**

### 2609. Doing of Work by Health Officer

If a person shall neglect or refuse to obey a lawful order of the health officer properly served upon him, the health officer in his discretion may, after the expiration of the time specified therein, do the work required by the order, and the expense thereof with full costs may be recovered of the person so neglecting or refusing, by a suit in the name of the city; but after the health officer shall commence the work required by the order, such person shall not be liable to a further increase of the penalty provided in the preceding section.

### 2610. Report of Violations

It shall be the duty of the health officer to report to the city council for prosecution any violation of the provisions of this chapter.

## TITLE 9

### CHAPTER 2

#### HEALTH AND PLUMBING ORDINANCE

THE PURPOSE OF THIS ORDINANCE IS TO PROTECT AND IMPROVE THE GENERAL HEALTH AND WELFARE OF THE PEOPLE OF THE CITY OF ST. ALBANS IN THE FIELD OF ENVIRONMENTAL SANITATION, BY ADOPTING AN ACCEPTABLE ORDINANCE CONTROLLING THE INSTALLATION OF PLUMBING SYSTEMS IN EXISTING PROPERTIES WITHIN THE CONFINES OF THE LIMITS OF THE CITY OF ST. ALBANS.

Be it ordained and enacted by the City Council of the City of St. Albans, State of Vermont as follows:

#### ARTICLE I

##### Definitions

The following words and phrases when used in this ordinance shall be construed as follows:

- (a) A "master plumber" shall mean any person, firm or corporation that, as a business, hires or employs a person or persons to do plumbing work, or without hiring any person does that work as a principal business for his or its own account.
- (b) A "journeyman plumber" shall mean any person who customarily performs the work of installing plumbing and drainage under the direction of a master plumber or, not being a master plumber as herein defined, does plumbing repair work as a regular part time occupation.
- (c) An "apprentice" shall mean any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program properly registered with the Vermont State apprenticeship council.
- (d) "Plumbing: is the art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water carried wastes.

## ARTICLE II

### Sources for Regulations

- (a) The "National Plumbing Code ASA A 40.8" adopted by the Department of Health for the State of Vermont for plumbing in Private and Public buildings.
- (b) The plumbing rules and regulations that may be adopted by the Department of Health for the State of Vermont, as authorized by Vermont Statutes Annotated, Title 26, Chapter 32, Section 2173; and,
- (c) The "Minimum Plumbing Standards for Safety and Health:, a booklet with red cover containing "Extracts from American Standard National Plumbing Code (ASA A40.8 - 1955)", excluding pages 70, 71, and 72, together with comparable sections in the National Plumbing Code (II (a) above), are hereby adopted and incorporated herewith by reference.
- (d) Any variance between requirements in (a), (b), and (c) in the matter of plumbing standards shall be and is hereby resolved by adopting the greater requirement.

## ARTICLE III

### Licenses Required: Registration

- (a) Master Plumber's License. No individual shall engage in the business of plumbing in the City of St. Albans, unless as a master plumber, journeyman plumber, or registered as an apprentice, as provided under the provisions of the State of Vermont Plumbers Examining Board.
- (b) Supervision of work. No individual, firm, partnership, or corporation shall engage in the business of installing, repairing, or altering plumbing, unless the plumbing work performed in the course of such business is under the direct supervision of a licensed master plumber.
- (c) Master Plumbers, journeyman plumbers, and registered apprentice plumbers, doing business of performing any work or service in their trade within the limits of the City of St. Albans, shall first register with the Plumbing Inspector and hereafter reregister annually on or before January 10 of each year. Approval of the registration shall be indicated on the State License of each registrant by the Plumbing Inspector.

## ARTICLE IV

### Permit for Plumbing Work

- (a) No plumbing installation shall be undertaken without first securing a permit from the Plumbing Inspector. Plumbing permits shall be issued only to licensed master plumbers, subject to the following exception when requests for plumbing installation shall not require a licensed master plumber;
  - (1) Installation and maintenance of plumbing in dwellings or Buildings when done by the owner, lessee, or
  - (2) Any public or private water company.
  - (3) A person who regularly employs a maintenance man, whose duties include installation and maintenance of plumbing on property of that person.
  - (4) A person whose occupation is the doing of miscellaneous jobs of manual labor, in the course of which some incidental plumbing repairs or alterations are made by him.

## ARTICLE V

### Requirements for Plumbing Permits

- (a) The permit and inspection fee will be the same as described in Title 9, Chapter 10, article 4, section 2 of the City of St. Albans Revised Ordinances.
- (b) Plans and Specifications. No permit shall be issued until plans and specifications showing the proposed work in simple but necessary detail have been submitted to the Plumbing Inspector and he has reasonably determined from examination of such plans and specifications that they give reasonable assurance that the work will conform to the provisions of this ordinance. If a permit is denied, the applicant may submit revised plans and specifications. If, in the course of the work, it is found necessary to make any change from the plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and a supplementary permit, subject to the same conditions applicable to original application for permit, shall be issued to cover the change.

ARTICLE V (Continued):

- (c) Any applicant aggrieved from the failure or refusal of the Plumbing Inspector to grant a permit within 7 days shall thereafter have the right to appeal to the City Manager and the Superintendent of Public Works communication in writing setting forth the matters to be determined. The City Manager and the Superintendent of Public Works acting jointly shall determine said appeal by hearing and findings and, if they so conclude, grant and direct the Plumbing Inspector to issue the permit forthwith.

## ARTICLE VI

### Plumbing Inspector

- (a) The Manager of the City of St. Albans is hereby authorized to annually appoint a plumbing inspector, who shall also be a member of the Board of Health of the City of St. Albans. The Inspector of Plumbing shall inspect all new plumbing being installed within the regulations hereby adopted, and to give proper notice to violators to correct defective and faulty plumbing so as to assure compliance with the Rules and Regulations hereby adopted.
- (b) No Inspector of Plumbing shall inspect or approve any plumbing work done by himself, or by any person by whom he is employed, or who is employed by or with him.
- (c) The disqualification of the Plumbing Inspector to perform duties as provided herein, or his absence from the City or his disability because of illness or other inability, provided that any of such events will cause undue delay in the performance of the duties of the Plumbing Inspector, shall be cause for the City Manager to appoint a second Plumbing Inspector with directions to act on any pending matters in a manner as herein prescribed. Said second Inspector shall perform the duties of the Plumbing Inspector during the time that the Plumbing Inspector is disqualified, absent from the City, or otherwise disabled.

## ARTICLE VII

### Work Not To Be Covered Before Inspection Or Test

No building drainage or plumbing system or part thereof shall be covered until it has been inspected or tested, or both, and accepted as prescribed by provisions of this ordinance. If any system or part thereof, which has been installed, altered or repaired, is covered before being inspected, tested and approved, it shall be uncovered for inspection or test after notice to uncover the work has been issued to the holder of the permit by the Plumbing Inspector or Health Officer.

- (a) It shall be the duty of the holder of a permit for such work to notify the Plumbing Inspector orally, by telephone, or by writing not less than eight (8) working hours in advance that such work will be ready for inspection or testing. And it shall also be the duty of the Plumbing Inspector to appear and make such inspection or tests within 24 hours of the time set for same.

## ARTICLE VIII

### Prohibited Drainage

No commercial or industrial waste drainage shall be drained into the sanitary sewer system without authorization of the City Council permitting the connection and drainage and certified in writing by the City Clerk.

No roofs, paved areas, yards, courtyards, or other drained areas shall be connected with the City's sanitary sewerage system.

## ARTICLE IX

### Septic Tanks

No individual sewage disposal system nor septic tank shall be constructed or used in the City of St. Albans without authorization of the City Council certified in writing by the City Clerk. Any such disposal system now in use or hereafter authorized and constructed shall be discontinued after public sewers are made available.

## ARTICLE X

### House Traps Mandatory

All new dwellings and all alterations or major repairs to plumbing in dwellings which have not heretofore been provided with a house trap, shall have a house trap installed. The house trap shall be located inside the basement wall and accessible at all times. It shall be a running trap with double hand holes. Into both hubs of the trap shall be leaded brass screw cleanouts. The trap shall be so connected as to permit cleanout to the street. Cleanout hole shall be leaded with brass screws. On the house side of trap there shall be provided a fresh air vent, connected to a tee ahead of trap, which shall vent through cellar or building wall at not less than 18 inches above grade outside of house and be so located as to be not less than 3 feet above the house trap.

### ARTICLE XI

#### Applications To Existing Uses

The provisions of the Ordinance shall apply to:

- (a) New plumbing systems and parts thereof which are hereafter installed in buildings in the City of St. Albans.
- (b) Existing plumbing systems in any building which after the adoption of this ordinance by the City Council is used or occupied for a purpose other than that for which it was occupied or used before the date of adoption.
- (c) Existing plumbing systems in a building where the additions or alterations thereto exceed 75% of the total length of soil, waste and vent piping in an existing system, where additions or alterations to existing systems subjects part of the system to excessive loads, then all of such part shall be subject to the provisions of this Ordinance.

## ARTICLE X II

### Protection of City's Potable Water Supply

No cross connection shall be made with, nor maintained between, pipes, tanks or basins carrying the City's water supply and pipes, tanks basins or other equipment which is supplied with or intended to be supplied with water from any other source, regardless of the purpose for which either water supply is used.

#### Penalty

Any person, firm, corporation, or association, who, after having received written notice from the Board of Health for the City of St. Albans signed by the Plumbing Inspector, requesting the performance of certain acts in the installation of plumbing or the correction of defects in faults in existing plumbing, fails after a reasonable time to comply with the request contained in said written notice, or who violates the Rules and Regulations hereby adopted, shall be fined not more than \$20.00 each day in which any such violation shall continue and shall be deemed a separate offense.

(Added 12-12-66)

CHAPTER 3  
FOOD REGULATIONS

SECTION

- 2651. Exposure for sale of food; conveyance through streets; protection.
- 2652. Meat Inspection.
- 2653. Mark, stamp, or brand of inspection.
- 2654. Carcasses presented for inspection; approval; condemnation; farm slaughter.
- 2655. Unauthorized possession of mark, stamp or brand.
- 2656. Slaughterhouses, inspection of animals in; condemned carcasses; entry into meat establishments for inspection.
- 2657. Transportation of meal.
- 2658. Slaughterhouses, inspection of.
- 2659. Standards.
- 2660. Fees.
- 2661. Penalties.

2651. Exposure for sale of food; Conveyance through streets; protection.

- (a) No person shall convey through any streets, or expose in front of stores or other places, meat, fowl, or fish intended for human consumption, unless the same is so covered that it cannot be contaminated by flies, dust, mud or filth.
- (b) No person shall expose fruits, vegetables, or other foodstuffs intended for human consumption outside of stores, markets, or places of sale, unless the contents of the stand or container are protected from flies and dust and unless the bottom of the stand or container is at least 2 feet above the ground.
- (c) No person shall expose or sell, or offer for sale for human consumption, any breadstuffs, cake, pastry, candy, confectionery, dried fruits, or shelled nuts outside or inside any building or in any open window or doorway, or any alley, street, sidewalk, or thoroughfare, unless such food is properly protected from insects, dust, dirt, or any other foreign or unwholesome material by suitable coverings.
- (d) Any person who violated any of the provisions of subsections (a), (b), or (c), of this section shall, on conviction, be fined not more than \$50 for each violation or offense, and each separate day's violation shall constitute a separate offense hereunder.

## SECTION

2651. Exposure for sale of food: Conveyance through streets; protection (Continued):

Cross references. City Council Powers  
See city charter 25 (1).  
Selling in street or public place,  
See section 4257.  
State regulation of food establishments,  
See 18 V. S. A. section 4301 et seq.

2652. Meat Inspection

It shall be unlawful for any person to have, keep, sell, or expose for sale, or to have in possession with intent to sell for human food within the City of St. Albans flesh of any cattle, calves, sheep, swine, or goats, unless the same shall have been slaughtered and inspected under and in compliance with the provisions of this chapter; provided, however, that this chapter shall not apply to cattle, calves, sheep, swine, or goats slaughtered under the regulations relating to the inspection of meats as prescribed by the Department of Agriculture of the United States and bearing the stamp of such inspection.

2653. Mark, Stamp, or Brand of Inspection

It shall be unlawful for any person to sell, have, keep, or expose for sale, or have in possession with intent to sell for human food within the city the flesh of any cattle, calves, sheep swine, or goats, unless there has been placed on each animal part thereof, by or under the personal supervision of any inspector of the United States, or of the City of St. Albans, a mark, stamp, or brand showing that the same has been inspected and approved for food purposes.

2654. Carcasses Presented for Inspection; Approval; Condemnation Farm Slaughter

Carcasses of animals killed outside the limits of the city which are to be sold within the city, shall be offered for inspection on the following conditions: Carcasses presented for inspection shall have the head, heart, liver, and lungs, held by the natural attachments. Such carcasses, if so offered, shall be inspected and if found to be free from disease and otherwise sound and healthful, and if slaughtered and transported in a sanitary manner, shall be approved and stamped. If found to be diseased, unsound, unwholesome, or otherwise unfit for human food, said carcasses shall be condemned and disposed of in such manner as to prevent their use for human food.

## SECTION

### 2655. Carcasses Presented for Inspection; Approval; Condemnation Farm Slaughter (Continued):

Carcasses of animals fattened and slaughtered by a farmer on the farm owned and occupied by him may be delivered to a retail meat dealer in the city without such inspection, provided that he also delivers to such meat dealer the heart, liver, and lungs removed from such carcass and that he securely attaches to such carcass a tag bearing his name, residence, and the date the animal was slaughtered. It shall be the duty of a retail meat dealer of the city who received from a farmer the carcass, heart, liver and lungs of any animal so delivered to him without such inspection, to notify the meat inspector or his deputy forthwith that the same has been delivered at his place of business and thereupon it shall be the duty of the meat inspector to inspect the same within 8 hours from the receipt of such notice, and it shall be unlawful for such meat dealer to cut or alter the same in any way or to offer the same for food in the city within said time unless the same has been inspected by the meat inspector and if, on the inspection by said inspector, said carcass, or the heart, liver, or lungs removed therefrom, are found to be free from disease and otherwise sound and healthful, the same shall be approved and stamped in accordance with the requirements of this chapter, but if found to be diseased, unsound, or unwholesome, or otherwise unfit for human food, it shall be condemned and disposed of in such manner as to prevent its use for human food.

### 2656. Unauthorized Possession of Mark, Stamp or Brand

It shall be unlawful for any person, except an authorized inspector or his deputy, to have in his possession, keep, or use, any mark, stamp, or brand provided or used for marking, stamping, or branding, as inspected and approved, any article herein required to be so marked, stamped, or branded, or any mark, stamp, or brand having thereon a device or words similar in character or import to the marks, stamp or brand provided or used for such purposes by the inspector or his deputies.

### 2657. Slaughterhouses, Inspection of Animals in: Condemned Carcasses; Entry into Meat Establishments for Inspection

It shall be the duty of the inspector or his deputies, and they are hereby empowered, to enter all places in which the slaughtering of animals for food is being carried on and to make such inspection of the said animals as may be deemed necessary to determine their fitness for human food.

## SECTION

### 2656. Slaughterhouses, Inspection of Animals in: Condemned Carcasses; Entry into Meat Establishments of Inspection (Continued):

It shall be unlawful for any person owning or having charge of any place in the city in which animals are slaughtered for food, to permit the removal therefrom of any carcass or part thereof until the same shall have been inspected and stamped as approved or condemned by the meat inspector or his deputies or a Federal Inspector. Condemned carcasses or parts shall not be removed from the slaughterhouse until they have been treated in the presence of the inspector or one of his deputies in such a way as to prevent their future use for human food.

It shall be the duty of the inspector and his deputies, and they are hereby empowered to enter any place where the meat or flesh of any animal mentioned in this chapter, or the products thereof, may be stored, held, kept, exposed or offered for sale; and also every establishment where meat is manufactured into articles of food or preserved, cured, canned, or otherwise prepared for food, and inspect the same, and whenever any carcass or primal part thereof shall, upon inspection and examination be found not marked, stamped, or branded so as to show that the same has been inspected and approved for food purposes, as in this chapter provided, or whenever any such article of food or meat product is found unfit for food purposes, the said inspector or his deputies shall condemn the same and shall order such disposal as will prevent its use as human food.

### 2657. Transportation of Meat

It shall be unlawful for any person to transport or cause to be transported in any vehicle through the streets or public ways of the city any meat, unless the same is properly wrapped in paper or cloth covering or unless such vehicle is provided with a tight cover which shall be kept closed at all times, during such transportation, so as not to expose the meat to dust, dirt, filth, or other deleterious substances.

## SECTION

### 2658. Slaughterhouses, Inspection of

It shall be the duty of the meat inspector and his deputies to visit, from time to time, places in the vicinity of the city where animals are slaughtered and sent to the city for sale, to see whether such places are clean and sanitary. If, in the opinion of said meat inspector or any one of his deputies, conditions are such as to render meat from such places unfit for food, the inspector shall refuse to allow said meat to be brought into the city. If the owner or person in charge of any such places outside of the city shall refuse to allow the inspector or his deputies to enter and inspect the premises, the inspector shall refuse to allow meat or any other food product from such places to be brought into the city.

Cross references. State regulation of Slaughterhouses, see 18 V. S. A. section 4501 – 4507.

### 2659. Standards

All meat referred to in this chapter shall be inspected under standards adopted by the United States Department of Agriculture for the inspection of meat, and the meat inspector shall make, promulgate, and enforce, with the approval of the City Council such other rules and regulations as may be necessary to carry into effect the provisions of this chapter.

### 2660. Fees

All meat offered for inspection within the city to the meat inspector shall be inspected by him without charge, but his deputies may charge and receive reasonable fees for all inspection made by them.

### 2661. Penalties

Any person who violated any of the provisions of section 2652 – 2660, or any order, rule or regulation of the meat inspector made thereunder to carry the provisions thereof into effect, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$50.

## CHAPTER 5

### OUTSIDE ICEBOXES, REFRIGERATORS OR FREEZERS

#### SECTION

2751. Icebox, refrigerator or freezer in possession or upon premises outside dwelling.

2752. Disposing of or abandoning upon premises of another.

2753. Violations.

2754. Person defined.

2751. Icebox, Refrigerator or Freezer in Possession or Upon Premises outside dwelling.

No person shall have at any time in his possession or upon premises under his control, in a place accessible to children outside of a building or dwelling, any icebox, refrigerator, freezer or similar container, not in common use, unless the lock on the same may be released from the inside thereof, or unless the lock or door thereon shall have been first removed.

Cross references. Statutory provision,  
See 13 V. S. A. No. 1310.

2752. Disposing of or Abandoning Upon Premises of Another.

No person shall dispose of or abandon upon premises of another, in any place accessible to children outside of a building or dwelling, any icebox, refrigerator, freezer or similar container unless the lock on the same may be released from the inside thereof or unless the lock or door thereon shall have been first removed.

2753. Violations

Each day during which a violation of section 2751 hereof shall be continued shall be considered a separate offense, and shall be punishable as such hereunder.

2754. Person Defined.

The term "person" as used herein shall include firms and corporations.

## CHAPTER 7

### ANIMAL ORDINANCE

#### SECTION

- 2801. Definition of Terms.
- 2802. Regulation of Pets; Generally
- 2803. License Required; Fees and Requirements
- 2804. Dog Obtained After April 1.
- 2805. Display of License Tag.
- 2806. Kennels: License and Fee.
- 2807. Investigation of Vicious pet; Order.
- 2808. Running At Large Prohibited.
- 2809. Nuisances.
- 2810. Investigation of Nuisances.
- 2811. Poisoning Pets.
- 2812. Rabies Control.
- 2813. Impoundment.
- 2814. Notice; Disposition of Impounded Pets.
- 2815. Redemption of Impounded Pets: Fees.
- 2816. Animal Control Officer; Appointment.
- 2817. Designation of City Pound.
- 2818. Enforcement and Penalties.
- 2819. Violation Tickets.
- 2820. Application Forms.
- 2821. Separability.

- 2801. Definition of Terms.

As used in this ordinance, unless the context otherwise indicates the terms or phrases used herein shall have the following meanings:

- (a) "Owner" means any person or persons, partnership, association or corporation owning, keeping or harboring a pet. The head of a household having a pet in its possession shall be presumed to be the owner or keeper of such pet.
- (b) "Pet as used in these ordinances shall include any dog, cat, ferret, or any other animal harbored, owned or kept as a pet.
- (c) "Wolf-hybrid" means an animal which is the progeny or descendant of a dog and a wolf. "Wolf-hybrid" also means an animal which is advertised, registered, licensed or

otherwise described or represented as a wolf-hybrid by its owner or an animal which exhibits primary physical and behavioral wolf characteristics.

- (d) "Vicious pet" means a pet which causes reasonable fear of bodily injury by attacking or threatening to attack any person or pet except as such person or pet may be in the act of unlawfully trespassing upon the private property of the owner.
- (e) "Running at large" means off the property or premises of the owner and not under the control of the owner or his agent by leash, cord, chain, or other similar means of restraint, or within a motor vehicle under his or his agent's control.
- (f) "Kennel" means a place where two or more dogs are kept for sale or commercial breeding purposes.
- (g) "Dog" as used in this ordinance shall include wolf-hybrids as defined.
- (h) "Nuisance" shall be those acts of a pet which unreasonably interferes with the peace and quiet of persons of ordinary sensibility. Acts of nuisance shall include, but not be limited to habitual barking, yelping or howling, defecation and examination of garbage cans.

#### 2802. Regulation of Pets; Generally.

It shall be unlawful for any person to own, possess or harbor any pet in the City of St. Alhans except as provided in this chapter and any failure, neglect or refusal to comply with any of the provisions of this chapter or any act or omission or commission contrary to the terms hereof shall be deemed a violation punishable by the penalties hereinafter provided.

#### 2803. License required; Fees and Requirements.

- (a) A person who owns, harbors or keeps a dog more than six (6) months old shall annually on or before April 1 cause it to be registered, numbered, described and licensed with the City Clerk. Such license shall expire on the 31st day of March following the issuance thereof.
- (b) The City Council will adopt a schedule of fees in accordance with statutory requirements for the licensing of dogs. Such fee schedule may include license surcharges to help offset the cost of administering this ordinance. The City Council may amend this fee schedule as they deem necessary.
- (c) Before a person shall be entitled to obtain a license for a neutered dog, he shall exhibit to the city Clerk a certificate signed by a licensed veterinarian showing that such dog has been neutered.

(d) Before obtaining a license for a dog six (6) months of age or older, a person shall deliver to the City Clerk a certificate or a certified copy thereof signed by a duly licensed veterinarian, stating that the dog has received a current pre-exposure rabies vaccination, and the person shall certify that the dog described in the certificate or copy is the dog to be licensed.

(e) The City Clerk shall keep the certificates or copies thereof on file. The owner of any such dog shall maintain a copy of the rabies vaccination form and provide it to municipal officials upon the request. For the purposes of licensing a dog, a current vaccination against rabies means that:

- (1) a dog of less than one year of age has been vaccinated;
- (2) a dog of one or more years but less than two years of age has been vaccinated within the preceding 12 months; and
- (3) A dog of two or more years has been vaccinated within the preceding 24

months. (f) No dog which has been determined to be a vicious dog under Section 2807

shall be

licensed in the City of St. Albans. No dog which has been refused a license in any other community shall be licensed in the City of St. Albans without approval of the City Council.

#### 2804. Dogs Obtained after April 1.

A person who becomes the owner after April 1 of a dog six (6) months old which has not been licensed, or a person who owns, keeps or harbors a dog which becomes six (6) months old after April 1 shall within ten (10) days apply for and obtain a license for such dog in the same manner as the annual license is obtained. If such application is made after October 1, the fee such license shall be one-half the amount otherwise required.

#### 2805. Display of License Tag.

It shall be the duty of every person owning, keeping or harboring a dog to keep on such dog a collar or harness and to fasten securely to such collar or harness and keep attached to it, the metal license tag issued under 2803 of this ordinance, and a metal tag with the name and address of the owner embossed thereon, whenever such dog shall be off the premises of such licensed owner. It shall be unlawful for any person other than the owner or his agent or the Animal Control Officer to remove a license tag or identification tag from the collar or harness of a dog or to attach a license tag to a dog for which such tag was not issued.

#### 2806. Kennels: License and Fee.

- (a) Any owner or keeper of a kennel shall secure from the City Clerk a license  
therefore.

Such license shall expire on March 31st following the issuance thereof. The Animal Control Officer shall inspect and approve the premises before any kennel license shall be issued.

- (b) All kennels shall be kept in sanitary condition, shall be subject to inspection by the Animal Control Officer or Health Officer at any time, and any such license may be revoked by the City Council upon the recommendation of the Animal Control Officer or Health Officer after an opportunity has been afforded the licensee to a hearing. No kennel license shall be issued in any case where such action would be contrary to any law, ordinance, zoning regulation or contrary to property restrictions. A kennel license shall not be required in the case of a licensed female dog having a litter of pups, provided the owner shall sell or dispose of same before such pups reach the age of six (6) months. All dogs kept in kennels shall be licensed individually.

2807. Investigation of Vicious Pet; Order.

- (a) When a pet has attacked, threatened to attack, bitten or caused reasonable fear to a person of bodily injury, or has wounded, killed or worried a pet of another person, such person may file a written complaint with the Animal Control Officer or City Council. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation required by subsection (b) of this section.
- (b) The Animal Control Officer shall immediately conduct an investigation into the alleged incident, and report same to the City Council.
- (c) The City Council shall, within seven days from receipt of the complaint, hold a hearing on the matter. If the owner of the pet which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.
- (d) If the pet is found to have attacked, threatened to attack, bitten or caused reasonable fear to a person of bodily injury, or has wounded, killed or worried a pet of another person, without provocation, the City Council shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the pet is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt required. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in Section 2819.

(e) The procedures provided in this section shall only apply if the pet is not a rabies suspect.

If the Animal Control Officer or another municipal official determines that the animal is a rabies suspect, the provisions of Section 2812 shall apply.

(f) If it is determined by the Animal Control Officer during the investigation that the pet poses a threat to the general public, the pet shall be impounded according to Section 2813 until final determination by the City Council under this section.

2808. Running at Large Prohibited.

It shall be unlawful for any person owning or possessing a dog to permit it to be at large within the City, and every person owning or having a dog shall confine it to his or her premises when not on a leash, cord, chain or other similar means of restraint and under the immediate control of a competent and responsible attendant.

2809. Nuisances.

No person owning or harboring a pet shall permit such pet to be a nuisance as defined.

2810. Investigation of Nuisances.

(a) When a pet has caused a nuisance to a person, such person may file a written complaint with the Animal Control Officer. The complaint shall contain the time, date, and place where the nuisance occurred, the name and address of the persons affected, and any other facts that may assist the Animal Control Officer in conducting his investigation.

(b) If the pet is found to be a nuisance as defined, the Animal Control Officer shall, without limitation, issue a ticket under Section 2819, order the pet confined, chained, or muzzled, and/or refer the matter to the City Council.

2811. Poisoning Pets.

It shall be unlawful for any person to poison any pet, or to distribute poison in any manner whatsoever with the intent or purpose of poisoning any pet.

2812. Rabies. Control.

(a) Any person who shall have in his or her possession or control a pet which has contracted rabies, been exposed to rabies or is suspected of having rabies or which has broken the skin of any person, shall, upon demand of the Animal Control Officer or of the Health Officer surrender such pet to be held for observation and treatment, the cost of which shall be the responsibility of the owner.

(b) It shall be the duty of every person owning or harboring a pet which has been attacked or bitten by another pet or animal showing the symptoms of rabies to immediately notify

the Animal Control Officer or Health Officer that such person has a pet or other animal in his possession.

- (c) Whenever a pet is impounded after having broken the skin of a person and has been determined to have rabies by the State Health Department or if determined necessary and advisable by a licensed veterinarian, cause the pet to be disposed of in a humane manner.
- (d) It shall be unlawful for any owner or person harboring any pet, when notified that such pet has broken the skin of any person, to sell or give away such pet, or permit it to be taken beyond the limits of the City except under the care of a licensed veterinarian.
- (e) This section shall apply if a pet has broken the skin of another pet or any animal which may come in contact with a person or pet.

2813. Impoundment.

It shall be the duty of the Animal Control Officer to apprehend any pet violating Sections 2803, 2804, 2807, 2808 and/or 2809 of this ordinance, and to impound such dog in a pound to be designated by the City Manager for such purposes. Upon impounding any dog a record shall be made by the impounding officer of the breed, color and sex of the dog, where it was apprehended, name and address of owner, if known, and whether or not it was licensed. The record of the impounding officer shall be filed with the police department.

2814. Notice; Disposition of Impounded Pets.

Whenever any pet is impounded it shall be the duty of the Animal Control Officer to notify the owner, possessor or person who harbors or keeps the same, if known, and if not known to post at the City Hall and at the pound, a notice containing a description of said pet, and when and where caught. If no owner or person entitled to or claiming the possession of any such pet, shall claim the same within seven (7) full days after such notice, the pet may be sold, given away or humanely disposed of by the poundkeeper or any person duly authorized by the City Manager to do so. Any monies generated by the sale of impounded pets shall revert to the poundkeeper.

2815. Redemption of impounded Pets; Fees.

The owner or person entitled to the possession of any impounded pet may reclaim such pet upon payment of all costs and charges incurred in the impounding and maintaining of said pet to include any violation fees.

2816. Animal Control Officer; Appointment.

The City Manager may appoint an Animal Control Officer whose duties shall be the enforcement of this ordinance. The Animal Control Officer need not be a resident of the City of St. Albans. Any officer of the Police Department and/or the Health Officer is authorized to carry out any duty or action under this ordinance designated to the Animal Control Officer in his absence.

2817. Designation of City Pound.

The City Manager is authorized to contract with a veterinarian or other person for the furnishing of impounding facilities necessary to carry out this ordinance the provisions of and the pets impounded pursuant to the provisions hereof.

2818. Enforcement and Penalties.

A person who violates any of the provisions of this ordinance shall be fined not more than \$500.00 together with the costs of prosecution, and in the event of a continuing violation, each day shall constitute a separate offense. For enforcement procedures and to determine the amount of the fine, V.S.A. Title 20, Section 3550 shall apply.

2819. Violation Tickets.

- (a) For the convenience of the public and economy in enforcement, police officers and the Animal Control Officer are hereby authorized to issue tickets to persons violating this ordinance. Each day the violation continues shall constitute a new offense.
- (b) Before a ticket is issued for a violation of Sections 2803, 2804, 2805, 2806, 2808, 2809 and 2810 of this ordinance, a warning will be given. Violations of Sections 2807, 2811 and 2812 do not qualify for a warning.

After the initial warning, a violation of Sections 2803, 2804, 2805, 2806, 2808, 2809 and 2810 of this ordinance is subject to a fine of \$75.00 a day. A person who admits or does not contest a ticket issued pursuant to this ordinance may satisfy the fine by payment of a waiver fee set as follows:

**First offense-** \$30.00

**Second offense** in a one year period from the date of the warning- \$50.00

**Third and subsequent offenses** in a one year period from the date of the warning - \$75.00

(Change 7/6/06)

- (c) Should a person violating this ordinance fail to pay such ticket within 72 hours, a complaint may be filed and prosecution may be commenced in the District Court as in the case of other ordinance violations.

- (d) A violation of Sections 2807, 2811 and 2812 of this ordinance is subject to a fine of \$125.00 a day. Violations of these sections do not qualify for a warning or for a waiver of fees.
- (e) Should a person violating this ordinance fail to pay such ticket within 72 hours, a complaint may be filed and prosecution may be commenced in the District Court as in the case of other ordinance violations.

2820. Application forms.

The City Clerk shall provide application and license forms requiring and containing such information as he or the state records director may deem necessary in order to carry out the provision hereof. All fees and charges collected hereunder shall be deposited with the City Treasurer.

2821. Separability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or held unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate and distinct provision and such will not affect the validity of the remaining portions hereof.

## CHAPTER 9

### SMOKE AND CINDERS

#### SECTION

- 2851. Smoke or cinders, prohibition.
- 2852. Penalty.
- 2853. Health Officer report to city attorney.

#### 2851. Smoke or Cinders, Prohibition

The emission of dense or thick black or gray smoke or cinders from any smokestack or chimney used in connection with any stationary engine, steam boiler or furnace of any description, within the city limits, to a degree or in such a manner as to be a nuisance, is hereby prohibited.

#### 2852. Penalty

The owner, agent, lessee, or occupant, or any other person in charge or control of any building who violates the preceding section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$50.

#### 2853. Health Officer report to City Attorney

It shall be the duty of the health officer to report to the City Attorney for prosecution any violation of the provisions of this chapter.

**TITLE 9  
CHAPTER 10  
WASTEWATER SYSTEM OPERATIONS**

This Ordinance establishes the policies, rules, regulations and rates necessary to govern and operate the municipal wastewater system of the City of St. Albans, Vermont. This ordinance supersedes all previous rules, regulations and ordinances and applies to all users regardless of the municipality in which they are located. All existing agreements between individual property owners and the City of St. Albans, Vt. shall remain in effect provided such agreement is recorded in the City of St. Albans Clerk's Office.

Be it ordained and enacted by the Council of the City of St. Albans, State of Vermont as follows:

**Section 1. Definitions**

- a. "BOARD" shall mean the Council of the City of St. Albans, acting as Board of Water and Sewage Disposal Commissioners under 24 V.S.A., Section 3614.
- b. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
- c. "Building Drain" shall mean 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 (5) feet outside the inner face of the building wall.
- d. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- e. "City" or "COSA" shall mean City of St. Albans.
- f. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- g. "Committed Reserve Capacity" is the total wastewater flow (gallons per day) from all project/buildings approved by the BOARD and/or the DEC for discharge to the WWTF, but not yet discharging at the time of the committed reserve capacity calculation.
- h. "Connection Fee" shall mean a fee imposed on applicants for the municipality's cost of performing, supplying materials, supervising, inspecting, and administering a connection to the sewage system including any necessary sewer service.
- i. "DEC" and DEPARTMENT" shall mean the Vermont Department of

Environmental Conservation.

- j. "Development" means the construction if improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, or industrial activity.
- k. "Development Wastewater Flow" is the flow resulting from full use of the development at its buildout capacity, which flow shall be calculated using flow quantities, from the DEC Environmental Protection Rules (EPR's), Chapter 1, as promulgated at the time a connection permit application is made.
- l. "Discharge Permit" shall mean a permit issued by the DEC pursuant to authority granted in 10 V.S.A., Chapter 47.
- m. "Force Main" shall mean the pressurized sewer pipe that a sewage pumping system discharges into. The force main transports the pressurized sewage to a gravity receiving structure such as a sewer manhole or open surface tank or structure.
- n. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- o. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- p. "Initiate Construction" means the following: for building development – completion of construction of all foundations, framing, siding and roofs.
- q. "Low Pressure Sewer" shall mean the sewer pipe that receives ground-up raw wastewater from a grinder-pump, pump station or discharge from a septic tank and transports the pressurized wastewater to an unpressurized wastewater structure such as a gravity sewer or an open tank.
- r. "Manager" shall mean the City Manager of the City of St. Albans. Appointed representative of the Mayor and City Council with powers as designated within the City Charter, Section# 9.
- s. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- t. "Owner" shall mean any person, who owns or possesses any property connected to the municipal wastewater collection system or proposes to connect to the municipal wastewater system as applicant.

- u. "Permitted Wastewater Flow" is the maximum WWTF flow authorized in the DEC issued Discharge Permit on an annual average (365 day average) basis.
- v. "Person" shall mean any individual, firm, company, association, society, corporation, group, institution, partnership, government entity or other entity.
- w. "PH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- x. "Plant", see WWTF.
- y. "Private Sewage System or Facilities" shall mean all facilities for collecting, pumping, treating, and disposing of sewage that is not owned or operated by the City of St. Albans.
- z. "Properly Shredded Garbage" shall mean 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 particles larger than one half (1/2) inch (1.27 centimeters) in any dimension.
- aa. "Public Sewage System or Facilities" shall mean all facilities for collection, pumping, treating and disposing of sewage and is controlled, owned and operated by the City of St. Albans.
- bb. "Reserve Capacity" shall mean the WWTF permitted wastewater discharge flow minus the actual WWTF wastewater average daily flow during the preceding 12 months.
- cc. "Sanitary Sewage" shall mean wastewater of the same character and range of strength as expected from residential uses: homes, apartments, and mobile homes.
- dd. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwater's are not legally admitted.
- ee. "Secretary" shall mean the Secretary of the Agency of Environmental Conservation, State of Vermont or its representatives.
- ff. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground surface, and storm waters as may be present.
- gg. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage. See WWTF.

- hh. "Sewage Works" shall mean all facilities owned and operated by the City of St. Albans for collecting, pumping, treating and disposing of sewage.
- ii. "Sewer" shall mean a pipe or conduit, including manholes, for carrying sewage.
- jj. "Sewer Service Area" is constituted by the geographical area of the City of St. Albans as of the effective date of this ordinance or as the aforesaid geographical area may from time to time be altered. Although not part of the sewer service area, existing collection lines owned by the City of St. Albans, but which are located outside of the City of St. Albans, will be maintained in the same manner as collection lines within the sewer service area.
- kk. "Shall" is mandatory, "May" is permissive.
- ll. "Slug" shall mean 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 fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- mm. "Storm Drain" (Sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- nn. "Superintendent" shall mean the Superintendent of Public Works of the City of St. Albans, or his authorized deputy, agent, or representative.
- oo. "Suspended Solids" shall mean 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.
- pp. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- qq. "WWTF" shall mean the municipal Wastewater Treatment Facility owned by the City of St. Albans. See Sewage Treatment Plant.
- rr. "WWTF Flow" is the metered wastewater passing through the treatment facility in gallons per day on an annual average basis (365 day average) as reported by the DEC.

**Section 2. Abbreviations**

For the purpose of this ORDINANCE, the following abbreviations shall have the meaning ascribed to them under this ARTICLE. References to standards of the following organizations shall refer to the latest edition of same.

ANSI shall mean American National Standards Institute.

ASME shall mean American Society of Mechanical Engineers. ASTM shall mean American Society for Testing and Materials. AWWA shall mean American Water Works Association.

COSA shall mean City of St. Albans.

CS shall mean Commercial Standards.

GPD shall mean gallons per day.

MGD shall mean million gallons per day.

mg/L shall mean milligrams per liter.

NPC shall mean National Plumbing Code.

PPM shall mean parts per million.

WEF shall mean Water Environment Federation.

WPCF shall mean Water Pollution Control Facility.

WWTF shall mean Wastewater Treatment Facility.

**Section 3. Use of Public Sewers Required**

- a. It shall be unlawful to discharge to any natural outlet within the City of St. Albans, or in any area served by said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the laws and regulations of the State of Vermont.
- b. Except as hereinafter provided, 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.
- c. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City 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 sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the building requiring connection. The provisions of this section are also substantiated in the City Ordinances under the minimum housing standards.

#### **Section 4. Building Sewer and Connections**

- a. No unauthorized person shall uncover, excavate, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining approval from the Superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least seven (7) days prior to the proposed change or connection.
- b. Any person performing work on City public property, or in the City public Right of Way, for the purpose of installing a building sewer shall file with the Superintendent, or its municipal designee, evidence of adequate insurance coverage for liability and property damage. Minimum amounts of coverage shall be established by the COSA.

#### **Section 5. Building Sewer Permit**

- a. There shall be one building sewer permit for all three user types: (a) residential (b) commercial/residential, and (c) industrial. The owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. The application fee shall be paid to the City at the time the application is filed. Refer to the COSA Schedule of Rates and Fees.
- b. No paving of any COSA street, alley or sidewalk shall be disturbed or broken for the laying of sewer services without the Owner submitting an excavation access permit application, paying the associated fees and receiving a permit. Backfilling of service cuts shall be under the supervision of the Superintendent.
- c. 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 City from any loss or damage that may directly or indirectly be occasioned by the installation of a building sewer.
- d. Upon the completion and restoration of the City street opening, construction undertaken as described by the permit and the satisfactory inspection thereof by the City Manager or its Agent, the City Treasurer shall return to the owner the balance

of funds, if any. If funds are still owed to the City, the City Treasurer will bill the owner for the same.

- e. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- f. Existing private building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to be of acceptable size, condition and adequate for long term use. Costs examination by the City shall be borne by the Owner of said private sewer.
- g. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirement of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the current A.S.T.M. Manuals of Practice and/or State rules and regulations.
- h. 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, and to provide frost protection, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- i. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, cellar drains, basement sumps, which in turn is connected directly or indirectly to a public sanitary sewer. All such connections which exist shall be disconnected by the Owner at its expense before connection of the building sewer to the COSA sewer.
- j. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate current specifications of the A.S.T.M. the WEF, Manuals of Practice and/or State rules and regulations. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

- k. The applicant for the building sewer permit shall notify the Superintendent at least five (5) days before the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or its representatives.
- l. All excavations for building sewer installation shall be adequately guarded with barricades and lights, provided by the applicants, so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the City.
- m. Clean outs shall be installed where the distance from the building to the main sewer is greater than one hundred (100) feet or where bends greater than forty-five (45) degrees are used in the building sewer. Clean outs shall be made by installing a "Y" and one-eighth (1/8) bends of the same diameter as the building sewer. The clean outs shall ordinarily be installed at the point of connection between the building sewer and the outside part of the house plumbing system, at curbs on the building sewer and on the straight part of the house sewer to the main sewer. The clean out shall be brought up from the building sewer to four (4) inches (10.2 c.m.) below ground level and be properly capped. Locations of all clean outs shall be recorded with three (3) ties and turned over to the Superintendent.
- n. Before any portion of the existing plumbing system outside the building is connected to the building sewer, the owner shall prove, to the satisfaction of the Superintendent, that it is clean and conforms in every respect to the ORDINANCE and that all joints are watertight.
- o. Where pipe is installed for building sewer, such work shall be performed by a plumber approved by the Superintendent.
- p. The Superintendent shall apply appropriate tests to the pipes and the plumber and contractor, at their own expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and shall remove or repair any defective materials when so ordered by the Superintendent.
- q. The contractor shall not block any driveway, street, road or railroad at any time without permission of the Superintendent and other controlling agencies. Every effort shall be made to permit the movement of vehicular traffic at all times. Whenever it becomes necessary to cross or interfere with roads, walks, or drives, whether public or private, the Contractor shall maintain, at his own expense, and subject to the approval of the Superintendent, safe bridges or other means of egress.
- r. Maintenance of all private sewage facilities including, but not limited to, (1) house plumbing systems, (2) building sewers to the main sewer, (3) house connections,

(4) sewers and (5) appurtenances shall be the responsibility of the Owner, at his or her expense. The Owner shall be solely responsible for continually maintaining such facilities in satisfactory operating condition. Maintenance shall include, but not limited to, (1) maintaining flow, (2) clearing obstructions, (3) maintaining all joints gas and water-tight, (4) repair or replace collapsed, deteriorated or defective materials, and (5) all other work which is necessary and essential to maintaining proper operation and preserving the structural integrity and water-tightness of the system.

## **Section 6: Use of Public Sewers**

- a. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer or existing combined 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 Superintendent and the State of Vermont. It is the responsibility of the Owner to obtain that State of Vermont approval that the discharge is in compliance with the current Vermont Stormwater discharge rules. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent and the State of Vermont, to a storm sewer, combined sewer, or natural outlet.
- c. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids, or gas, new or used.
  - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer.
  - c. Any waters or wastes having pH lower than (8.0) or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  - d. 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 sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

- d. No person shall discharge or cause to be discharged the following substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction 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:
- i. Any liquid or vapor having a temperature higher than one hundred fifty (150 degrees) F.
  - ii. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) F.
  - iii. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.
  - iv. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
  - v. Any waters or wastes containing iron, chromium, copper, 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 Superintendent for such materials.
  - vi. Any water or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding-limits which may be established by the Superintendent 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.
  - vii. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in

compliance with applicable State or Federal regulations.

viii. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as but not limited to, Fullers earth, Lime slurriers, and Lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  3. Unusual BOD chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, such as but not limited to milk products.
  4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- e. Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes 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.
- f. 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 4 of this Article, and which in the judgment of the Superintendent, 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 Superintendent may:
- (a) Reject the wastes,
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
  - (c) Require control over the quantities and rates of discharge, and/or,
  - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- g. If the Superintendent permits the pretreatment or equalization of waste flows, the design, plans, specifications and any other pertinent information relating to proposed equipment and facilities; shall be submitted for the approval of the Superintendent and the DEC and no construction of such facilities shall be

commenced until said approvals are obtained in writing. Further, pretreatment facilities must be consistent with the requirement of any State pretreatment permit issued to the industry.

- h. Grease, hair and sand interceptors shall be provided when, in the opinion of the Superintendent 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning by the Owner and inspection by the Superintendent.
- i. 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 bolted in place, shall be gastight and watertight.
- j. Where installed, all grease, oil, hair and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Materials collected shall not be reintroduced into the public sewerage system.
- k. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- l. When required by the Superintendent, the owner of any property serviced by such 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 accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharging to the receiving waters. When industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accordance with such permit. Records of any monitoring will be supplied by the Superintendent to the Secretary on request.

- m. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest 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 sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.
- n. That any industry held in violation of the provisions of this ORDINANCE may have its disposal authorization terminated.
- o. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between City and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. Provided that such agreements do not contravene any requirements of existing Federal Laws and are compatible with any user charge and industrial cost recovery system in effect.

### **Section 8. Protection from Damage**

No unauthorized person shall maliciously, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of unlawful mischief as set forth in Title 13, Section 3701 of the Vermont Statutes Annotated.

### **Section 9. Powers and Authority of Inspectors**

- a. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or his 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 Article VII, Section 1 above, the Superintendent or duly authorized employees of the City 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 City 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 Article V, Section 8.
- c. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City 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 sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement, pertaining to the private property involved.
- d. Notwithstanding any of the foregoing provisions, the City may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violations hereof.

## **Section 10. Penalties**

- a. Any person found to be violating any provision of this ordinance except Article VI shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- b. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- c. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.
- d. Notwithstanding any of the foregoing provision, the COSA may institute any appropriate action including injunction, or other legal proceeding to prevent, restrain or abate violations hereof, and any other legal and equitable relief to seek compensatory damages & compensation for other fees & expenses as provided in this Ordinance.

## **Section 11. VALIDITY**

- a. All ordinances or parts of ordinances in conflict with this ordinance herewith are hereby repealed.
- b. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.
- c. This Ordinance may be amended at any time by the COSA as provided by law.

## **Section 12. Wastewater User Charge, Rates, and Fees**

- a. There are three types of wastewater charges in the rate schedule:
  1. Base Rate: A flat fee to cover many of the fixed expenses associated with the operations and maintenance of the WWTF.
  2. Use Rate: A usage rate based on metered water consumption to cover the operating costs of the WWTF.
  3. Non-City Users Surcharge: A surcharge on the non-city wastewater system users applicable only to those users who do not participate in the affiliation fee program.
- b. The Sewer User Charge Rates and Fees shall be adjusted either up or down by the City Council from time to time to reflect the anticipated cost of the operation and maintenance of the City of St. Albans Sewer System. For current rates and fees refer to the COSA "Water and Wastewater Rates and Fees Summary".

**CHAPTER 11**  
**GARBAGE AND REFUSE**

**SECTION**

- 2901. Definitions.
- 2902. Garbage accumulation and disposal thereof.
- 2903. Burning of garbage.
- 2904. Refuse collector defined.
- 2905. Refuse collectors' permit required.
- 2906. Revocation of permit.
- 2907. Vehicles used for collection, minimum specifications.
- 2908. Dropping or spilling garbage.
- 2909. Rates.
- 2910. Penalties.

2901. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning ascribed by this section:

- (1) REFUSE consists of garbage, rubbish and waste matter.
- (2) GARBAGE consists of dead animals of not more than twenty pounds weight each, and other matter that attends or results from the preparation, consumption, decay or dealing in, or storage of, meats, fish, fowl, birds, fruits or vegetables or other food products.
- (3) RUBBISH consists of wood, leaves, dead trees, or the branches thereof, shrub trimmings, chips, shavings, woodenware, printed matter, paper, grass, cloth, straw or hay, leather, felt, plastic and all other combustible matter not included in the definition of garbage.
- (4) WASTE MATTER consists of soil, earth, sand, clay, gravel, loam, stones, brick, plaster, cement, concrete, asphalt, crockery, screen, wire, china, glassware, ashes, cinders, shells, metals, and all other non-combustible materials.

Cross references. Garbage or refuse  
Disposal, see 24 V. S. A. section 2202.

2902. Garbage accumulation and disposal thereof.

It is unlawful for any person, partnership, firm or corporation having garbage or rubbish in the City to fail to provide a suitable receptacle for the same. Such receptacle shall be of metal or plastic construction preferable with bails or handles, and with tight-fitting covers, and said receptacle shall be of not less than ten or more than forty gallons capacity. Suitable provisions for storage of rubbish and/or waste matter of industrial and commercial enterprises shall be made upon the premises of such enterprises.

A person, firm, partnership or corporation shall have all garbage disposed of weekly.

#### 2903. Burning of Garbage

It is unlawful for any person to burn or cause to be burned, in the City, any garbage.

#### 2904. Refuse Collector defined

A refuse collector is hereby defined to be any person, firm, partnership, or corporation holding a permit from the City to engage in the occupation of collecting and disposing of garbage, refuse, rubbish and waste matter in the City, in consideration of the payment to him of the charges for refuse collection service as provided in Section 9 in this Ordinance.

#### 2905. Refuse Collectors' Permit required

It shall be unlawful for any garbage or refuse collector to operate or engage in the occupation of collecting and disposing of garbage, rubbish, and waste without having first obtained a permit from the City.

The City Clerk is authorized to issue a permit subject to the approval of City Council to any person applying for same.

City Council shall have the power to limit the number of permits granted.

Cost of such permit shall be fixed by the City Council.

#### 2906. Revocation of permit.

The permit of any refuse collector may be revoked if he transports, garbage, rubbish or waste matter on the City streets uncovered: if he charges more for collection than rates established by the City Council or if he operates in violation of any provision of this Ordinance. However, no permit shall be revoked until a hearing is held before the City Council and three days previous notice shall be given to the refuse collector of such hearing.

#### 2907. Vehicles used for collection. Minimum specifications

It shall be unlawful for any refuse collector to use any truck or vehicle for the removal and transportation of any garbage, rubbish, or waste matter from any premises within the City, unless the same shall first have been approved by the City Manager and shall conform to the following minimum specifications:

- A. Bodies with solid walls and with such covering as will prevent the strewing of garbage, rubbish or waste matter on the public highway.
- B. Each collection vehicle must have the owner's permit number issued by the City of St. Albans printed or otherwise affixed upon both cab doors and upon the rear of each truck in letters not less than two (2) inches in height.

2908. Dropping or spilling garbage.

It shall be unlawful for any refuse collector to cause or allow any garbage, rubbish or waste matter to spill, drop, or remain on the ground or any other place.

2909. Rates.

The City Council shall, from time to time, establish maximum rates or charges that may be charged by refuse collectors, and such schedule of rates shall be on file at the office of the City Clerk at all times. Notwithstanding anything herein to the contrary contained, any individual shall have the right to remove or haul or dispose of garbage, rubbish or waste matter produced or accumulated upon premises owned by such individual or in such individual's possession as long as such refuse is properly covered while being transported.

2910. Penalties

Any person found guilty of violating this Ordinance or any provision thereof shall be subject to a fine of not less than Ten Dollars (\$10.00) not more than One Hundred Dollars (\$100.00) and each day such violation exists may constitute a separate offense, and be punishable as such hereunder.

## CHAPTER 13

### SANITARY LANDFILL

#### SECTION

- 2951. Fees required.
- 2952. Fees posting of.
- 2953. Penalties.

#### 2951. Fees required

It shall be unlawful for any person, firm or corporation to dump rubbish, garbage or waste matter in the city sanitary landfill maintained by the City of St. Albans without paying to said City the fee or charge for such privilege, as fixed and determined by the City Council.

Cross references.  
See 24 V. S. A.  
Section 2202.

#### 2952. Fees, posting of

The City Manager shall cause to be posted at the entrance of the city sanitary landfill on the Highgate Road, or such other sanitary landfill site as may hereafter be provided, a sign setting forth the schedule of fees or charges for dumping at said city sanitary landfill, as fixed by the city council pursuant to section 2951. Such fees or charges shall be paid to the city sanitary landfill custodian or any other designated city official before any person, firm or corporation shall be entitled to dumping privileges at said sanitary landfill.

#### 2953. Penalties.

Any person who shall violate any of the provisions of this chapter shall be fined not more than twenty-five dollars and imprisoned not more than thirty days, or both.

**TITLE 11**  
**MORALS AND CONDUCT**

**CHAPTER**

- 1. Noise**
- 3. Personal Conduct**
- 5. Public Indecency**

## CHAPTER 1

### NOISE

#### SECTION

- 3501 Purpose
- 3502 Definitions
- 3503 Prohibited
- 3504 Measurement
- 3505 Exceptions
- 3506 Enforcement & Penalties

#### **3501 Purpose**

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

#### **3502 Definitions**

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural numbers. The word "shall" is always mandatory and not merely directory.

**"Noise"** is any sound, which annoys or disturbs the peace and/or ability to repose of a human due to its frequency or amplitude.

**"Plainly audible"** means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

**"Sound"** is vibrations that are detected by the "average" unaided human ear.

#### **3503 Prohibited**

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

- A. Defect in vehicle or operation of vehicle. The operation of an automobile or motorcycle which creates squealing, squealing of tires, loud and unnecessary grating grinding, exploding-type, rattling or other noises.

Prohibited (continued):

- B. Horns, signaling devices, alarms, etc. The sounding of any horn, signaling device or alarm on any automobile, motorcycle or other vehicle except as a danger warning; the creation, by means of other devices, or unreasonably loud or harsh sounds; and the sounding of any such device for unnecessary and/or unreasonable periods of time.
- C. Radios, phonographs, etc. The using, operating or permitting to be played, used or operated, of any radio or television receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sounds in such a manner as to disturb the peace, quiet, and comfort of persons at a distance of 100' or more or any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such a machine or device is operated and who are voluntary listeners thereto.
- D. Exhaust. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, or motor vehicle except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.
- E. Motor vehicles which have been altered so as to increase noise over original equipment. Straight pipes are prohibited.
- F. Dogs, cats and other animals. The keeping of any dog, cat or other animal which shall become a nuisance to another person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping or screaming.
- G. Vocal disturbances. Yelling, shouting whistling, singing or making any other loud vocal disturbance so as to disturb, destroy, or endanger the peace of persons at a distance of 100' or more. This section shall not be construed to prohibit a vocal disturbance, whether or not it is electronically amplified, by spectators or participants in an athletic event or assembly sponsored by a public or private school.
- H. Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, property between the hours of 9 PM and 7 AM.
- I. Air cooling or heating devices that can be heard 250' from a residential building or 500' from any other building.
- J. Industrial noises such as grinding, pounding whistling, etc. or any noise deemed objectionable because of volume, frequency, or beat and is not muffled or otherwise controlled so as to not disturb, destroy, or endanger the peace of persons at a distance of 500' or more.
- K. Noise in General. Any noise which is deemed objectionable because of volume, frequency, or beat and is not muffled or otherwise controlled so as to not disturb, destroy, or endanger the peace of persons at a distance of 100' or more.

**3504 Measurement**

The allowing, permitting or causing of any of the prohibited actions described in Section 3503, notwithstanding Section 3505, shall be prima facie evidence of a nuisance and a violation of this ordinance.

### **3505 Exceptions**

- A. Any person or organization that has obtained a noise waiver from the City Manager (i.e., parade, block party, etc.)
- B. Any vehicle owned by and operated by government or a utility in the performance of its duties.
- C. Noise associated with routine snow removal activities where customary practices and equipment are used.
- D. Any government or utility emergency repair. Any construction activity, other than government or utility emergency repair that has obtained approval of the City Manager to occur between the hours of 9 PM and 7 AM that is deemed in the best interest of the public health, safety and welfare.
- E. Any siren or other warning device used for public safety, including railroad signals.
- F. Noise associated with a bona fide response to any emergency situation that poses a threat to the public health, safety or welfare.
- G. Routine lawn maintenance when done during the hours of 7 AM and 9 PM.

### **3506 Enforcement & Penalties**

Any person who violates a provision of this ordinance shall be subject to a fine of up to \$500 together with the cost of prosecution. In the event of a continuing violation, each day shall constitute a separate offense. Penalties shall be as follows:

- 1<sup>st</sup> offense: written warning
- 2<sup>nd</sup> offense within one year of written warning \$100.00
- 3<sup>rd</sup> offense within one year of 2<sup>nd</sup> offense: \$200.00
- 4<sup>th</sup> offense and each subsequent offense within one year of prior offense: \$500.00

(CH 7/27/04)

## CHAPTER 3

### PERSONAL CONDUCT

#### SECTION

- 3551. Begging, loitering, prowling.
- 3552. Soliciting or advertising in rude or offensive manner.
- 3553. Rude and disorderly conduct; indecent or insulting language; loitering; indecent writing or figures; noise, throwing stones.
- 3554. Indecent show bill, advertisement; sign or notice.
- 3555. Firearms, discharge.
- 3556. Bow and arrow; airgun.
- 3557. Hitchhiking.
- 3558. Indecent exhibitions.
- 3559. Gambling.
- 3560. Use of building by disorderly persons; disorderly conduct.
- 3561. House of prostitution.
- 3562. Prostitution.
- 3563. Disturbing meeting; aiding or abetting disturbance.
- 3564. Wearing mask, hood, or device to conceal identity.
- 3565. Penalties

#### 3551. Begging, loitering, prowling

No persons shall beg in or on a street or other public place, or lurk, loiter, or prowl about the premises of a resident, or in or about a restaurant, eatinghouse, hotel, or other place, without giving a satisfactory account of himself or the honesty of his intentions.

Cross references. Loitering in public places, see 13 VSA section 1025.  
Vagrancy, see 13 VSA section 3901-3906; city charter section 25 (6).

#### 3552. Soliciting or advertising in rude or offensive manner

No person shall, in a street or at a railroad station, steamboat dock, or other landing, in a rude or offensive manner, solicit passengers to ride by any means of conveyance, or for a hotel, inn, or boardinghouse, or in a rude or offensive manner advertise a hotel, inn, or boardinghouse, or any means of conveyance thereto.

Cross references. Breach of peace, see 13 VSA section 1021.

#### 3553. Rude and disorderly conduct; indecent or insulting language, loitering, indecent writing or figures; noise, throwing stones.

No person shall behave in a rude or disorderly manner or use indecent, profane, or insulting language in a street or public place or near a dwelling or be or remain upon a sidewalk or upon a doorstep, portico, or other projection from such house or other building, to the annoyance or disturbance of another person. No person shall make indecent figures or write indecent or obscene words upon a fence, building, sidewalk, or public place. No person, shall, by noise, gesture, or other means; wantonly and designedly frighten a horse in a street or other public place. No person shall throw stones or other missiles in or upon a public street, common, or other ground belonging to the city.

## SECTION

3553.

Cross references, Breach of peace generally, see 13 VSA section 1021.  
Disfiguring or defacing building, fence or wall, see 13 VSA section 3701.

3554. Indecent show bill, advertisement, sign or notice

A. Indecent show bill, advertisement, sign or notice.

No person shall post, or cause to be posted, an indecent, immodest or obscene show bill, advertisement, or paper, or paint, or mark with chalk or other material, or cause to be painted or otherwise portrayed, any indecent, immodest or obscene sign, advertisement, notice, or other things, on any building, fence, post, or sidewalk, or in any other manner exhibit the same to the public, within the limits of the city.

B. Defacing Buildings, structures and signs.

Defacing buildings, structures and signs prohibited. No person shall apply or cause to be applied any paint, varnish, lead, crayon, wax, ink, dye or other indelible substance, nor shall any person carve, chisel or write any figure or letter on the exterior or interior walls or on the windows of any building or structure or deface any sign without having first secured authority from the owner of such building or his duly authorized agent to do so. Such practice is hereby declared to be a public nuisance.

C. Enforcement

1. First offense. A first offense of any provisions of this section by a person during any twenty-four month period shall be deemed a civil ordinance violation and shall be punishable by a penalty of a minimum fine of fifty dollars (\$50.00) to a maximum fine of five hundred dollars (\$500.00), which may, at the discretion of the prosecuting official, be waived in whole or in part upon the successful completion of a City approved restorative or reparative justice program or other community service. The waiver penalty for a first offense of any provision of this section by a person shall be a fine of fifty dollars (\$50.00).
2. Second Offense. A second offense during a twelve (12) month period shall be deemed to be a civil offense and shall be punishable by a minimum fine of one hundred dollars (\$100.00) to a maximum fine of five hundred dollars (\$500.00). The waiver penalty shall be a fine of one hundred dollars (\$100.00).
3. The third and any subsequent offense within a twelve (12) month period shall be deemed to be a civil offense and shall be punishable by a minimum fine of two hundred dollars (\$200.00) to a maximum fine of five hundred dollars (\$500.00). The waiver penalty shall be a fine of two hundred dollars (\$200.00).  
(Ch. 8-26-08)

Cross references. Disfiguring building or fence with obscene writing,  
See 13 VSA section 3701.

Injuring post, fence, or building, see section 4258.

Obscene poster and shows, see 13 VSA section 2802.

Posting or painting show bill advertisement, sign or notice on building,

Fence, post, or wall, see section 1701.

3555. Firearms, discharge

No person shall, except in the performance of a legal duty, or upon or within a firing range approved as to construction and supervision by the chief of police, discharge a gun, pistol or other firearm within the city limits.

Cross references. Aiming firearm at another, see 13 VSA section 4011.

Negligent use of gun, see 13 VSA section 4009.

Weapons generally, see 13 VSA section 4001 et seq.

3555 (A)

No person except persons acting in self-defense, law enforcement officers in the performance of their duty and other persons authorized by the chief of police for training or other valid purposes shall carry or possess a loaded firearm or weapon within the limits of the City of St. Albans.

(Add 12-12-66)

3556. Bow and arrows; airgun

No person shall shoot with or use a bow and arrow or airgun in or over a street or public place.

3557. Hitchhiking

The practice of endeavoring, upon any roadway within the city, by words, gestures, and other means, to beg, invite or secure transportation in motor vehicles not engaged in passenger carrying for hire, is hereby declared to be a public nuisance. No person, while upon any roadway within the city, shall endeavor, by words, gestures, or otherwise, to beg, invite, or secure transportation in any motor vehicle not engaged in passenger carrying for hire, unless said person knows the driver of such vehicle, or the owner or other person then riding therein; provided, however, that nothing in this section shall prohibit the solicitation of aid in the event of accident or by persons who are sick or seeking assistance for the sick; and provided, further, that this exception for sickness shall apply only in case of bona fide sickness in which an emergency exists.

3558. Indecent exhibitions

No person shall publicly make any indecent, immodest, or immoral exhibition of his person, or of any animal or things, or cause or procure any person to do so, in or on any street, highway, or public square, or in any stairway, hallway, area, or other public place.

Cross references. House of ill fame, see 13 VSA section 2604.

Lewdness and indecent conduct, see 13 VSA section 2601-2603.

Prohibited acts under state law, see 13 VSA section 2632.

3559. Gambling

No persons shall suffer or permit any gambling for money, liquor, or any valuable thing, in his building or upon his premises, or keep any table, or instrument, or device with a view to gambling thereon or therewith. The police are hereby empowered and authorized to seize any such tables, instruments, or devices, if the same shall be taken while gambling is being carried on; and the court taking cognizance of such offense may, on conviction, order the destruction of such table, instrument, or device taken as aforesaid.

Cross references. City council powers, see city charter section 25 (2).

Gambling, see 13 VSA sections 2132 – 2134.

Machines, see 13 VSA sections 2135-2140.

3560. Use of buildings by disorderly persons; disorderly conduct

No person shall suffer or permit his buildings or other place, to be used, frequented or resorted to by riotous or disorderly persons, or by any vagrants, gamblers, or common prostitutes, nor shall any person suffer or permit any boisterous, riotous, or disorderly conduct therein or thereabouts.

Cross references. City council powers, see city charter section 25 (4, 5, 8).

Prostitution, use of building, see 13 VSA section 2632.

3561. House of prostitution

No person shall keep a house of prostitution, or suffer or permit prostitution in any house or building he may occupy, or be an inmate of any house of ill-fame, or in any manner contribute to the support or maintenance of any house of ill-fame, nor shall any person having control of any house or building lease or rent the same to any prostitute or prostitutes to be kept as a house of ill-fame.

Cross references. City council powers, see city charter section 25 (5).

Generally see 13 VSA sections 2631 – 2637.

3562. Prostitution

No female shall be a prostitute, or shall ply the vocation of a prostitute in this city, or shall subject her person to prostitution, and no male shall associate and consort with such female for the purpose of prostitution.

Cross references. City council powers, see city charter section 25 (5).

Generally see 13 VSA sections 2631 – 2637.

3563. Disturbing meeting; aiding or abetting disturbance

No person shall willfully disturb or annoy a lawful assembly, collection of persons or organized meeting of any kind, or cause the same to be done, in any manner or by any unlawful means whatsoever; nor shall any person aid or abet the making of any disturbance, riot, or disorder, at, in, or about any building or other place.

Cross references. City council powers, see city charter section 25 (4, 22).

Disturbance of peace generally, see 13 VSA sections 1021 – 1026.

Disturbing religious meetings, see 13 VSA sections 971 – 976.

Rioters refusing to disperse, see 13 VSA section 902.

3564. Wearing mask, hood, or device to conceal identity

No person over 21 years of age of any association, or organization of any description, shall appear, congregate, march, parade, or hold any meeting or meetings in any public street, highway, lane, park, or common in the City of St. Albans, wearing any mask, hood, or device for covering his face and head so as to disguise and conceal his personal identity, or disguise and conceal the identity of the association, congregation, or body to which he professes or appears to belong or represent, or for any other purpose.

Cross references. City council powers, see city charter section 25 (22).

3565. Penalties

A person who violates the provisions of this Title shall be fined not more than Fifty Dollars (50.00) nor less than Ten Dollars (\$10.00).

3566. Disturbing meeting; aiding or abetting disturbance

No person shall willfully disturb or annoy a lawful assembly, collection of persons, or organized meeting

## CHAPTER 5

### PUBLIC INDECENCY

#### SECTION

- 3601. Purpose
- 3602. Definitions
- 3603. Public Indecency
- 3604. Penalty
- 3605. Other Relief

#### 3601. Purpose

It is the purpose of this ordinance to regulate public indecency, including public nudity, both of which are deemed to be a public nuisance.

#### 3602. Definitions

- a. "Nudity" shall mean the showing of the male or female genitals, pubic hair or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple, other than for the sole purpose of breastfeeding a child.
- b. "Public Place" shall mean any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by the public. A "Public Place" includes but is not limited to streets, sidewalks, parks, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge, membership requirement or some other restriction), bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities.

For purposes of this Chapter, "public place" shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed hotel and motel rooms designed, intended and used for sleeping accommodations, doctor's offices, portions of hospitals and other similar places in which nudity or exposure of body parts defined in (a) above is necessarily and customarily expected to occur; nor shall it include a person appearing in a state of nudity in a modeling class operated by: (1) a proprietary school licensed by the State of Vermont; a college, junior college, or university supported in whole or in part by state revenue; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported in whole or in part by state revenue or an accredited private college.

Section

3603 Public Indecency

- (a) No person shall knowingly or intentionally, in a public place:
  - (1) engage in sexual intercourse;
  - (2) appear in a state of nudity;
  - (3) fondle his/her genitals;
  - (4) fondle the genitals of another person;
- (b) No person who owns, leases or otherwise controls or exhibits a proprietary interest over property, shall knowingly allow any person to engage in the conduct described in subparagraph (a) above at any time such property is open to the public.

3603. Penalty

Any person found guilty of violating this Ordinance or any provision thereof shall be subject to a fine as follows:

First offense	\$250.00
Second offense	\$350.00
Third and subsequent Offenses	\$500.00

Each day such violation exists shall constitute a separate offense and shall be punishable as such hereunder.

3604 Other Relief

In addition to the penalty as stated above, the City shall be authorized to commence, when appropriate, a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Cross references. See City of St. Albans Municipal Ordinances Title 11, Chapter 3, Sections 3553 and 3554; St. Albans City Charter, City Council Powers Section 25 (5, 8, 22 and 23); 13 V. S. A. Section 2801 et seq.

(Add) 7-28-98

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## **TITLE 13**

### **PARKS AND RECREATION**

#### CHAPTER

1. Parks
3. Trees and Shrubs
5. Park Regulations
7. Recreation Commission

**CHAPTER 1**  
**PARKS AND PLAYGROUNDS**

**SECTION**

3801. Parks of the city.

3801. Parks and Playgrounds of the city

The following shall constitute the parks and playgrounds of the City of St. Albans and be used and enjoyed as such by the public under the rules and regulations of the city council and under the rules and regulations of park and playground commissioners if any such commissioners are in existence.

- (1) HOUGHTON PARK. That plot of land containing six acres more or less, situated on the east side of South Elm Street. Three Commissioners shall be appointed by the city council, each for a period of 10 years. Warranty deed recorded City of Saint Albans Land Records Vol. 1, pages 479 and 480, (1907).
- (2) TAYLOR PARK. That parcel of land situated in the City of St. Albans on the east side of Main Street. Deed recorded in Old Land Records, Vol. 2, page 345, (1799).
- (3) ALDIS HILL PLAYGROUND. Aldis Hill Playground deeded to private trustees is available for city use. See description of deed in Land Records, Vol. 44, pages 127 to 136, (1892).

(Ch 11-8-65)

- (4) BARLOW STREET PARK.

(Added 3-14-95)

## CHAPTER 3

### TREES AND SHRUBS

#### SECTION

- 3851. Planting of trees.
- 3852. Cutting, pruning or removing.
- 3853. Hitching horses or other animals.
- 3854. Attaching board, notice, wire, stay or support to tree.
- 3855. Carrying away plant, flower, vase or other vessel.

#### 3851. Planting of trees

No tree in a street, public park, or other city property, shall be planted except with the approval of the city manager who shall have the power to prescribe how such trees shall be planted, at what distance apart, and of what variety. A tree shall be provided with supports and guards whenever, in the opinion of the city manager such supports or guards may be desirable.

Cross references. City council powers  
See city charter section 25 (21 - 22).  
Shade trees generally, see 24 V. S. A.  
Sections 2502 - 2506 - 2510.  
See also section 3917.

#### 3852. Cutting, pruning or removing

No person shall cut, prune, or remove a tree or shrub in a street, public park, or other city property, except with the approval and consent of the city manager or of the duly appointed tree warden or city forester.

Cross references. Statutory provisions,  
See 24 V. S. A. Sections 2508 - 2510.  
See also section 3902.

## **SECTION**

### **3853. Hitching horses or other animals.**

No person shall hitch a horse or other animal to a tree, shrub, or fence in a street, public park or other city property, nor leave a horse or other animal untied or tied within reach of such tree, shrub, or fence, nor permit a horse or other animal to injure or deface such tree, shrub, or fence.

Cross references. Parks, see section 3914.

### **3854. Attaching board, notice, wire, stay or support to tree**

No person shall attach a board, card, notice, advertisement, wire, stay, or support to a tree, in a street, public park, or other city property, without the written consent of the city manager.

### **3855. Carrying away plant, flower, vase or other vessel**

No person shall take or carry away a plant, flower, vine, vase, pot or other vessel used for flowers or plants, in a street, public park, or other city property.

**CHAPTER 5**  
**PARK REGULATIONS**

**SECTION**

- 3901. Animals
- 3902. Damage to park.
- 3903. Firearms; throwing stones or missiles; playing ball.
- 3904. Speed.
- 3905. Speech.
- 3906. Selling.
- 3907. Bathing.
- 3908. Fire.
- 3909. Riding; driving.
- 3910. Injuring birds, nests, eggs or animals.
- 3911. Fireworks.
- 3912. Digging; blasting.
- 3913. Rubbish.
- 3914. Hitching horses.
- 3915. Motor vehicles.
- 3916. Poplar, cottonwood or willow, planting.
- 3917. Alcoholic Beverages.
- 3918. Park Hours.
- 3919. Penalties.
- 3920. Smoking Prohibited

3901. Animals

No domestic animals, except dogs, shall be permitted in any park. Dogs shall be held in leash by their owners, otherwise they may be killed by any park-keeper, special constable or policeman.

Cross references. City Council power, see the city charter section 25 (14). Goat, swine, horse, cow or other meat cattle going at large in street, park or common, see section 4255. Permitting cattle, horses, sheep or swine to run at large in park, common or green, penalty, see 20 V. S. A. section 3342.

## SECTION

### 3902 Damage to park

No person shall pick any flowers, fruit or foliage, or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass, turf, railing, seat, fence, structure, or anything in any of said parks, or cut, carve, paint, mark or paste on any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement or inscription whatsoever.

Cross references. Advertising, posting, Statutory provisions, see 13 V. S. A. Sections 301 - 307. Cutting or pruning trees or shrubs, see section 3852. Damage to property, see section 4258. injuring trees or plants, see 13 V. S. A. sections 3601 - 3603.

### 3903. Firearms; throwing stones or missiles; playing ball

No person shall carry or have any firearms in any of said parks, and no firearms shall be discharged in, from, or into the same. No stone or other missile shall be thrown or rolled from, into, within, or upon any of said parks, except in such places as the park commission may designate as a ball field, in playing games in which a ball is used.

Cross references. Playing games in street, or public park, see section 4256.

### 3904. Speed

No person shall ride or drive on any road within any of said parks at a faster gait than 15 miles per hour, and this shall apply to the use of cycles.

### 3905. Speech.

No threatening, abusive, boisterous, insulting or indecent language or gesture shall be used in any of said parks. Nor shall any oration, harangue, or other public demonstration be made, unless by special authority of said commission.

### 3906. Selling

No person shall expose any article or thing for sale in any of said parks, unless licensed therefor by city council.

## SECTION

### 3907. Bathing

No person shall bathe naked, or otherwise, in any waters, in or adjacent to any of said parks, or be naked within any of said parks, except in such places and subject to such regulations as the commission may, from time to time, especially designate by a public notice set up for that purpose within the park.

Cross references. City council power,  
See city charter section 25 (7).

### 3908. Fire

No person, except by authority of the city manager shall light, kindle or use any fire on any of said parks.

### 3909. Riding; driving

No person shall ride or drive upon the grass, turf or lawns of said parks.

### 3910. Injuring birds, nests, eggs or animals

No authorized person shall disturb or injure any bird, bird's nest, or eggs, or any squirrel or other animal within any of said parks.

Cross references. Birds eggs, destroying  
or robbing, see 10 V. S. A. section 4905.

### 3911. Fireworks

No person shall discharge or set off, on or within any of said parks any firecrackers, torpedoes, rockets, or other fireworks, except by license from the city council.

Cross reference. Fireworks, prohibition,  
see 20 V. S. A. sections 3131 - 3136. Power  
of city council, see city charter section 25 (17).

### 3912. Digging; blasting

No person shall dig up or remove any dirt, stones, rock or other thing whatever, make any excavation, quarry any stone or lay or set off any blast, or cause or assist in doing any of such things, within any of said parks, without the special order or license of said commission.

## SECTION

### 3913. Rubbish

No bottles, broken glass, ashes, waste-paper, or other rubbish shall be left in any of said parks, except at such place or places as may be specially designated by the city manager.

### 3914. Hitching horses

No horse shall be hitched to any shrub or tree in any of said parks.  
Cross references. See section 3853.

### 3915. Motor vehicles

No automobile or other motor vehicle shall be taken into or driven upon any public park except upon such drives and subject to such regulations as the commission may from time to time, especially designate by public notice set up for that purpose within the park.

### 3916. Poplar, cottonwood or willow, planting

No person shall plant or cause to be planted or assist in planting in any of the city streets any variety of poplar, cottonwood or willow tree.  
Cross references. See section 3851.

### 3917. Alcoholic Beverages

It shall be unlawful to possess any malt, vinous or spirituous beverage in any park unless license has been obtained.  
(Add 3-14-95)

### 3918. Park Hours

It shall be unlawful for any person to be at large in the area known as "Taylor Park" between the hours of 11:00 p.m. and 5:00 a.m. and in the areas of "Houghton Park" and "Barlow Street Park" between the hours of 9:00 p.m. and 5:00 a.m. except as otherwise provided in this chapter.  
(9-12-05, Ch. 06-09-2014)

### 3919. Penalties

A person violating the provisions of this Chapter shall be fined \$25.00 per occurrence, and may be banned for one-year after three violations within a year.  
(Ch 3-14-95)

### 3920. Smoking Prohibited in City Parks

It shall be unlawful to smoke in City Parks.

**CHAPTER 7**  
**RECREATION COMMISSION**

**SECTION**

- 3951. Recreation Commission, creation.
- 3952. Purpose

3951. Recreation Commission, creation.

There is hereby created a recreation commission of not more than seven (7) members. Said commission members shall be known as St. Albans City Recreation Commissioners. Recreation commissioners shall be appointed by the mayor, subject to the approval of City Council. After the original seven (7) commissioners are appointed three (3) commissioners shall be appointed, each year to a three (3) year term of office beginning the first day of April. Commissioners may be reappointed. At the first commission meeting after the three (3) annual appointment are made the commission shall organize by electing as many officers as the commission itself deems necessary.

3952. Purpose

The citizens of St. Albans participate in a wide variety of recreational opportunities. Many of these opportunities are provided through the St. Albans City Recreation Department. The number and quality of recreational opportunities is proportional to the level of community involvement, and the future of recreation is dependent on creative community planning. The word recreation shall be broadly interpreted to include, but not be limited to, sports, games, hobbies, and adult education.

Said commission shall guide the St. Albans City Recreation Department into the future. The commission will, at a minimum, participate in strategic planning, marketing, budget development and community outreach. The commission will maintain a strong relationship with the Recreation Director and report to the City Manager monthly as to the status of the effort to provide the highest quality programs to the citizens of St. Albans.

(Ch 5-20-05)

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**TITLE 15**  
**STREETS, HIGHWAYS AND PUBLIC PLACES**

CHAPTER

1. Excavations, Signs, Awnings, and Other Obstructions.
3. Prohibited Activities
5. Snow and Ice
7. Streets
9. Numbering of Buildings

**CHAPTER 1**

**EXCAVATION, SIGNS, AWNINGS AND OTHER OBSTRUCTIONS**

**SECTION**

- 4201. Excavation Permit; obstruction permit; fees; notice to Fire chief, Public Works Department, Police Chief.
- 4202. Railings; fences; lights.
- 4203. Method of excavation; refilling; notice.
- 4204. Resurfacing; costs.
- 4205. Damages.
- 4206. Penalties.
- 4207. Awnings, shades, flags, banners, signs; display of articles over street; penalties; fee.
- 4208. Awnings.
- 4209. Enclosing highway; erecting fence or encroachment; nuisance.
- 4210. Barbed wire fence; railing.
- 4211. Unnecessary interference with use of sidewalk.
- 4212. Breaking curbing; permit.

4201. Excavation permit; obstruction permit; fees; notice to Fire Chief, Public Works Department, Police Chief is amended as follows:

- (a) No person shall cause any type of excavation on any property in any right of way, road, street, sidewalk, greenbelt, etc. belonging to the City of St. Albans without first having obtained a permit for each excavation from the City Manager. Said permit shall be valid for 30 days. The cost for said permit shall be:

(1)	Administration and Inspection Fee	\$ 1.25 sq. ft.
(2)	Permit Application Fee.	\$ 25.00
(3)	Excavation Fee	
	Paved Areas Sidewalk	\$10.00 sq. ft.
	Unpaved Area	\$ 2.00 sq. ft.
	Total Paved Area	\$11.25 sq.
	Total Greenbelt Area	\$ 3.25 sq.

The applicant shall comply with all applicable Federal OSHA and State VOSHA Health and Safety Regulations.

(CH 1-8-07)

4202. Railings; fences; lights

Whenever a street, sidewalk, part or common shall, under a permit granted as

provided in section 4201, be dug up, obstructed encumbered or otherwise thereby rendered unsafe or inconvenient for travel, the person so permitted shall put and at all times maintain a suitable railing or fence around such section of the street, sidewalk, park or common, so long as the same shall be unsafe or inconvenient as aforesaid; and shall also keep one or more lighted lanterns fixed to such fence, or fixed in some other proper manner, every night from sundown to sunrise, so long as such railing or fence shall be kept standing or obstruction remain. No person shall without authority, remove or extinguish any such lighted lantern.

#### 4203. Method of excavation; refilling; notice.

Excavation shall be braced and sheeted and all excavated material shall be piled in such a manner as to interfere with public travel as little as possible. Whenever any such work is ready for the refilling of the excavated place, the person who is granted the permit shall notify the superintendent of public works in writing, and the refilling of all excavations within the street limits shall be done under his supervision.

#### 4204. Resurfacing

- (a) The surfacing of any area disturbed under a permit issued in accordance with section 4201 above shall be reconstructed in the same manner and with the like materials as the rest of the abutting street and at the expense of the individual/corporation to whom the permit is granted. Such resurfacing/reconstruction shall be accomplished within 15 days of the permit completion date. In event such resurfacing/reconstructing is not accomplished within that time frame, the street may be reconstructed by the city and the cost thereof shall be charged to the person to whom the permit is granted.

(Ch 8-14-87)

#### 4205. Damages

No department, corporation, or person granted such permits shall be released from any liability for any damage the city or any other person may suffer by reason of negligence or want of due care in doing said work.

#### 4206. Penalties

Any person who shall violate any provision of sections 4201 – 4205 shall, upon conviction, be fined not less than \$5 nor more than \$50 for each offense, and every 24 hours' continuance of such violation shall be deemed a separate offense.

#### 4207. Awnings, shades, flags, banners, signs; display of articles over street; penalties; fee

- (a) No person shall establish or maintain an awning, shade or flag, or display a banner, sign, or article of merchandise over a street or sidewalk, without a written permit from the city council, which permit shall be revocable, and any person who shall establish or maintain the same under such permit shall in all respects conform to such directions as to the location, extent, material, construction and maintenance thereof, as shall be ordered by the city council.
- (b) A person who shall violate a provision of this section, or neglect or refuse to any such direction of the city council, shall be fined not more than \$20 nor less than \$3, and a like amount for every day that such awning, shade, flag, banner, sign or article of merchandise is continued in violation or neglect of such provision or direction.
- (c) All awnings hereafter erected, and any replacement of an existing awning, shall be at least 7 feet above the sidewalk.
- (d) The provisions of this section shall not apply to a national or state flag, or to the flag of a club or charitable, educational or religious organization.

Cross references. City council powers, see city Charter section 25 (23). Outdoor advertising, statutory provisions, see 9 V. S. A. Sections 3621 – 3643.

#### 4208. Awnings

All awnings erected over a sidewalk shall be supported by metal rods and every part of such awning and of the supports thereof shall be at least 7 feet above the sidewalk and be so attached to buildings as to leave the walk unobstructed thereby.

#### 4209. Enclosing highway; erecting fence or encroachment; nuisance

No person shall enclose a part of the highway or street, or erect a fence, building or other encroachment, or make obstructions, or create a nuisance on a highway or street, or continue such enclosures, fence, building, encroachment or nuisance on a highway or street.

Cross references. City council powers,  
See section 25 (13).

#### 4210. Barbed wire fence; railing

No person shall erect or maintain a barbed wire fence or railing upon the lines of a sidewalk or street or in such proximity thereto as to be within reach of and dangerous to a passerby upon such street or sidewalk.

#### 4211. Unnecessary interference with use of sidewalk

No person shall occupy, obstruct, or encumber or cause to be occupied, obstructed or encumbered, a sidewalk so as to interfere with the convenient use of the same by the public without first obtaining a permit from the City Manager or his/her designated representative. Vegetation on private property that protrudes beyond the vertical plane of the edge of sidewalk at a height of less than 7 feet is prohibited, and the pruning or removal of such may be done at the property owner's expense.

(Ch. 03-29-1994 and 08-08-2016)

#### 4212. Breaking curbing; permit

No person shall break any curbing without first obtaining a permit therefor from the city manager, or otherwise than in conformity to such permit. Curbing broken for a driveway shall be replaced at the owner's expense when the driveway ceases to serve its purpose. No permit shall be valid for more than 90 days from its date, and all work under it shall be at the owner's expense, and under the supervision of the superintendent of public works.

#### 4213. Penalties

A person who, violates the provisions of this chapter shall, in addition to being liable for all fees/charges herein prescribed, be fined not more than \$500.

(Add 8-14-87)

## CHAPTER 3

### PROHIBITED ACTIVITIES

#### SECTION

- 4250. Definitions.
- 4251. Coasting or sliding.
- 4252. Sprinkling salt in street.
- 4253. Placing refuse, garbage or rubbish in street or other public place.
- 4254. Animals going at large in street, park or common.
- 4255. Playing games in street or public park.
- 4256. Sale of fruit or merchandise in street or other public place.
- 4257. Injuring guidepost, guideboard, lamp, light, building, fence, post or sign in street, highway or public place.
- 4258. Wetting sidewalk; encumbering with hose.
- 4259. Hitching ride on sleigh, wagon or other vehicle without permission of owner.
- 4260. Public Drinking.
- 4261. Drinking in motor vehicles.
- 4262. Regulations and permits – public drinking.
- 4263. Penalties.

#### 4250. Definitions

For purposes of this Chapter “Public Place” and “Public Highway” shall include all areas; whether temporary or permanent, open to public or general circulation of pedestrian or motor vehicle traffic.

(Add 10-8-73)

#### 4251. Coasting or sliding

No person shall coast, course or slide on a sled, sleigh, or other vehicle in a street or upon the sidewalks thereof, except such streets as shall be designated and closed by the city council.

Cross references. Statutory provisions,  
See 31, V. s. A. Sections 511 – 512.  
Street defined, see section 152.

#### 4252. Sprinkling salt in street

No person shall, except by permission of the superintendent of public works sprinkle salt in a street.

4253. Placing refuse, garbage or rubbish in street or other place

No person shall put or place, or cause to be put or placed, in a street or other public place in the city or in the waters thereof, except in such place and in such manner as the city council may prescribe, rubbish, garbage or wastematter or other noxious thing. Refer to Section 2901 for definitions.

(Ch 7-21-06)

Cross references. City council powers, See city charter section 25 (15). Collection of garbage and other refuse, See section 2901 et seq. Dumping on other than public dumping grounds prohibited, see section 2951. Health regulations, see section 2605. Statutory provisions, see 24 V. S. A. Section 2201 – 2202.

4254. Animals going at large in street, park or common

No person shall permit any goat, swine, horse, cow, or other meat cattle, belonging to him or under his control, to go at large or to be pastured in or over a street, park, or common.

Cross references. City council powers, see city charter section 25 (14). Parks, see section 3901. Statutory provisions, see 20 V. S. A. Sections 3341 – 3342.

4255. Playing games in street or public park

No person shall play at ball or at any game of chance or skill upon a street, or upon a public park without the consent of the city manager.

Cross references. Playing ball in park, see section 3903. City council powers, see city charter section 25 (2) and 25 (22).

4256. Sale of fruit or merchandise in street or other public place

No person shall place or keep a table, stall booth, vehicle, or other erection, in a street, or public place, or on any square or sidewalk for the sale of fruit, merchandise, or other commodity, without permission first obtained from the city council.

4256. Cross references. Health Regulations, see section 2651. Selling in parks, see section

3906. City council powers, see  
City charter section 25 (1).

4257. Injuring guidepost, guideboard, lamp, light, building, fence, post, or sign in street, highway or public place

No person shall injure, deface or destroy a guidepost, guideboard, lamp or electric light post or lamp or light thereon, or a building, fence post or other thing, set, erected, or made for the use or ornament of the city, nor shall a person move, mutilate, or destroy, without the consent of the owners thereof, a sign, signpost, awning-post, or other thing, the private property of individuals, lawfully set, erected or placed, in or upon a street highway, or public place.

Cross references. Advertising,  
Posting, statutory provisions,  
See 13 V. S. A. Sections 301-307.  
Damage to park, see section 3902.  
Indecent show bill or writing, see  
Section 3554. Malicious injury to  
Property, see 13 V. S. A. Section  
3701 et seq. Posting bills, see  
section 1701.

4258. Wetting sidewalk; encumbering with hose

No person shall, between the hours of eight o'clock in the forenoon and nine o'clock in the afternoon, sprinkle or otherwise wet the sidewalks, or encumber the same with hose or other materials used in washing the windows of stores or other buildings abutting on the sidewalks, lying and being on either side of the following streets, namely; Main Street between Hoyt Street and Stebbins Street, Kingman Street, Federal Street between Kingman Street and Lake Street and no person shall wet down a sidewalk in the city or use water in such a way that it shall come thereon, at any time when water is likely to freeze.

Cross references. City council powers,  
See city charter section 25 (13).

4259. Hitching ride on sleigh, wagon or other vehicle without permission of owner

No person shall, without permission of the owner or driver, take hold of or ride upon a sleigh, wagon, automobile, or other vehicle, while the same is passing in the street.

#### 4260. Public Drinking

It shall be unlawful for any person to possess an open container of, or to consume a, malt, vinous or spirituous beverage in a public place not having a valid license permitting the on-premise consumption of such beverages.

(Ch 3-14-95)

#### 4261. Drinking In motor vehicles

It shall be unlawful for any person to possess an open container of, or to consume malt, vinous or spirituous beverage within the confines of a motor vehicle parked or being driven on a public highway.

(Ch3-14-95)

#### 4262. Regulations and permits – public drinking

Notwithstanding the provisions of 4260 of this Chapter the City Council may enact regulations concerning the public consumption of malt, vinous or spirituous beverages during such times and under such terms and conditions as it shall deem appropriate. Such regulations shall be enacted in the same manner as ordinances are enacted.

(Add 10-8-73)

#### 4263. Penalties

A person violating the provisions of this Chapter shall be fined not more than \$100.00 or imprisoned not more than ten (10) days or both.

(Ch 6-19-90)

**CHAPTER 5**  
**SNOW AND ICE**

**SECTION**

- 4301. Roof guards.
- 4302. Snow removal from awning or shade.
- 4303. Throwing snow into street.

4301. Roof guards

A person owning a building from which snow, ice, or water slides or falls, or may slide or fall, upon a street or sidewalk, shall put and maintain such guards upon the roof of the building as will prevent snow, ice, or water from sliding or falling from the same upon the street or sidewalk.

Cross references. City council powers,  
See city charter section 25 (15).  
Owner defined, see section 153.  
Street defined, see section 152.  
Tenant defined, see section 154.

4302. Snow removal from awning or shade

The occupant, tenant, or in case there shall be no occupant, the owner, agent, or person having the care of land or buildings bordering on a street, square, or other public place, where there is an awning, or shade, shall, after snow ceases to fall, if in the daytime within 4 hours, and if in the nighttime before twelve o'clock at noon then next succeeding, cause the snow to be removed from such awning or shade. If such person shall fail to remove the snow from such awning or shade, the superintendent of public works shall do so at the expense and charge of such owner or occupant, which expenses and charge may be recovered with full costs in an action in the name and behalf of the city, and such owner or occupant shall be fined not more than \$20 nor less than \$1. The chief of police shall promptly notify the superintendent of public works of any violation of the provision of this section.

4303. Throwing snow into street

Persons who shall throw or put, or cause to be thrown or put, snow or ice in a street shall cause the same to be broken up and spread evenly over the surface of such street. No person shall throw or put in a street more snow than may be necessary to afford access to his property.

4304. Snow and Ice Removal from sidewalks.  
(Removed 12-14-2015)

## CHAPTER 7

### STREETS

#### SECTION

4351. Surveys, maps, profiles of streets books of record.

4352. Grade of streets, alteration.

4353. Curbing and guttering.

4354. Specifications.

4355. Stone, post or monument marking street line or grade, moving or disturbing.

4351. Surveys, maps, profiles of streets; books of record

The books wherein are recorded the surveys of the streets, and the books containing the maps or profiles of street grades, are accepted as the public books of record for that purpose and are the property of the city.

Cross references. Street  
Defined, see section 152.

4352. Grade of streets, alteration

The grade of such streets as may have been, or shall hereafter be established by resolution adopted by the city council, shall not be altered in any manner, until after such notice of such intended alterations shall have been published in such newspaper or newspapers of the city as the city council shall direct, at least 2 weeks previous to any action thereon.

Cross references. City council powers,  
See city charter section 25 (33).

4353. Curbing and guttering

Whenever the city council shall order a street or portion thereof to be curbed and guttered, the superintendent of public works shall execute said order under the general direction of the city manager.

Cross references. Street improvements,  
See city charter section 25 (33).

4354. Specifications and Alterations

Sidewalks, curbs and gutters shall conform to current specifications of the City

Manager. Sidewalks shall be established and installed across driveways and curb cuts, unless a written decision is made by the City Manager or his/her designee to do otherwise on a case-by-case basis. No sidewalk that is established across a driveway or curb cut shall be removed, covered, or otherwise altered without the written permission of the City Manager or his/her designee. The consequence and remedy for doing so will be the re-establishment of the sidewalk per the City Manager's specification. Such re-establishment may be done at the property owner's expense. (Ch. 08-08-2016)

4355. Stone, post or monument marking street line or grade, moving or disturbing

No stone, post, or other monument, set by the city to mark the location of any street line or grade, shall be moved or in any other way disturbed except by and under the direction of the city manager, and any person who shall violate any of the provisions of this section shall be fined not less than \$20 nor more than \$50.

4356. Restoration of Greenbelts

The City of St. Albans, at its own expense, may restore any portions of greenbelt that are damaged or altered as of August 8, 2016 by parking or similar use. In cases of damage to the greenbelt after August 8, 2016 the City may require that the property owner or other responsible party provide some or all of the funding for the restoration of that section of greenbelt.

(Added 08-08-2016)

## CHAPTER 9

### NUMBERING OF BUILDINGS

#### SECTION

- 4401. City manager, numbering by.
- 4402. Method of numbering.
- 4403. Penalties.

#### 4401. City Manager, numbering by

The City Manager, subject to the orders and ordinances of the city council, shall from time to time, as the convenience of the public may require, designate numbers to be affixed to or inscribed on all dwelling houses and other buildings or parts of buildings, fronting on a street, alley, or public place. He shall determine the form, size and material of such numbers, and the mode, place, succession and order of inscribing and affixing them on such houses or other buildings, and may, on application, grant a variance from the provisions of section 4402.

#### 4402. Method of numbering

The numbering shall proceed continuously from the place of beginning and each number shall be as nearly opposite its alternate as possible. The numbering of Main Street shall commence at the north end of the city limit and proceed southerly, the odd numbers of the east and the even numbers on the west side. In all streets north of Fairfield Street, running in a northerly and southerly direction, the numbering shall commence at the south end of such streets and proceed northerly, the odd numbers on the east and even numbers on the west side of such streets. In all streets south of Fairfield Street running in a northerly and southerly direction, the numbering shall commence at the north end of such streets and proceed southerly, the odd numbers on the east and the even numbers on the west side of such streets. In all streets north of Lake Street running in a northerly and southerly direction, the numbering shall commence at the south end of such streets and proceed northerly, the odd numbers on the east and even on the west side of such street. In all streets south of Lake Street running in a northerly and southerly direction, the numbering shall commence at the north end of such streets and proceed southerly, the odd numbers on the east and the even numbers on the west side of such street. In all streets east of Main Street running in an easterly and westerly direction, the numbering shall commence at the west end of such streets and proceed easterly, the odd numbers on the north and the even numbers on the south side of such streets, in all streets west of Main Street running in an easterly and westerly direction, the numbering shall commence at the east end of the street and proceed westerly, the odd numbers on the north and the even numbers on the south side of such street.

One number shall be allowed for every fifty (50) feet on all streets except as follows:

On Main Street from Hoyt Street  
to Stebbins Street;

On Kingman Street from Main Street  
to Federal Street;

On Lake Street from Main Street to  
Elm Street, and

On Federal Street from Lake Street  
to Kingman Street;

Where one number shall be allowed for every twenty (20) feet.

That the numbering of Lincoln Avenue shall commence at the north end of said Avenue and proceed southerly the odd numbers on the east side and the even numbers on the west side.

#### 4402. Penalties

An owner or occupant of a building or part of a building who shall neglect or refuse for 60 days to affix to the same the number designated by the city manager, or who shall affix to the same, or retain thereon more than one day, a number contrary to the direction of said city manager shall be fined not more than \$20, nor less than \$1, and like amount for every day thereafter until directions of said city manager are complied with.

## TITLE 17

### VEHICLES AND TRAFFIC

#### CHAPTER

1. Bicycles
3. Parking of Vehicles on Private Premises
5. Traffic Regulations

## CHAPTER 1

### BICYCLES, SKATEBOARDS, SKATES, INLINE SKATES, SCOOTERS, ETC.

#### SECTION

5001	Definitions
5002	Rules of Bicycling and Skateboarding
5003	Parental Responsibility
5004	Penalty
5005	Violation Tickets
5006	Severability
5007	Map – Restricted Area

#### 5001. Definitions:

##### Skateboards, Skateboarding:

The terms “skateboard” and “skateboarding” when used in this ordinance shall include skateboards, skates, inline skates, scooters, and any other similar apparatus and the use thereof.

##### Restricted Area:

The restricted area as referred to in this ordinance shall be the business area shown as B-1 on the Official City Zoning Map as adopted and amended and attached as Section 5007.

#### 5002. Rules of Bicycling and Skateboarding.

It shall be unlawful:

- (a) For any person to operate a skateboard within the restricted B1 area as shown on the Official City Zoning Map in Section 5007.
- (b) For any person to operate a bicycle upon a sidewalk within the restricted B1 area as shown on the Official City Zoning Map in Section 5007.
- (c) For any person to operate a bicycle on any sidewalk or roadway within the City of St. Albans during the period from one-half hour after sunset to one-half hour before sunrise unless said bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet and with a red reflector on the rear.
- (d) For any person to use a bicycle or skateboard to carry more persons at any one time than the number for which it is designed and equipped.
- (e) For any person to operate a bicycle or skateboard within Taylor Park, Barlow Street Community Center Park, Houghton Park and any public parking lot.

- (f) To operate a bicycle or skateboard while the same is attached to another vehicle being operated on the highway, or to hold on to such other vehicle while operating a bicycle or skateboard.

5002. Rules of Bicycling and Skateboarding (Continued):

- (g) To operate a bicycle or skateboard while the same is attached to another vehicle being operated on the highway, or to hold on to such other vehicle while operating a bicycle or skateboard.
- (h) To ride bicycles or skateboards more than two abreast on any roadway.
- (i) To ride bicycles or skateboards right or left upon the highway without first extending a hand in the direction of such turn, or to stop the same upon the highway, without first signaling such stop by extending a hand downward.
- (j) To ride a bicycle or skateboard in violation of any of the traffic ordinances and regulations of the City of St. Albans.

5003. Parental Responsibility.

The parents of a child under 16 years of age and the guardian of a ward under 16, shall not permit any such child or ward to violate any of the provisions of this chapter.

5004. Penalty.

Any person violating any provision of this chapter shall be fined as outlined in Section 5005 of this chapter. Any violation of Section 5002 shall result in confiscation of the bicycle or skateboard as evidence of the offense which shall remain in police custody until disposal of the case.

5005. Violation Tickets.

For the convenience of the public and economy in enforcement, police officers are hereby authorized to issue tickets to persons violating this ordinance, which may be settled in full by the payment to the City Treasurer of \$25.00 for the first offense and \$50.00 for any subsequent offenses. The form of the ticket shall be approved by the City Manager. Should a person violating this ordinance fail to pay such ticket within 7 days of the issue, a complaint may be filed and prosecution commenced in District Court.

5006. Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or application of the chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are declared to be severable.

5007. Map – Restricted Area.

The restricted area shall be the business area shown as B-1 on the Official City Zoning Map as amended and attached.

## CHAPTER 3

### PARKING OF VEHICLES ON PRIVATE PREMISES

#### SECTION

- 5051. Parking on premises of another.
- 5052. Evidence.

#### 5051. Parking on premises of another

It shall be unlawful for any person to park, leave, or cause to be parked or left any motor vehicle upon the premises of another without express permission from the person or persons legally entitled to give such permission.

#### 5052. Evidence

The presence of an unattended motor vehicle upon premises not owned or controlled by the registered owner of such vehicle shall be prima facie proof that the same was parked or left thereon by the registered owner.

**CHAPTER 5**  
**TRAFFIC REGULATIONS**

**Subchapter 1. General Provisions**

**SECTION**

- 5101. Definitions.
- 5102. Police Department powers.
- 5103. Authorized emergency vehicles, application to.
- 5104. Penalty.
- 5105. Waiver Schedule of Fines.

**Subchapter 2. Operation of Vehicles**

- 5150. Immoderate Driving.
- 5151. Right side; speed.
- 5152. Approaching fire apparatus, duties of drivers of vehicles and animals.
- 5153. Driving over hose or other apparatus.
- 5154. Passing.
- 5155. Turn, start or stop.
- 5156. Approaching intersecting streets.
- 5157. Stopping close to curb.
- 5158. Stopping, standing or parking, where prohibited.
- 5159. Right of way at intersection.
- 5160. Pedestrians.
- 5161. Sidewalks, vehicles on.
- 5162. Selling or renting vehicle in street; advertising.
- 5163. Accident report.
- 5164. Compliance with directions, signs or signals.
- 5165. Stop signs.
- 5165-A 4-Way Stop Signs
- 5165-B 3-Way Stop Signs
- 5166. "U" Turns.
- 5167. Vehicle passing another vehicle.
- 5168. Delivery trucks.

**Subchapter 3. Traffic Light and Signs**

- 5201. Traffic control signals; meaning.
- 5202. Traffic light locations.
- 5203. Yield right of way signs.
- 5204. No right turn on red.
- 5205. Left turning lane.
- 5206. No left turns.

## **Subchapter 7. Parking Lot Regulations**

- 5401. Parking lots.
- 5402. Installation and operation of Parking Lots.
- 5403. Rates.
- 5404. Improper Parking; Exceeding Time; Failure to Deposit Coin.
- 5405. Slugs, Devices; Tampering.
- 5406. Effectiveness.

## **Subchapter 8. Scofflaw Ordinance**

- 5501. Establishment and Maintenance of Scofflaw list.
- 5502. Removal and Storage of Vehicles.
- 5503. Notification to Owner/Holder of Security Interest.
- 5504. Storage of Vehicles.

## Subchapter 1. General Provisions

### SECTION

#### 5101. Definitions

Whenever in this chapter the following terms are used, they shall have the meanings respectively given in this section.

**AUTHORIZED EMERGENCY VEHICLES.** Vehicles of the fire and police departments, ambulances, emergency vehicles of Federal, State and Municipal departments and public service corporations when the latter are responding to an emergency in relation to the police or fire or public works department.

**CROSSWALK.** That portion of the roadway ordinarily included within the prolongation of curb and property lines at street intersections, or that portion of a roadway clearly indicated for pedestrian crossing by lines marked on the surface.

**GREENBELT.** That portion of a street in the City's right-of-way between the edge of the roadway or curb and the sidewalk or the street right-of-way boundary, such portion normally consisting of a grassed area, trees, or other similar uses. For the purposes of these regulations, medians, typically grassed, that are bordered on either side by roadway or curb are also considered greenbelts. (Added 08-08-2016)

**INTERSECTION.** The area embraced within the prolongation of the lateral boundary lines of two or more streets which join one another at an angle, whether or not one such street, crosses the other.

**MOTOR VEHICLES.** Every vehicle as herein defined, which is self-propelled.

**OFFICIAL TRAFFIC SIGNS.** All signs, signals and markings placed or erected by authority of the city council, or the Chief of Police for the purpose of regulating or directing traffic or parking of vehicles.

**OPERATOR OR DRIVER.** Any person who is in actual physical control of a vehicle.

**PARKING.** The stopping or standing of vehicles on a roadway, whether occupied or unoccupied, attended or unattended, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or goods, or in obedience to police officer or traffic regulations, signs or signals, or while making emergency repairs or if disabled, while arrangements are being made to move such vehicle.

**PEDESTRIAN.** Any person on foot.

**ROADWAY.** That portion of a street between regularly established curb lines, or that part devoted to vehicular traffic.

**SIDEWALK.** That portion of a street in the City's right-of-way between the edge of roadway or curb and the street right-of-way boundary that is established with concrete, asphalt, masonry, gravel or some other surface for the purpose of pedestrian use and other uses, such as

bicycling, where not prohibited. Also a portion of the side of a roadway that has been painted with lines or hatching for the purposes of acting as a walkway shall be considered a sidewalk under this ordinance. (Ch. 08-08-2016)

**STREETS.** The entire width between property lines of every way used for vehicular and pedestrian travel which has become public by authority of the law, and such ways in public places other than highways as the public is permitted to use for vehicular and pedestrian traffic.

**VEHICLE.** Any contrivance on wheels or runners used in the roadways of public streets for carrying persons or things.

Cross references. Covering of vehicles carrying rubbish or waste, see section 2907. Hitchhiking, see section 3557.

#### 5101. Police Department Powers

The Police Department shall have authority to manage vehicular traffic on all public streets. In case of emergency, police officers in regulating traffic may depart temporarily as far as may be necessary from the traffic regulations of this chapter.

Cross references. Enabling Act 255 of 1947 authorizes creation of police court.

#### 5102. Authorized Emergency vehicles; application to

The provisions of this chapter governing the movement, parking and standing of vehicles, shall not apply to authorized emergency vehicles while the drivers of such vehicles are operating the same in an emergency in the necessary performance of duty. Said vehicles shall have the right of way in any street and through any procession when operated in such emergency, but shall approach all official traffic signs with due care.

#### 5103. Penalty

- (a) A person who violates sections 5150(c) or (d) of this chapter shall be fined not more than \$500 or imprisoned not to exceed six months or both.
- (b) A person who violates sections 5150(a) or (b) of this chapter shall be fined not more than \$300 or imprisoned not to exceed 90 days or both.
- (c) A person who violates sections 5151 (first sentence), 5152, 5153, 5163, 5164, 5165, 5167 5201 or 5204 shall be fined not more than \$100 or imprisoned not to exceed 30 days or both.
- (d) A person who violates the rate of speed provisions of section 5151 of this chapter shall be fined \$25 and \$5.00 per mile per hour he or she exceeds the applicable rate of speed provision, but not more than \$300 in total.
- (e) A person who violates any other provision of this chapter, in addition to any fine or imprisonment hereinabove provided, may be fined such sum as may be required to restore the official traffic sign to its original location and condition.

(Ch 09-25-1986)

5104. Waiver Schedule of Fines

- (a) A person who is charged with committing a violation of offenses set forth in Subchapters 2, 3, and 4 of this Chapter may waive appearance and trial and plead guilty or nolo contendere by a signed statement. The person shall submit a fine in an amount as established under subsection (b) of this section with the signed statement. The court shall accept the signed statement accompanied by the fine assessed as a plea of guilty or nolo contendere as indicated on the signed statement and shall proceed accordingly.
- (b) When a person waives appearance and trial and pleads guilty or nolo contendere by a signed statement in accordance with subsection 9 (a) of this section, a fine shall be imposed in accordance with the following schedule:

<u>Section</u>	<u>Name of Offense</u>	<u>Fine</u>
5150 (a)	Immoderate driving – 20 mph over speed limit per mile per hour in excess of speed limit (but not exceeding \$200)	\$ 5
5150 (b)	Immoderate Driving – Unsafe Driving	\$200
5150 (c)	Immoderate Driving – Reckless driving	\$400
5150 (d) (1)	Immoderate Driving-Excess Alcohol Alcohol plus \$50 per 0.01% by weight of alcohol in excess of 0.10%	\$250
5150 (e) (2)	Immoderate Driving – Under the Influence	\$250
5151	Right Side (non-speeding provisions) Speed Plus \$3 per mile per hour in excess of Speed Limit (but not exceeding - \$200)	\$ 50 \$ 10
5152	Approaching Fire Apparatus	\$ 50
5153	Driving Over Hose	\$ 50
5154	Passing	\$ 30
5155	Turn, Start or Stop	\$ 30
5156	Approaching Intersecting Streets	\$ 30
5159	Right of Way at Intersection	\$ 30
5160	Pedestrians	\$ 15
5161	Vehicles Operating or Standing on Sidewalks and Greenbelts	\$ 30
5162	Selling or Renting Vehicle in Street	\$ 30
5163	Accident Report	\$ 50
5164	Compliance with Directions, Signs or Signals	\$ 50
5165	Stop Signs	\$ 50
5166	“U” Turns	\$ 30
5167	Vehicle Passing Another Vehicle	\$ 50
5168	Traffic Control Signals	\$ 50
5203	Yield Right of Way Signs	\$ 30
5204	No right turn on red (Ch 1-25-06)	\$ 30
5205	Left turning lane	\$ 30
5206	Left Turns	\$ 30
5251	One-Way Streets	\$ 30
5252	Passing on One-Way Streets	\$ 30

(Ch. 08-08-2016)

- (c) Any law enforcement officer who issues a traffic ticket or summons for a violation of an offense to which subsection (b) of this section is applicable shall advise the alleged violator of the schedule of fines set forth in said subsection (b) and shall show him or her a copy thereof.

(Ch. 09-25-1986)

## **Subchapter 2. Operation of Vehicles**

### **SECTION**

#### **5150. Immoderate Driving**

No motor vehicle shall be operated or driven upon any of the streets of the city at any time in an immoderate manner. Operating or driving in an immoderate manner shall include with limitation:

- (a) operating or driving in excess of 20 miles per hour over the applicable rate of speed set forth in section 5151 of this chapter. A person may not be charged with violations of both section 5151, section 5150 (a) of this chapter arising out of the same incident;
- (b) operating or driving in a manner endangering or jeopardizing the safety, life or property of a person;
- (c) operating or driving in willful or wanton disregard for the safety of persons or property; and
- (d) operating or driving when the operator or driver:
  - (1) has 0.10 percent or more by weight of alcohol in his or her blood, as shown by chemical analysis of his or her breath or blood; or
  - (2) is under the influence of intoxicating liquor, any other drug, or both, such that he or she is incapable of driving in a moderate or safe manner.

(Ch 09-25-1986)

#### **5151. Right Side; Speed**

- (a) Vehicles shall keep in the right and near the right-hand curb, except as provided in Section 5252. No motor vehicle shall be operated or driven upon any of the streets of the city at any time at a rate of speed greater than 25 miles per hour, and suitable signs stating this speed limit shall be conspicuously posted at the city line on all public highways that enter the city.
- (b) Notwithstanding the provisions of subsection (a) of this section, no person shall operate a vehicle at a rate of speed greater than 35 miles per hour upon the following streets:

- (1) North Main Street from the city limits to Newton Street.
  - (2) South Main Street from the city limits to Diamond Street.
- (c) The Chief of Police has the authority to post a special lower rate of speed on any street, at any time, if in his opinion the safety of the public justifies the lower rate of speed.

Cross references. Local speed regulation, see 23 V. S. A. Section 1142. Municipal traffic regulation, see V. S. A. Sections 1008, 1009. Rules of road, see 23 V. S. A. Section 1031, et seq.

#### 5152. Approaching Fire Apparatus, Duties of Drivers of Vehicles and Animals.

In case of an alarm of fire, it shall be the duty of the owners or drivers of animals and vehicles in any street in which the fire department apparatus is approaching to move such animal or vehicle to the right of the center of the street without delay and stop, so as to give such fire apparatus free and unobstructed passage to the fire.

Cross references. Interfering with fire apparatus, see 23 V. S. A. Section 1093. Right of way, see 23 V.S.A. Section 1033.

#### 5153. Driving over hose or other apparatus

No person shall, without permission from the Chief or an assistant engineer, drive or ride any animal or vehicle over or upon any hose or other apparatus in use or laid by the department.

Cross references, Fire hose, driving vehicle over, see V. S. A. Section 1094 – 1095.

#### 5154. Passing

A vehicle overtaking another shall pass on the left side of the overtaken vehicle and shall not pull over to the right until entirely clear of it, except as provided in Section 5252 and 5167.

#### 5155. Turn, Start or Stop

The driver or person operating any vehicle, before turning the corner of any street, or turning out, or starting from, or stopping at the curb line of any street, shall first see that there is sufficient space free from other vehicles so that each turn, stop, or start may be safely made, and shall then give such signal as is required by the regulations of the State Motor Vehicle Department.

#### 5156. Approaching intersecting streets

A vehicle turning to the right into another street shall turn the corner as near to the right-hand curb as practicable and shall keep to the right of traffic posts known as silent policemen and shall slow down when approaching the same. A vehicle turning to the left into another street shall pass to the right of and beyond the center of the street intersection before

turning, except where official traffic signs or pavement markings direct otherwise and shall keep to the right of traffic posts known as silent policemen and shall allow slow down when approaching the same.

Cross references. Turning right or left, see 23 V. S. A. Section 1034.

#### 5157. Stopping close to Curb

- (a) Every vehicle legally stopped or parked upon a two-way roadway shall be stopped or parked with the right-hand wheel parallel to and within twelve inches of the right-hand curb or if there is no curb, within twelve inches of the edge of the roadway. A vehicle's wheels may rest against a curb, however no vehicle shall be parked with any of its wheels placed on top of the curb.
- (b) Every vehicle legally stopped or parked upon a one-way roadway shall be so stopped or parked parallel to and within twelve inches of the curb or if there is no curb, within twelve inches of the edge of the roadway, in the direction of authorized traffic movement. A vehicle's wheels may rest against a curb, however no vehicle shall be parked with any of its wheels placed on top of the curb.

(Added 06-29-1991, Ch. 08-08-2016)

#### 5158. Stopping, Standing or Parking, where prohibited.

- A. No operator or driver of any vehicle shall stop, stand, or park the same in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic sign: (1) Within an intersection, including areas indicated by hatched lines in the street or by signs that say "Do not block," (2) on a crosswalk, (3) within 15 feet of a fire hydrant, (4) in front of a private driveway, (5) on a bridge, viaduct or approach thereto, (6) with any portion of the vehicle obstructing any portion of any sidewalk as herein defined, (7) abreast of another vehicle in any street, (8) fire lanes as designated by the Chief of the Fire Department and posted by the owners, (9) on a bike lane. (Add. 02-15-1977, Ch. 03-14-2016, Ch. 08-08-2016).
- B. No operator or driver shall stop or park any portion of a vehicle on the greenbelt, unless written permission is obtained from the City Manager or his/her designee due to a temporary need, such as construction. As part of that permission, the City may require that the applicant restore or improve that portion of greenbelt within a certain amount of time. If the applicant does not complete the restoration within the time allotted, the City may do so at the applicant's expense. Notwithstanding the above, temporary parking in the greenbelt, such as for loading or unloading a vehicle, provided that such parking does not cause damage to the greenbelt, shall be permitted. (Added 08-08-2016)

#### 5159. Right of way at Intersection

Every driver of a motor vehicle or other vehicle, approaching an intersection, shall grant the right of way at the point of intersection to vehicles approaching from his right, providing that such vehicles are arriving at the point of intersection at approximately the same time,

except that whenever traffic officers are standing at such intersection, they shall have the right to regulate traffic thereat.

#### 5160. Pedestrians

Pedestrians on sidewalks must not obstruct a crossing or an entrance to a building.

(Ch. 09-25-1986)

#### 5161. Vehicles Operating or Standing on Sidewalks and Greenbelts

No horse, beast of burden, motorized vehicle, or trailer, except for children's toys and lawn mowers, shall be driven, backed, led, or allowed to stand on any sidewalk or greenbelt, except that wares or merchandise in process of loading or unloading may be transferred from trucks or other vehicles over the sidewalk by use of skids or other means, provided that a passage way is kept open for the free passage of pedestrians. Nothing contained in this section shall prevent the riding or driving of horses, beasts of burden, vehicles, or trailers from private property directly across the sidewalks of any street to the roadway, or from the roadway back to such private property.

(Ch. 08-08-2016)

#### 5162. Selling or Renting Vehicle in Street; Advertising

No person shall put, place, or park any vehicle on any public street for the purpose of selling or renting the same or for the purpose of displaying or advertising the same for sale or rent.

#### 5163. Accident report.

The operator of a motor vehicle who has caused or is involved in an accident which any person is injured or said motor vehicle or any other property is damaged to the extent of \$500 or more and the driver of any other vehicle who has caused or is involved in an accident with a motor vehicle in which any person is injured or property is damaged to the extent of \$500 or more shall immediately after such accident notify the police department, of the same and the place thereof, and the police department, upon receiving such notice, shall send forthwith a police officer to the scene of the accident to secure and report, for the use of the police department, all material information in regard to the cause of the accident and no such operator, driver, or any other person, shall challenge or alter the position or location occupied by such motor vehicle or other vehicle immediately after the accident, until such police officer arrives on the scene of the accident and has had full opportunity to make such inspection, examination, and inquiries as he deems necessary in regard to the position and location of such motor vehicle or other vehicles, and permits the removal of the same, provided, however, that any person may, before the arrival of a police officer and without his consent, alter or change the position of such motor vehicle or other vehicle only so far as may be required to remove a person injured in such accident and to render such person necessary assistance or to remove the body of any person killed in such accident.

(Ch 9-25-86)

Cross references. Statutory provisions, see 23 V.S.A. Section 1005.

#### 5164. Compliance with Directions, Signs or Signals

Pedestrians and drivers of vehicles shall at all times comply with any direction voice, hand, or sign of any member of the police department as to stopping, starting, approaching, or departing from any place and the manner of taking up or setting down passengers or loading or unloading goods in any place, and shall comply with the instructions and directions of all official traffic signs, unless directed otherwise by a member of the police department. It shall be unlawful for an operator, driver, or pedestrian to disobey the instructions of any official traffic sign, unless otherwise directed by a police officer.

#### 5165. Stop Signs

The following streets, avenues and roads shall have erected thereon stop signs so as to control the traffic as stated below. All vehicles, motorcycles and other forms of common conveyance shall be caused to come to a full stop by the operators thereof in obedience to the traffic-control signs. Such vehicles shall not proceed from the stop position until the road onto which it is proceeding is clear.

##### Single Stop Signs:

1. Adams Street at Lake Street
2. Aldis Street, traveling east, at entrance to Elementary School Parking Lot
3. Aldis Street, traveling east, at City Pool entrance
4. Aldis Street at Federal Street
5. Allen Street at Stebbins Street
6. Allen Street at Lower Welden Street
7. Bank Street at North Main Street
8. Barlow Street at Fairfield Street
9. Barlow Street at Diamond Street
10. Bellows Street at North Elm Street
11. Berkley Terrace at Fairfield Street
12. Beverly Court at Barlow Street
13. Best Court at North Main Street
14. Bishop Street at Church Street
15. Bishop Street at Lincoln Avenue
16. Borley Street at Messenger Street
17. Brainerd Street at North Main Street
18. Brown Avenue at Fairfield Street
19. Burnell Terrace at Upper Welden Street
20. Calo Court at Thorpe Avenue
21. Calvary Street at North Elm Street
22. Catherine Street at Lake Street
23. Catherine Street at Stebbins Street
24. Cedar Street at Pearl Street
25. Cedar Street at Lake Street
26. Center Street at Federal Street
27. Church Street at Bank Street
28. Church Street at Fairfield Street
29. Congress Street at North Main Street
30. Crest Road at Fairfield Street
31. Deal Street at Federal Street
32. Diamond Street at South Main Street

33. Diamond Street at Burnell Terrace
34. Donnelly Court at Messenger Street
35. Driscoll Drive at Smith Street
36. Ewell Court at Lincoln Avenue
37. Edward Street at Lake Street
38. Fairfax Street at South Main Street
39. Farrar Street at North Main Street
40. Federal Street at Lake Street
41. Federal Street at Lower Newton Street
42. Ferris Street at South Main Street
43. Ferris Street at Barlow Street
44. Finn Avenue at Lower Newton Street
45. Finn Avenue at Calvary Street
46. Freeborn Street at South Main Street
47. Upper Gilman Street at South Main Street
48. Lower Gilman Street at South Main Street
49. Guyette Circle at Edward Street
50. High Street at Lakeview Terrace, traveling north & south
51. High Street at Farrar Street, traveling north & south (Added 03-09-15)
52. High Street at Upper Newton Street, traveling north & south (Added 03-09-15)
53. High Street at Rublee Street, traveling north & south
54. High Street at Bishop Street, traveling north & south
55. High Street at Fairfield Street
56. Hodges Court at Burnell Terrace
57. Houghton Street at Lake Street
58. Houghton Street at Lower Welden Street
59. Hoyt Street at North Main Street
60. Hudson Street at Federal Street
61. Hunt Street at Lake Street
62. Huntington Street at Lake Street
63. Hospital Drive at Fairfield Street
64. Isham Avenue at High Street
65. Kingman Street at North Main Street
66. Kingman Street at Federal Street
67. Lakeview Terrace at North Main Street
68. LaSalle Street at North Elm Street
69. LaSalle Street at Pine Street
70. Lemnah Drive at Lower Welden Street
71. Lemnah Drive at Nason Street
72. Lincoln Avenue at Congress Street
73. Lincoln Avenue at Bank Street, traveling north & south
74. Lincoln Avenue at Bishop Street, traveling north
75. Lincoln Avenue at Fairfield Street, traveling north
76. Lincoln Avenue at Ferris Street, traveling north & south
77. Lincoln Avenue at Diamond Street, traveling north & south
78. Lincoln Avenue at Upper Gilman Street, traveling south
79. Locke Terrace at South Main Street
80. Lower Welden Street at Russell Street, traveling west
81. Maiden Lane at Congress Street (Ch. 11-09-2015)
82. Maple Street at Pearl Street
83. Maple Street at Lake Street

84. Messenger Street at Lakeview Terrace
  85. Messenger Street at Congress Street
  86. Murray Drive at Lake Street
  87. Nason Street at South Main Street
  88. New Street at South Main Street
  89. North Elm Street at Lower Newton Street
  90. North Elm Street at Railroad Crossing, traveling north & south
  91. North Elm Street at Lake Street
  92. Oak Street at Pearl Street
  93. Oak Street at LaSalle
  94. Orchard Street at South Main Street
  95. Parsons Avenue at South Main Street
  96. Pine Street at Lake Street
  96. Prospect Street at Congress Street
  97. Quarry Court at High Street
  98. Quintin Court at Beverly Court
  99. Rublee Street at Messenger Street
  100. Rugg Street at Lincoln Avenue
  101. Rugg Street at Barlow Street
  102. Russell Street at Lake Street
  103. Savage Street at Aldis Street
  104. Sawyer Street at Stowell Street
  105. Sawyer Street at Lower Welden Street
  106. Sheldon Road (Rte. 105) at North Main Street
  107. Smith Street at Congress Street
  108. Smith Street at Bank Street, traveling north & south
  109. Smith Street at Bishop Street, traveling north & south
  110. Smith Street at Fairfield Street
  111. South Elm Street at Lake Street
  112. Spruce Street at LaSalle Street
  113. Spruce Street at Lake Street
  114. Stanley Court, Upper & Lower, at Messenger Street
  115. Stebbins Street at South Main Street
  116. Stevens Avenue at Congress Street
  117. Stevens Avenue at Bank Street
  118. Stowell Street at South Main Street
  119. Stowell Street at Allen Street
  120. Sunset Meadows at Lower Newton Street
  121. Walnut Street at Lake Street
  122. Ward Terrace at Smith Street (Ch 10-26-2005)
- (Ch. 03-09-2015)

#### 5165-A. 4-Way Stop Signs

1. Aldis Street and North Elm Street intersection
2. Bank Street and High Street intersection
3. Barlow Street and Upper Welden Street intersection
4. Brainerd Street and Messenger Street intersection
5. Brainerd Street and High Street intersection
6. Congress Street and High Street intersection
7. Farrar Street and High Street

8. Farrar Street and Messenger Street
  9. LaSalle Street and Maple Street intersection
  10. Lincoln Avenue and Upper Welden Street intersection
  11. Lower Welden Street & South Elm Street intersection (entrance to housing complex)
  12. Bishop Street and High Street intersection (9-29-07)
  13. Lincoln Avenue and Ferris Street ((9-29-07)
  14. Lower Welden Street and Edward Street intersection
  15. North Elm Street and Pearl Street intersection
  16. Pearl Street and Walnut Street intersection
  17. Upper Newton Street and High Street
  18. Upper Newton Street and Messenger Street
- (Ch. 03-09-2015)

#### 5165-B 3-Way Stop Signs

1. Edward Street, Bowles Lane and Guyette Circle intersection
2. Upper Welden Street, traveling east & west and Thorpe Avenue intersection
3. Smith Street, traveling north & south and Forest Hill Drive (Ch 10-26-05)
4. Bishop Street, traveling east and west, and Brown Avenue (Added 03-09-15)

#### 5166. "U" Turns

No person while operating a motor vehicle upon a public highway within the City of St. Albans shall make a "U" turn so-called by crossing the center line of the highway and going in the opposite direction from the direction he or she was first proceeding.  
( Ch 9-25-86)

#### 5167. Vehicle passing another vehicle

No vehicle shall pass another vehicle on the following streets:

North Main Street from Lake Street to the City Limits  
 South Main Street from Lake Street to Diamond Street  
 Lake Street from Main Street to the City Limits  
 Fairfield Street from Main Street to the City Limits

This limitation shall not apply to vehicles when operated with due regard for safety under the direction of law enforcement officers in the performance of their duties, nor to fire department vehicles when traveling in response to an alarm, nor to public or private ambulances when traveling in emergencies.

#### 5168. Delivery Trucks

No person shall operate a truck in the Timed Parking Area on the following streets in the City for the purpose of loading or unloading, having an over-all length of more than 22 feet, between the hours of eleven o'clock in the morning and six o'clock in the evening, unless written permission is previously obtained from the Chief of Police for each operation, and no so-called blanket permit shall be issued hereunder:

- (A) North and South Main Street, except Commercial Vehicle Loading Areas as designated under Section 5309. (Added 05-15-1967, Ch, 08-26-2003, Ch. 04-14-2014)

#### 5169. Trucks Prohibited

Trucks larger than 22 feet shall be prohibited on the following streets at all times unless making local deliveries within the prohibited zone:

- (A) Forest Hill Drive beyond the driveway at #5 – 9 Forest Hill Drive

(Added 08-26-2003)

#### 5170. Bike Lanes

No motorized vehicle shall drive on a bike lane except under the direction of a public safety officer or certified traffic control officer or in order to cross the lane to enter a driveway, curb cut, or intersecting street. (Added 03-14-2016)

### **Subchapter 3. Traffic Lights and Signs**

#### **SECTION**

#### 5201. Traffic Control Signals; Meaning

Whenever traffic is controlled by traffic-control signals, exhibiting the words “Go”, “Caution” or “Stop”, or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and said terms and light shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (1) Green alone or “Go”.
  - (A) Vehicular traffic facing the signal, except when prohibited by law from passing a stopped school bus, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.
  - (B) Pedestrians facing the signal may proceed across the roadway.
- (2) Yellow alone or “Caution” when shown following the green or “Go” signal.
  - (A) Vehicular traffic facing the signal is thereby warned that the red or “Stop” signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or “Stop” signal is exhibited.
  - (B) No pedestrian facing such signal shall enter the roadway unless he

can do so safely and without interfering with any vehicular traffic.

- (3) Red alone or "Stop".
  - (A) Vehicular traffic facing the signal shall before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection, and shall remain standing until green or "Go" is shown alone.
  - (B) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
- (4) Red with green arrow.
  - (A) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians and to other traffic lawfully using the intersection.
- (5) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:
  - (A) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
  - (B) Flashing yellow (Caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed only with caution.
- (6) Red and Yellow.

Whenever the color red and the color yellow shall be exhibited together on any traffic light within the city, all traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and remain standing until green or "Go" is shown alone. Such red and yellow signal shall indicate that traffic is stopped from all directions to enable pedestrians to cross the roadway in any direction within the crosswalks, and no pedestrian shall, at any intersection where such red or yellow signals are exhibited together for pedestrian crossing, enter the roadway unless such signals are shown. Where traffic at any intersection is so controlled, signs shall be posted to indicate to pedestrians the existence of such controls.

Cross references. Municipal traffic regulation, see 23 V. S. A. Section 1008, 1009.

#### 5202. Traffic Light Locations

- (a) The stop and go traffic lights now or hereafter located and in operation at the following intersections shall be continued in use and operation:

- (1) Main Street and Fairfield Street
- (2) Main Street and Lake Street
- (3) Main Street and Upper and Lower Newton Streets (Ch. 03-09-2015)
- (4) Main Street and St. Albans Shopping Center (located approximately at address of 149 North Main Street) (Ch. 03-09-2015)
- (5) Main Street and Upper and Lower Welden Streets (Added 03-15-1994, Ch. 03-09-2015)
- (6) Lake Street and Federal Street and Catherine Street (Added 03-09-2015)

5203. Yield Right of Way Signs

- (a) The police department shall place yield right of way signs in such locations, and shall make such changes in their location from time to time, as the City Manager shall direct.
- (b) All traffic facing such sign shall, notwithstanding any other provisions of this chapter, yield the right of way to intersecting or merging traffic.

5204. No right turn on red

A right hand turn on a red light will not be allowed at the following locations:

- a. From Lake Street onto South Main Street
- b. From Fairfield Street onto North Main Street

(Ch 01-25-2006)

5205. Left turning lane

There is hereby created on North Main Street for southbound traffic on North Main Street, a left turn lane:

- (a) At the St. Albans Shopping Center
- (b) At the intersection of Congress Street

(Added 05-08-1967)

5206. Left Turns

There shall be no left turns:

- (a) For Northbound traffic on Main Street into:
  - (1) Center Street
  - (2) Hoyt Street

- (b) For Eastbound traffic on Kingman Street into:
  - (1) Main Street

### **Subchapter 5. One-way Traffic; Left Turns**

#### **SECTION**

#### **5251. One-Way Streets**

The following streets are hereby designated as one-way streets, and all traffic and travel thereon, except pedestrians, shall pass in the directions indicated, and not otherwise.

- (1) Lincoln Avenue, northerly from Fairfield Street to Bank Street;
- (2) Bishop Street, westerly from Lincoln Avenue to Church street;
- (3) Hoyt Street, easterly from Federal Street to Main Street;
- (4) Center Street, westerly from Main Street to Federal Street;
- (5) Hudson Street, westerly from Main Street to Federal Street;  
(Added 5-8-67)
- (6) Spruce Street, northerly from Lake Street to the intersection of Lasalle Street  
(Added 11-19-81).
- (7) Maiden Lane, northerly from Bank Street to Congress Street  
(Added 04-29-2003, Ch. 11-09-2015)

#### **5252. Passing on One-Way streets; Marked Lanes**

On those streets of the city designated for one-way traffic, and on those streets of the city where, by appropriate pavement markings, more than one lane of traffic is designated for vehicles proceeding in the same direction, it shall be lawful to overtake and pass a vehicle proceeding in the same direction on either side thereof. The operator of any vehicle upon any such street, shall, before turning his vehicle from one traffic lane into another traffic lane, indicate by hand signal or directional light his intention so to do. Where traffic lanes are so marked as to indicate their use for right turn only, left turn only, through traffic only, or a combination of the same, no person shall operate a motor vehicle except in the direction indicated by such markings.

## Subchapter 5. Parking

### SECTION

#### 5301. City Manager Power and Duties; Signs; using spaces

The City Manager shall conspicuously place suitable signs in and near the areas affected by the parking regulations of this chapter, plainly indicating such regulations, and may cause such signs to be painted on the surface of the street within said areas. The City Manager may regulate the manner of parking any vehicle, in places where parking is permitted, by causing parking space for vehicles to be marked off or painted on the pavement of the street in the areas affected, and no person, in places where such spaces are marked off or painted for the parking of vehicles, shall park any vehicle otherwise than wholly within a space so marked off or painted.

Cross references. Parking, places where prohibited, see Section 5158.

#### 5302. Unlawful Parking as Public Nuisance; Towing

The parking of any vehicle within an intersection, on a crosswalk, within 15 feet of a fire hydrant, in front of a private driveway, on a bridge, viaduct or the approach thereto, on a sidewalk, within any area wherein parking is prohibited by section 5308 through 5313 or in violation of section 5162, is hereby declared to be a public nuisance, and the Chief of Police may remove any vehicle so parked, or cause it to be removed, at the sole expense of the owner of such vehicle, to any public garage or other place designated by him within the City of St. Albans, by towing or otherwise. In the event of such removal, the provisions of sections 5303 – 5307, inclusive, shall apply.

Cross references. Parked vehicles, towing away, see 23 V.S.A. Section 1752.

#### 5303. Record of Removed Vehicle

The Chief of Police and the owner of any public garage to which such vehicle is removed shall keep a record of each vehicle so removed by manufacturer's trade name or make, registration number or motor number if the vehicle be not registered, registered owner if the vehicle bear Vermont registration, such other descriptive matter as may be necessary to identify such vehicle, and the name and address of any claimant thereof. The Chief of Police shall, in addition, keep a record showing date of such removal, place to which such removal, is made and the reason for such removal. All such records shall be open to public inspection at all times, and the Chief of Police shall publish in a newspaper of general circulation in the city the record of any vehicle which shall remain unclaimed for a period of 5 days.

#### 5304. Reclaiming of Vehicle

Before the owner shall be permitted to reclaim a vehicle which has been removed pursuant to section 5302 he shall:

- (1) Furnish satisfactory evidence to the Chief of Police and to the owner or person in charge of such public garage of his identity and of his ownership of such vehicle.

- (2) Pay to the police department all charges for removing said vehicle and all charges for the storing or parking thereof, and for publication of record of removal.
- (3) Sign a written receipt acknowledging delivery of said vehicle.

#### 5305. Charges

No charges made or incurred hereunder shall be in excess of the rate ordinarily charged by the person making such removal or doing such storing or parking, and if such removal, storing or parking is done by the police department, such charges shall be in conformity with prevailing rates therefor in the city.

#### 5306. Lien; Foreclosure

Any and all expenses incurred by the City, or any of the departments thereof, under and by virtue of sections 5302 – 5307, shall be and become a lien upon the motor vehicle removed as herein authorized, and such lien may be foreclosed in accordance with the procedure provided in section 2075 of Title 9, Vermont Statutes Annotated.

#### 5307. Charges Not a Fine, Penalty or Forfeiture

No charges made or incurred hereunder shall be considered to be a fine, penalty or forfeiture. The removal and storage or parking of any vehicle under sections 5302 – 5306 shall not be a bar to the institution and prosecution of criminal proceedings against the owner or operator of such vehicle.

#### 5308. No Parking Areas

No person shall park any vehicle, at any time:

- (a) On any street, within 20 feet of the curb line of another street; within 30 feet upon the approach to any flashing signal, stop sign, or traffic control light located at the side of a roadway; or within such other distance as the City Manager shall determine and cause to be indicated as provided in section 5301, such determination to be based, in each instance, upon existing traffic conditions and sight lines at street intersections. (Ch. 03-14-2016)
- (b) In any space herein or hereafter specified by the City Council as reserved for a bus stop.
- (c) In any of the following areas:
  - (1) On the southerly side of Bank Street between Church Street and Smith Street.
  - (2) On the westerly side of Barlow Street.
  - (3) On the southerly side of Bishop Street, except that on Sunday, parking is allowed between the hours of 8 AM to 12 AM (noon) from the westerly exit of the Episcopal Church (St. Luke's) parking lot to the easterly side of the Church Street sidewalk. (Ch. 3-29-88)
  - (4) On the southerly side of Brainerd Street.

- (5) On the westerly side of Catherine Street.
- (6) On the southerly side of Center Street.
- (7) On the southerly side of Congress Street.
- (8) On the southerly side of Diamond Street.
- (9) On the westerly side of Edward Street.
- (10) On either side of Fairfield Street between Lincoln Avenue and the City Limits to the east. (Ch. 03-14-2016)
- (11) On the southerly side of Farrar Street.
- (12) On the westerly side of Federal Street between a point 50 feet north of Kingman Street and Lower Newton Street
- (13) On the southerly side of Ferris Street
- (14) On the northerly side of Ferris Street between Main Street and Lincoln Avenue.
- (15) On the westerly side of High Street.
- (16) On the northerly side of Hoyt Street
- (17) On the northerly side or southerly side of Hudson Street.
- (18) On the southerly side of Lake Street between Catherine Street and Market Street.
- (19) On the westerly side of Lincoln Avenue.
- (20) On the northerly side of Locke Terrace.
- (21) On the northerly side of Lower Newton Street between Main Street and Federal Street.
- (22) On the northerly side of Lower Welden Street.
- (23) On the westerly side of North Elm Street.
- (24) On the easterly side of North Main Street between Hoyt Street and the City Limit on the north.
- (25) On the southerly side of Rugg Street.
- (26) On the westerly side of Smith Street.
- (27) On the westerly side of South Elm Street.
- (28) On the westerly side of South Main Street between Locke Terrace and north line of H. P. Hood & Sons.
- (29) On the westerly side of Spruce Street.
- (30) On the southerly side of Stebbins Street between the east line of W. G. Fonda Co. and South Main Street.
- (31) On the southerly side of Stowell Street.
- (32) On the southerly side of Upper Newton Street.
- (33) On the southerly side of Upper Welden Street.
- (34) On Hudson Street. (Ch 5-08-67)
- (35) On the easterly side of Church Street (eastside) "except 8 AM until 1:00 PM" on Sundays. (Ch 1-10-05)
- (36) On the westerly side of Church Street between the hours of 8:00 PM and 6:00 AM daily (Ch 9-24-80)
- (37) On the northerly side of Bellows Street between North Elm Street and the easterly (Southeast corner) boundary of the City of St. Albans Elementary School property. (Add 7-28-89)
- (38) On the northerly side of Calvary Court between North Elm Street and the entrance to Calvary Cemetery and the southerly side of Calvary Court between North Elm Street and the easterly boundary (northeast corner) of the City of St. Albans Elementary School property. (Add 7-28-89)
- (39) On the easterly side of Pine Street between Lake Street and Pearl Street. (Add 9-17-89)

- (40) On the westerly side of Pine Street from a point 135 feet north of the northerly edge of the Lake Street right-of-way to the intersection of Pine and Pearl Streets. (Add 4-21-90)
- (41) On the southerly side of Aldis Street between North Elm Street and Stevens Brook. (Add 6-5-90)
- (42) On the easterly and westerly sides of Sawyer Street, from Lower Welden Street to Stowell Street, between the hours of 7:00 AM and 3:00 PM Monday through Friday, excluding holidays. (Add 3-26-91)
- (43) On the easterly side of High Street between Brainerd Street north to City Limits. (Add 6-29-91)
- (44) On the westerly side of North Main Street between Hoyt Street and the City Limits on the north. (Add 11-5-91)
- (45) On the northerly side of Rugg Street between the hours of 8:00 AM and 10:00 AM on Monday through Friday, excluding holidays. (Add 1-28-92)
- (46) On the easterly side of Lincoln Avenue, between Fairfield & Diamond Streets, between the hours of 8:00 AM and 10:00 AM Monday through Friday, excluding holidays. (Add 1-28-92) and (Ch 3-14-95)
- (47) On the south side of Rublee Street (Added 12-13-02)
- (48) On the easterly side of Messenger Street between Congress and Brainerd Streets. (Add 7-21-06)
- (49) On the northerly side of Ferris Street, between Lincoln Avenue and Barlow Street, between the hours of 8:00 AM and 10:00 AM Monday through Friday, excluding holidays. (Add 9-29-07)
- (50) On either side of South Main Street south of Nason Street. (Added 03-14-2016)
- (51) On either side of North Main Street north of Hoyt Street. (Added 03-14-2016)
- (52) On either side of Lake Street west of Edward Street. (Added 03-14-2016)

#### 5309. Commercial Vehicles Loading Area

The Chief of Police may from time to time as is deemed necessary authorize the markings of loading zones within the parking meter area for the use of commercial vehicles carrying merchandise while loading and unloading such merchandise.

#### 5310. Sunday Restrictions

No person shall park any vehicle on Sunday on the northerly side of Fairfield between Lincoln Avenue and High Street.

#### 5311. Winter Parking

- (a) No person shall, between the hours of 1 AM and 6 AM, including Sunday and legal holidays, during the period from December 1<sup>st</sup> of every year to March 15<sup>th</sup> of the following year, park any vehicle within the limits of any public street of the city, with the exception of Main Street, which hours shall be between 12:00 Midnight and 6 AM. (Ch 12-28-70)

- (b) Notwithstanding the provisions of the foregoing subsection, and notwithstanding the provisions of section 5158(6), it shall not be unlawful for any person to park a motor vehicle during the period from December 1 of any year to March 15 of the succeeding year in that portion of a public street lying between the curb line and the adjacent property line of premises owned or occupied by him in such a manner as not to obstruct any paved sidewalk laid out for pedestrian traffic, and in such a manner as not to obstruct the snow removal from any public street, providing he has obtained temporary permit from the City Manager.
- (c) The use of public taxicab stands by taxicabs with drivers in attendance shall not be prohibited by subsection (a) of this section.
- (d) (Deleted 12-23-03)

#### 5312. Bus Stops

The following spaces are hereby designated as bus stops:

- (1) On the east side of Main Street, between the two Commercial driveways leading to, Simpson Motors, Inc.
- (2) On the west side of Federal Street, in front of the railroad station.

#### 5313. Police Parking

No person shall park any vehicle other than a police vehicle, at any time, on the west side of Main Street in the parking space so marked in front of City Hall.

#### 5314. Tourist Information Parking

The following spaces are hereby designated as tourist information only parking:

- (1) Two spaces on the east side of North Main Street in front of George S. Wood, Inc.
- (2) Two spaces on the west side of North Main Street in front of 128 North Main Street (Ch 6-12-66)

#### 5315. Street Department Work

For the purpose of cleaning, clearing, oiling, repairing, or surfacing a street, the street department may close such street to the parking of vehicles by causing signs to be posted thereon, in conspicuous locations, indicating the prohibition of parking thereon. Such prohibition shall be effective as of midnight, provided said signs are so posted not later than 4:00 P.M. of the preceding day. Such prohibition shall remain in effect until said signs are removed, and during the period when parking is so prohibited, no person shall park a motor vehicle on any such street.

#### 5316. Parking Restrictions – Trucks

No person shall park a truck having an over-all length of more than twenty-two

feet on Main Street between Stebbins and Hoyt Streets, Lake Street between Main and Elm Streets, Federal Street between Lake and Center Streets, nor on Kingman, Center, and Catherine Streets between the hours of 11:45 AM and 1:15 PM unless written permission is previously obtained from the Chief of Police for each such operation, and no so-called blanket permit shall be issued hereunder.

5317. Parking Restrictions – Parades

Nothing herein contained shall be interpreted to prevent the Chief of Police, and his officers working under his direction, from clearing any needed streets within said parking meter zones of and from all vehicular traffic during, and preparatory to, parades.

5318. General Prohibition; Evidence

- (a) It shall be unlawful for the owner of a motor vehicle to suffer, permit, or authorize the use of such motor vehicle in violation of any regulation governing the parking or leaving of such vehicle on any public street of the city or in or upon any other place within the city where the parking or leaving of such vehicle is governed by regulation.
- (b) The presence of any motor vehicle in or upon any public street of the city, or in or upon any other place within the city where the parking or leaving of the same is governed by regulation, in violation of any regulation governing the parking or leaving of such vehicle, shall be prima facie evidence that the person in whose name such vehicle is registered on the records of the commissioner of motor vehicles of the State of Vermont committed or authorized such violation.

5319. Parking time limited on certain streets.

No person shall park a vehicle upon any of the streets or parts thereof described in the following schedule, for longer than the time limit shown upon any of the following streets or parts of streets:

<u>Name of Street</u>	<u>Time Limit</u>
Hoyt Street	Monday – Friday 9:00 – 5:30 PM Excluding Holidays
(Ch 10-10-1977)	

5320. Parking Violation Schedule of Fines

- (a) A person who is charged with committing a parking violation shall submit a fine in the amount established under subsection (b) of this section.
- (b) Fines for parking violations will be as follows:

AGAINST FLOW OF TRAFFIC	5157(a)	\$25.00
AGAINST FLOW OF TRAFFIC – 1 WAY STREET	5157(b)	\$25.00

BLOCKING STREET/ALLEY/DRIVEWAY	5158	\$25.00
BUS STOP	5308(b)	\$25.00
DOUBLE PARKING	5158	\$25.00
FIRE HYDRANT	5158	\$25.00
FIRE LANE	5158	\$50.00
(Ch. 02-23-2007)		
HANDICAPPED	5164	\$50.00
LOADING ZONE	5309	\$25.00
NO PARKING ZONE	5164; 5308; 5317	\$25.00
NO PERMIT	5352(b); 5404(2)	\$25.00
NOT IN SPACE	5301; 5352(a);	\$25.00
OT – PARKING LOT	5401; 5403; 5404(2)	\$15.00
OT – STREET	5351(a); 5352(c)	\$15.00
OT – HOYT STREET	5319	\$15.00
OWNER RESPONSIBLE FOR VEHICLE	5318 (a) (b)	\$25.00
PARALLEL PARKING ONLY	5301	\$25.00
PRIVATE PROPERTY	5051	\$25.00
TOO CLOSE TO CORNER	5308(a)	\$25.00
VEHICLE ON CROSSWALK	5158	\$50.00
VEHICLE OBSTRUCTING SIDEWALK	5158	\$15.00
(Ch. 08-08-2016)		
VEHICLE ON GREENBELT	5158	\$15.00
(Added 08-08-2016)		
ANY OTHER VIOLATION OF SEC. 5158	5158	\$30.00
(Ch. 08-08-2016)		
PARKED W/ WHEEL ON TOP OF CURB/ TOO FAR FROM CURB	5157	\$15.00
(Ch. 08-08-2016)		
WINTER PARKING BAN	5311 (a)	\$25.00

(Ch. 08-08-2016)

(c) All violations will have a \$2.00 administrative fee added if not paid, or contested, within 7 days of issue.

(d) Individuals who fail to pay their fines within 30 days will be subject to prosecution. In such prosecutions, additional penalties of \$50 for each offense may be assessed. In addition, the vehicles of such individuals may be placed on the scofflaw list (Section 5501).

(Added 08-25-2006)

## Sub-Chapter 6. Timed Parking Zones

### SECTION

#### 5351. Designation of Zones

- a. The following described streets and areas in the City of St. Albans are hereby designated and established as two and a half hour parking areas, except for any spaces otherwise designated for 30 minutes under section 5351(b):
  - (1) The east side of North Main Street from Fairfield Street north to the south property line of the Pomerleau Shopping Center.
  - (2) The west side of North and South Main Streets from the north side of Stebbins Street north to Hoyt Street with the exception of the portions described in (b) of this section as thirty minute parking zones.(Ch 5-14-07)
  - (3) Kingman Street on the north and south sides between Federal Street and North Main Street.
  - (4) Lake Street north and south sides between South Main Street and the intersection of North and South Elm Streets with said Lake Street.
  - (5) The east and west sides of Federal Street between the north side of Lake Street and the south side of Center Street.
  - (6) The east side of Catherine Street from the intersection of Lake Street south to the north driveway of the shopping plaza.
  - (7) Stebbins Street north and south side from South Main Street to Allen Street. (Ch 12-06-2005)
  - (8) Bank Street on the north side between the intersection of North Main Street and Maiden Lane and on the south side of Bank Street between the intersection with North Main Street and the west side of Church Street.
  - (9) Congress Street on the north side between North Main Street and the intersection of Messenger Street.
  - (10) Center Street north side between Federal and North Main Street. (Ch 03-30-1993)
  - (11) West side of Maiden Lane from Congress to Bank Street. (Added 1-5-99)
  - (12) On the east side of parking lot No. 2 from Lake Street along the west side of the building at 26 Lake Street and clearly

marked as two and one-half hour parking. (Added 7-6-06)

- (13) On the east side of parking lot No. 1 from Lake Street along the west side of the building at 19-27 Lake Street clearly marked as two and one-half hour parking. (Added 07-06-2006)
- b. The following described streets in the City of St. Albans are hereby designated and established as thirty minute parking zones.
- (1) South Main Street from the intersection of Lake Street south to the first crosswalk on South Main Street (west side) from the hours of 9:00 a.m. to 6:00 p.m. Monday through Saturday.  
(Added 07-29-2003)
  - (2) The two parking spaces on the west side of Federal Street immediately in front of the building at 44-46 Federal Street from the hours of 7:30 a.m. to 5:30 p.m. Monday through Saturday.  
(Added 04-14-2014)
  - (3) The two southern-most parking spaces before the mid-block crosswalk curb extension on the west side of North Main Street and near 36-38 North Main Street from the hours of 9:00 a.m. to 6:00 p.m. Monday through Saturday.  
(Added 04-13-2015)
- c. The provisions of subsection (a) of this section shall be effective during the hours from 9:00 AM to 6:00 PM Monday through Saturday, provided however, that said subsection shall not be effective on legal state holidays, or on Mondays succeeding legal state holidays which fall on Sunday.  
(Ch 03-30-1993, 03-11-2013)
- d. The following described streets and areas in the City of St. Albans are hereby designated and established as two and a half hour parking areas, effective during the hours from 6:00 AM to 6:00 PM Monday through Friday:
- (1) The eastern side of South Elm Street, along Houghton Park.  
(Added 06-13-2016)

#### 5352. Time Periods: Limitations on Time

- a. When any vehicle shall be parked in a parking space in designated parking zones the operator of the vehicle shall park the same within the area designated therefor by the curb or street markings as indicated for parallel or diagonal parking, and comply with the instructions on the nearest official sign.  
(Ch 03-30-1993)
- b. Vehicles utilizing permit parking areas may do so only after obtaining a parking permit from the Police Department. The permit authorizes the bearer to park without other charge at any time in designated city parking lots.  
(Ch 12-23-2003)  
Note: d - deleted

5353. Bus Stops

Bus stops will be marked with appropriate signs.

5354. Taxi Stands

Taxi stands will be marked with appropriate signs.

5355. Parades

Nothing herein contained shall be interpreted to prevent the Chief of Police, and his officers working under his direction, from clearing any needed streets within said parking zones of and from all vehicular traffic during, and preparatory to, parades.

(Ch. 03-03-1993)

5356. Separability

The provisions of this subchapter are hereby declared to be separable, and if any section, provision or part thereof be held unauthorized, unconstitutional or invalid, then such holding shall not affect the validity of the subchapter as a whole, or any section, provision, or part thereof not so held.

(Ch 03-30-1993)

## **Subchapter 7. Parking Lot Regulations**

### **SECTION**

5401. Parking Lots: The following lots are hereby designated as parking areas for metered and permit parking of vehicles. These lots are open to properly permitted vehicles at any time. Other vehicles may park in these lots between the hours of 6:00 PM to 6:00 AM Monday through Saturday, legal holidays and on Mondays succeeding legal holidays which fall on Sunday. (Ch 12-23-03)

- (1) The City owned lot in the center of the business block bounded by North Main Street, Lake Street, Federal Street and Kingman Street, and is hereby designated and called Municipal Parking Lot No. 1.
- (2) The City owned lot on the south side of Lake Street midway between South Main Street and Catherine Street, and is hereby designated and called Municipal Parking Lot No. 2.
- (3) The City owned lot directly west of City Hall and abutted on the north by Hudson Street, the east by City Hall, the south and west by private property.

(Ch 12-23-2003)

5402. Installation and operation of Parking Lots

The City Council adopted a Resolution designating parking lots 1 through 3 are used for permit parking. The City Manager shall insure that permit holders are either employed or reside in the downtown district. The City Manager shall distribute permits in a fair and equitable manner through the Police Department, utilizing downtown employers whenever possible.  
(Resolution adopted 11-10-2003)

#### 5403. Rates

- (1) The City Council will establish the hourly rate of parking by duly adopted resolution.

(Resolution adopted 11-10-03)

- (2) The annual rate of charge for each vehicle utilizing a parking lot permit shall be set by the City Council, from time to time, by duly adopted resolution. The permit fee authorizes the bearer to utilize the designated lot without further charge. The permit shall be displayed in the front window of the vehicle so that it is visible to enforcement personnel inspecting said lots. Permits may be transferred to other vehicles owned by the purchasing individual.

(Resolution adopted 11-10-2003)

- (3) The presence of any motor vehicle in or upon any designated parking zone or lot subject to this subchapter in violation of any regulation governing the parking or leaving of such vehicle in or upon said municipal parking lot shall be prima facie evidence that the person in whose name such vehicle is registered committed or authorized such violation.

(Ch. 10-23-1990)

#### 5404. Improper Parking; exceeding Time; Failure to Deposit Coin

- (1) It shall be unlawful for any person owning or controlling a motor vehicle to fail to park that vehicle when parking within a parking lot, in a designated space, beyond the maximum time indicated on the parking device receipt or except as herein otherwise provided, to fail or neglect to deposit the proper coin or coins, as set forth in this subchapter.

(Ch 03-30-1993)

- (2) It shall be unlawful for any person owning or controlling a motor vehicle, to park said vehicle within any area designated as a permit parking area during the time periods indicated in subsection 5353 (d), or except as herein otherwise provided, without first having obtained a parking permit from the Police Department as setforth in this subchapter.

(Ch 03-30-1993)

- (3) For the purpose of enforcing the provisions of St. Albans City Ordinances, employees of the City of St. Albans may from time-to-time place chalk marks on the tires of vehicles parked within the city. No person shall remove said chalk mark from said vehicle parked within a municipal parking space. Any person found guilty of violating the provisions of this section shall be fined \$50.00.

(Added 02-23-2007)

#### 5405. Slugs, Devices; Tampering

The following acts shall be unlawful:

- (1) For any person subject to this subchapter to deposit, or cause to be deposited, in any parking device within said areas, any slug, device or other substitute for a coin of the United States.
- (2) For any person subject to this subchapter to tamper with, open without authority, break or destroy any parking device.

#### 5406. Effectiveness

The provisions of subsection 5403 and 5405 of this subchapter shall not be effective on legal state holidays.  
(Ch. 12-23-03)

### **Subchapter 8. SCOFFLAW ORDINANCE**

#### **SECTION**

#### 5501. Establishment and Maintenance of Scofflaw List

The Chief of Police is hereby authorized to create and maintain a list of all vehicles which have accumulated within the preceding 36 months, 2 or more unpaid parking violations. Before placing any vehicle on said list, the Police Chief shall notify the registered owner of this proposed action. The notice will be sent by first class mail, to the address on record at the State Department of Motor Vehicles, on forms prescribed and provided by the City Manager and shall (A) describe the year, make and serial number of the vehicle, (B) contain a list of the unpaid tickets and the total amount of accumulated charges, and (C) provide a warning that unless said charges are paid within fifteen (15) days of the date of the notice, said vehicles will be placed on the scofflaw list forthwith.

(Ch: 8-25-06)

#### 5502. Removal and Storage of Vehicles

Any vehicle which has been placed on the scofflaw list and is parked on any public street or in any other place within the city where the parking or leaving of said vehicle is governed by city ordinance may be removed and stored until the charges for all outstanding parking violations, towing, and storage charges have been paid.

(Added 3-30-93)

#### 5503. Notification of Owner/Holder of Security Interest

The Chief of Police shall notify by first class mail, the registered owner of the stored vehicle and any holder(s) of a security interest therein if the identity of same can be readily ascertained within five (5) business days of the removal and storage of said vehicle.

(Added 3-30-93)

#### 5504. Storage of Vehicles

Vehicles shall be removed, stored and returned according to provisions of sections 5303, 5305, and 5306 of this title. (Added 3-30-93)

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## **TITLE 19: WATER SYSTEM OPERATIONS**

This Ordinance establishes the policies, rules, regulations and rates necessary to govern and operate the municipal water system of the City of St. Albans, Vermont. This ordinance supersedes all previous rules, regulations and ordinances and applies to all users regardless of the municipality in which they are located. All existing agreements between individual property owners and the City of St. Albans, Vt. shall remain in effect provided such agreement is recorded in the City of St. Albans Clerk's Office.

### **Section 1. Authority**

This ordinance is adopted under authority granted in 24A V.S.A. Ch. 11, §§11-18(11), (12), (13), (14), (16) and 24 V.S.A. §§ 3625 and 3313.

### **Section 2. Definitions**

- a. Board – Board of Water and Sewage Disposal Commissioners comprised of the St. Albans City Council.
- b. City and COSA –City of St. Albans.
- c. COSAWS –City of St. Albans Water System.
- d. Council –The City Council of the City of St. Albans.
- e. Department-The City of St. Albans Water Department.
- f. Easement – Refers to legal access onto another's real property for a limited use such the installation and maintenance of facilities such as water pipes, sewers and storm drains. Similar to a Right of Way.
- g. Main – a water pipe used for the purpose of transmission or distribution of water serving more than one customer, but not a water service line.
- a. Manager – The City of St. Albans City Manager or a representative authorized by the Manager.
- h. Meter-any device for measuring the quantity of water used as a basis for determining charges for water service to a customer.
- i. Property owner – That person(s) or user identified as owner of a property by recorded deed.
- j. ROW- Right-of-Way. Refers to legal access onto local and state roads, streets and/or highways for a limited use such as the installation and maintenance of facilities such as water pipes, sewers, and stormdrains. Similar to an easement.

- k. Service- the water pipe that runs between the COSA water main and the customer's place of consumption. A service can only serve one unit.
- l. Service Line- see "Service" for definition.
- m. Subdivision- Shall mean a tract of land, owned or controlled by a person as defined herein, which has been partitioned or is intended to be divided for the purpose of sale or lease into two (2) or more lots. A subdivision shall include any development of a parcel of land such as a commercial or industrial complex, multi-family project, planned unit development, or planned residential development.
- n. "Superintendent" - shall mean the Superintendent of Public Works of the City of St. Albans, or its authorized deputy, agent, or representative.

### **Section 3. General Requirements**

- a. Groundwater development is prohibited within the political boundaries of the City of St. Albans.
- b. Only the Council of the City of St. Albans has the authority to change, alter or amend this ordinance.
- c. The daily operation and maintenance of the COSAWS is hereby delegated to the Manager of the City of St. Albans.
- d. No connection, new or renewal may be initiated without first having submitted and had approved a COSAWS application. Any individual who establishes a new connection to COSAWS without first having obtained written approval from the Manager or the Board will be charged with theft of service and will be prosecuted in accordance with the ordinances of the COSA and/or the laws of the State of Vermont.
- e. All COSAWS services will be metered.
- f. The costs associated with the establishing of new services, the maintenance, extension or alterations of existing services, disconnections, shut offs, etc. will be assessed in accordance with the policies established in this ordinance.
- g. The installation of a new service or renewal/alteration of an existing service will be completed in accordance with the application as approved by the Manager and/or the Board. In the event the applicant fails to comply with all conditions of the approved application, the Manager and/or the Board has the authority to deny the applicant water service.

Upon completion of installation, all service lines from the COSAWS tapped main to the property shut-off box shall become the property of COSAWS. The owner shall transfer to COSA, at the owner's expense, all easements, ROW's, etc., for the area along the service line between the COSA main and the shut-off box. This transfer shall occur prior to the installation of individual service lines. The service line from the shut-off box back to the owner's place of consumption is the property of the owner's.

- a) For service lines 1-inch diameter and smaller: The property owner is responsible for one-half (1/2) the cost of construction and maintenance from the water main to the shut-off box; the COSA is also responsible for the other one-half (1/2) of the cost of construction and maintenance. The entire cost of construction and maintenance from the shut-off box to the owner's place of consumption in the owner's responsibility. The COSA shall pay one-half (1/2) the cost of only one service from the main to the shut-off box; the property owner is responsible for the full cost of additional services.
- b) For service lines greater than 1-inch diameter: The owner is responsible for the total cost of construction and maintenance of the entire length of the service lines.
- h. COSAWS will provide water service outside the legal limits of the City of St. Albans provided the applicant obtains approval of the Municipal Officials of the municipality in which the property is located and the applicant complies with all regulations of that municipality and the State of Vermont and provided the applicant properly adheres to the application requirement outlined herein, has their application approved by the Manager and/or the Board and agrees to pay and does pay the annual affiliation fee described herein, if applicable, to the City of St. Albans.
- i. All water rates shall constitute a lien upon the premises to which water is delivered from date the same becomes due and until paid, and the owner of every building, premises, lot or house, shall be liable for all water delivered to or taken and used upon his premises, which lien and liability may be enforced by the City by action at law or suit to enforce such lien.
- j. All water use rates shall be charged to owners or its designated agent, of the building(s) or premises supplied, whether used by themselves, their tenants, agents, or servants and such owners will at all times be held responsible for the same.
- k. All rates for the use of water as herein provided shall be due and payable to the City Treasurer's office in City Hall at the time of billing.
- l. Seller/buyers of property shall be responsible for resolving outstanding water bills at time of transfer.
- m. COSAWS is the sole agent for the City of St. Albans water system. No individual, when

installing a new main (or service), or extending an existing main (or service), shall in any manner whatsoever, commit COSAWS to providing water service to a third party.

#### **Section 4. Service Classifications**

COSAWS users will be classified in one of three categories listed below. In event an applicant's use is not listed below, the Manager will determine which category applies.

- a. Residential: All structures, regardless of the number of apartment or condominium units, and mobile homes with or without land, owner occupied or rented, the principal use being that of a residence. It includes structures which house home occupations and industries as accessory use. A residential user can be co-located in a structure with commercial and/or industrial user.
- b. Commercial/Residential: All structures which house retail store, hotels/motels, lodging houses, care homes, clinics, hospitals, offices, churches, schools, service stations, fuel distribution, funeral homes, clubs, senior citizens centers, farms, utilities, government facilities and other similar uses. Also includes mix use such as a building with commercial and residential uses.
- c. Industrial: Manufacturing Plants, creamery, grain mills, and facilities with similar uses. Typical Industrial users produce a marketable product and its manufacturing produce a wastewater that may contain domestic wastewater but typically also produces wastewater that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply.

#### **Section 5. Water Service Charges**

There are three types of water charges in the rate schedule:

1. Base Rate: A flat fee to cover many of the fixed expenses associated in the operations and maintenance of the COSAWS.
2. Use Rate: A usage rate based on metered water consumption.
3. Non-City Users Surcharge: A surcharge on the base rate of non-city water system users that do not participate in the affiliation fee program.

For current rates and fees refer to the COSA "Water and Wastewater Rates and Fees Summary".

#### **Section 6. New Connections**

Individuals initiating a new connection are responsible for the total cost of labor, material and machine time resulting in the tapping of the City water main to the property shut-off box and all charges incurred from bringing the service from the shut-off box to the meter location,

will be borne by the applicant. In addition, a one-time connection fee as shown in the COSA "Water and Wastewater Rates and Fees Summary" shall be assessed.

### **Section 7. Renewal of Service**

All users will be responsible for all costs incurred for renewing services from the shut-off box to their meter and one half the total costs relative to renewing services from the main to the shut-off box.

### **Section 8. Excavation Fees**

- a. Prior to excavation within the COSA right-of-way, the applicant shall submit the COSA excavation/Access Permit application. No unauthorized person shall uncover, excavate, make any connections with or opening into, use, alter, or disturb any public water main or appurtenance thereof without first obtaining approval from the Superintendent.
- b. Any person performing work on City public property, or in the City public Right of Way, for the purpose of installing a service line shall file with the Superintendent, or its municipal designee, evidence of adequate insurance coverage for liability and property damage. Minimum amounts of coverage shall be established by the COSA.
- c. Excavation/Access Permit: No paving of any COSA street, alley or sidewalk shall be disturbed or broken for the laying of water services without the Owner submitting an excavation access permit application, paying the associated fees and receiving a permit. Backfilling of service cuts shall be under the supervision of the Superintendent.
- d. The applicant for the excavation/access permit shall notify the Superintendent, at least five (5) days before the service line is ready for inspection and connection to the public main. The connection shall be made under the supervision of the Superintendent or its representatives.
- e. All excavations for service line installation shall be adequately guarded with barricades and lights, provided by the applicant, so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the City.
- f. All excavations will be accomplished in accordance with the provisions of the City of St. Albans excavation ordinance. The applicant will be responsible for all fees associated with the excavation ordinance. Refer to the COSA "Water and Wastewater Rates and Fees Summary".

## **Section 9. Meters**

- a. To insure that consistency is maintained in measuring Owner's consumption only 5/8" meters obtained from COSAWS will be used. For services requiring meters 3/4" or larger, the meter size, type and manufacturer shall be approved by COSAWS. All water meters of all sizes will be paid by the Owners, both COSA and non-city Owners.
- b. Only COSAWS personnel, or personnel approved by the Manager or its designated representative may install, remove, replace or repair a water meter.

## **Section 10. Billing Procedures**

- a. Meter Reading: The COSAWS personnel read water meters by a remote meter reading system. Meters are read on a schedule to correspond with the billing schedule presented in the COSA "Water and Wastewater Rates and Fees Summary".
- b. A periodic bill will be provided upon request. The bill will contain the prorated share of the annual base rate; a use charge based upon the meter reading, and a special handling fee. Refer to the COSA "Water and Wastewater Rates and Fees Summary".
- c. All water bills shall be considered delinquent thirty (30) days after the billing date. All water rates interest and finance charges and court costs shall be a charge and lien upon the premises to which water is delivered from the date the same becomes due and until paid, and the owner of every building, premises lot or house, shall be liable for all water delivered to or taken and used upon its premises, which lien and liability may be enforced by the COSA by action at law or suit to enforce such lien.
- d. Delinquent water bills, shall bear interest at the rate of one percent (1%) per month, or fraction thereof, for the first three months and thereafter one and one-half percent (1.5%) per month or fraction thereof, from the due date of such water bill. Such interest shall be imposed on a fraction of a month as if it were an entire month.

## **Section 11. Disconnection of Service**

Under the statutory Uniform Water and Sewer Disconnect Procedure, water and sewer accounts which are not paid within 30 days of the date they are billed become delinquent and may be disconnected. Disconnections are subject to certain restrictions specified in the law which are set out below.

- a. Notice Requirements: Before disconnection can occur, the ratepayer must be given notice of delinquency and advised of the possibility of having their service interrupted. The notice must meet the following requirements:
  - i. It must be sent within 40 days after delinquency.
  - ii. It must be sent not more than 20 days, nor less than 14 days prior to the

planned disconnection of service.

iii. It must be on pink paper.

iv. It must be on the Uniform Notice Form provided for by law, informing the ratepayer of their delinquency, collection and reconnection fees, methods of arranging payment of the bill and appeal rights.

b. Restrictions: Disconnection shall not be permitted if:

- i. Aggregate delinquent bills do not exceed \$15.00.
- ii. The delinquency is based solely to a disputed portion of a charge, which is the subject of an appeal.
- iii. The delinquency is due to a failure to pay a non-recurring charge such as a deposit, special assessment or special construction charge.
- iv. The disconnection would represent an immediate and serious hazard to the health of someone within the ratepayer's household, as set forth in a physician's certificate filed with the COSAWS.
- v. The ratepayer has not been given an opportunity to enter into a reasonable agreement to pay the delinquent bill.
- vi. The ratepayer has entered into an agreement to pay the delinquent bill and is abiding by the terms of the agreement.
- vii. Adequate notice as required by law has not been given the ratepayer.

c. Disconnection Procedures

- i. If a ratepayer has received a notice of disconnection and no appeal is made or agreement reached on payment of the bill, disconnection can occur between 8:00 a. m. and 2:00 p.m. on any business day. A business day is defined as Monday through Thursday, except legal holidays when offices are not open to the public. When service is disconnected, the person making disconnection must inform a responsible adult on the premises or leave in a conspicuous and secure place notification that service has been interrupted and the procedures for reconnection.
- ii. After disconnection, restoration of service must occur within 24 hours of the request of the ratepayer when the cause of disconnection has been removed.

d. Appeals

Appeals may be made to the City Manager by a ratepayer desiring to appeal a water or sewer bill as to the proper amount of the bill or the correctness of the application of the rules and regulations.

## **Section 12: 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 water works. Any person violating this provision shall be subject to immediate arrest under charge of unlawful mischief as set forth in Title 13, Section 3701 of the Vermont Statutes Annotated.

### **Section 13: Powers and Authority of Inspectors**

- a. The Superintendent and other duly authorized employees of the COSA bearing proper credentials and identification shall be permitted to enter all private properties through which the COSA 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 water works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement, pertaining to the private property involved.
- b. While performing the necessary work on private properties the Superintendent or duly authorized employees of the City 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 City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company except as such may be caused by negligence or failure of the company to maintain safe conditions as required by State law.
- c. Notwithstanding any of the foregoing provisions, the City may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violations hereof.

### **Section 14: Penalties**

- a. Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- b. Any person who shall continue any violation beyond the specified time limit and upon conviction of a misdemeanor thereof shall be fined for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- c. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.
- d. Notwithstanding any of the foregoing provision, the COSA may institute any appropriate action including injunction, or other legal proceeding to prevent, restrain or abate violations hereof, and any other legal and equitable relief to seek compensatory damages & compensation for other fees & expenses as provided in this Ordinance.

## **Section 15. Miscellaneous Provisions**

- a. Temporary Service: Contractors may obtain temporary water service from COSAWS by requesting such in letter form addressed to the City Manager, North Main Street, St. Albans, Vermont. The request should indicate: contractor's name; property location, property owner, type of service desired, and period of time. All costs associated with
- b. Service extensions: No property owner may extend an existing service to any other structure located on his property without first having obtained written authority from COSAWS.
- c. Charge for Shutting off and Turning on Water: Any water user requesting COSAWS to shut off or turn on a water service shall be assessed a fee. Refer to the COSA "Water and Wastewater Rates and Fees Summary".
- d. All users are responsible for -notifying COSAWS whenever their meter is broken or malfunctions. If the meter has been damaged by neglect of the user, the user will be charged the cost of a replacement meter.

## **Section 16. Validity.**

- a. All other water ordinances or parts of water ordinances in conflict with this ordinance herewith are hereby repealed.
- b. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.
- c. This Ordinance may be amended at any time by the COSA as provided by law.

(Title 19 Ch. 11-09-15)

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## **TITLE 22: WATER AND WASTEWATER ALLOCATIONS**

The Council of the City of St. Albans hereby ordains an ordinance to regulate the process for obtaining a water and wastewater allocation from the City. The ordinance shall be incorporated into the St. Albans Municipal Code as Title 22.

### **Section 1. Authority**

This ordinance is adopted under authority granted in 24A V.S.A. Ch. 11, §§11-18(11), (12), (13), (14), (16) and 24 V.S.A. §§ 3625 and 3313.

### **Section 2: Governmental Purposes**

This ordinance is enacted for the following governmental purposes:

1. Regulate the review of water and /or wastewater allocation requests.
2. Establish a mechanism to consider water and wastewater allocation requests for properties located outside the legal limits of the City, while ensuring the City's designated downtown, tax base, economic development interests, and employment opportunities are not negatively impacted in the process.

### **Section 3. Definitions**

The meaning of terms used in this ordinance shall be as follows:

1. "Affiliation Fee" is an annual fee charged to water and/or wastewater users not located within the City or the Route 7 Wastewater District.
2. "Allocation" is a grant of water and/or wastewater capacity to a particular project and property and is subject to performance conditions, contractual obligations, and expiration dates as determined by the Board.
3. "Board" shall mean the Council of the City of St. Albans, acting as Board of Water and Sewer Disposal Commissioners under 24 V.S.A., Section 3614.
4. "City" shall mean City of St. Albans.
5. "Committed Reserve Capacity" is the total wastewater flow (gallons per day) from all project/buildings approved by the BOARD and/or the DEC for discharge to the WWTF, but not yet discharging at the time of the committed reserve capacity calculation.

6. "Connection Fee" shall mean a fee imposed on applicants for the municipality's cost of performing, supplying materials, supervising, inspecting, and administering a connection to the water and/or sewage systems.
7. "Development" means the construction of improvements on a tract of land or an existing property for any purpose, including, but not limited to, residential, commercial, or industrial activity.
8. "Development Wastewater Flow" is the flow resulting from full use of the development at its build out capacity, which flow shall be calculated using flow quantities, from the DEC Environmental Protection Rules (EPR's), Chapter 1, as promulgated at the time a connection permit application is made.
9. "Discharge Permit" shall mean a permit issued by the DEC pursuant to authority granted in 10 V.S.A., Chapter 47.
10. "Extra – territorial" shall mean outside the City of St. Albans or the Route 7 North Sewer District as defined herein.
11. "Growth Center" shall be defined by 24 V.S.A. 2793C as amended.
12. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from domestic sanitary sewage.
13. "Initiate Construction" means the following: for building development – completion of construction of all foundations, framing, siding and roofs.
14. "Manager" shall mean the City Manager of the City of St. Albans. Appointed representative of the Mayor and City Council with powers as designated within the City Charter.
15. "Owner" shall mean any person, who owns or possesses any property connected to the municipal water and/or wastewater systems or proposes to connect to the municipal water and/or wastewater system as applicant.
16. "Permitted Wastewater Flow" is the maximum WWTF flow authorized in the DEC issued Discharge Permit on an annual average (365 day average) basis.
17. "Person" shall mean any individual, firm, company, association, society, corporation, group, institution, partnership, government entity or other entity.
18. "PH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
19. "Plant", see WWTF.

20. "Route 7 North Sewer District" shall mean the geographic area indicated on the attached map so long as the original grant of wastewater capacity (100,000 gpd) has capacity remaining. Once the original grant of 100,000 gpd is exhausted, new projects within the district shall be subject to the approval process for properties located outside the district and shall pay affiliation fees for approved projects.
21. "Reserve Capacity" shall mean the WWTF permitted wastewater discharge flow minus the actual WWTF wastewater average daily flow during the preceding 12 months.
22. "Sewer Service Area" is constituted by the geographical area of the City of St. Albans as of the effective date of this ordinance or as the aforesaid geographical area may from time to time be altered. Although not part of the sewer service area, existing collection lines owned by the City of St. Albans, but which are located outside of the City of St. Albans, will be maintained in the same manner as collection lines within the sewer service area.
23. "Uncommitted Reserve Capacity" shall mean the portion of the WWTF reserve capacity remaining after subtracting the development wastewater flow of all projects approved by the Manager and/or COSA but not yet discharging to the WWTF. Same comment as #5 about looking at this definition.

#### **Section 4. Permitted Capacity**

1. The City of St. Albans owns and operates a sewage treatment and disposal plant (PLANT) and a sewage collection and transmission system (SEWERS) as defined in 24 V.S.A., Sections 3501 (6) and 3601. The plant has a permitted capacity of 4.0 million gallons per day and is operated in accordance with a discharge permit issued by the Vermont Department of Environmental Conservation (DEPARTMENT) under authority granted in 10 V.S.A., Chapter 57.
2. The permitted flow capacity of the PLANT is the property of the City of St. Albans. The uncommitted reserve capacity of the PLANT shall be allocated in the manner described below. This ordinance is adopted pursuant to the provisions of 24 V. S. A., Section 3625, in the manner provided in 24 V.S.A., Chapter 59, and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the BOARD to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the Sewer Service Area, nor shall it be construed to impair or inhibit the ability of the City of St. Albans to contract with persons for the collection, transmission, and treatment of sewage.
3. The City of St. Albans also owns and operates two water treatment facilities. The system has a design capacity of 3.0 million gallons per day.

## **Section 5. Reserve Capacity Calculation**

1. Every five (5) years, the City shall determine the uncommitted reserve capacity that is available in the PLANT. This determination shall be based on the following information:
  - a. the total PLANT flow capacity that is expected to be available during the following five year period, including both existing capacity and any anticipated additions to capacity;
  - b. the current average annual flow into the PLANT and flow projections designed to account for seasonal and annual variations in sewage flows;
  - c. existing and anticipated commitments of capacity to planned municipal facilities, including schools and other municipal buildings;
  - d. existing and anticipated commitments of capacity to specific developments, including the need to adjust such commitments to reflect actual sewage flows; and
  - e. the need to maintain a reserve capacity sufficient to account for seasonal variations in sewage flows, the uncertainty in sewage flow projections for different land uses, and emergencies.
2. The City's determination of uncommitted capacity may be changed, as necessary, to account for public health emergencies or unanticipated changes in PLANT capacity.

## **Section 6. Uncommitted Reserve Capacity Priorities**

Allocation of uncommitted reserve capacity shall comply with the following priorities intended to govern the gross allocation of reserve capacity before the allocation procedures and principles are applied to specific projects (priorities are listed in the order by which they shall be given preference by the Board):

1. Existing facilities within the legal limits of the City which, by virtue of pollution from the facilities to waters of the State of Vermont ("Required Connections"), shall be entitled to first priority in allocation of uncommitted reserve capacity.
2. New or expanded development and/or connections located within the designated Growth Center of the City of St. Albans.
3. New or expanded development and/or connections located within the City of St. Albans but outside the Growth Center.
4. New or expanded development and/or connections located outside the City of St. Albans but within the Route 7 North Sewer District, so long as capacity within the original grant of 100,000 gpd remains.
5. New or expanded development and/or connections not addressed in (1) – (4), above.

## **Section 7. Right to Reserve for Specifics Types of Development**

Notwithstanding Section 6, the City retains the right to reserve uncommitted reserve capacity to encourage specific types of development so long as such reservation is consistent with the municipal plan.

## **Section 8. Existing Allocations Without Expiration Dates**

Upon passage and effective date of this ordinance, all existing allocations that do not have expiration dates and have not been paid for shall have 365 days to make full payment for the allocation or it will revert back to the City.

Upon passage of this ordinance, City staff shall promptly send notice via certified mail to property owners impacted by the requirements of this section.

## **Section 9. Affiliation Fee Program**

Extra-territorial properties that receive a water and/or wastewater allocation will pay an annual affiliation fee to the City of St. Albans.

1. The affiliation fee shall be calculated as follows:
  - a. New construction or expansion of existing property requiring both Water and Wastewater connections: .28 per \$100 of appraised value based on municipal appraisal from Town where property is located.
  - b. New construction or expansion of existing property requiring only Water connection: .12 per \$100 of appraised value based on municipal appraisal from Town where property is located.
  - c. New construction or expansion of existing property requiring only Wastewater connection: .16 per \$100 of appraised value based on municipal appraisal from Town where property is located.
  - d. Conversion of existing property without expansion from a well and septic to City water and wastewater: .14 per \$100 of appraised value based on municipal appraisal from Town where property is located.
  - e. Conversion of existing property without expansion from a well to City water: .06 per \$100 of appraised value based on municipal appraisal from Town where property is located.
  - f. Conversion of existing property without expansion from a septic to City wastewater: .08 per \$100 of appraised value based on municipal appraisal from Town where property is located.
2. The affiliation fees described above will remain fixed for the first five years of the program. Thereafter, they may be adjusted by vote of the Council without amending the

ordinance, but will not increase by an annual percentage that is greater than the annual increase in the City tax rate.

3. Affiliation fees will apply to the first \$10 million of appraised value, will be reduced by half for the second \$10 million of appraised value (up to \$20 million), and will not apply to the portion of the property value that is over \$20 million in appraised value.
4. The Affiliation Fee program shall be a direct contract between the property owner and the City of St. Albans. All unpaid affiliation fees shall constitute a lien upon the premises which may be enforced by action at law or suit.
5. Properties that participate in the affiliation fee program will pay water and wastewater rates and charges (both flat and usage) that are the same as City users.
6. Properties that qualify as tax exempt properties are likewise exempt from the affiliation fee and will continue to pay water and wastewater surcharged applied to properties located outside the City that are not part of the affiliation fee program.

#### **Section 10. Affiliation Fee Billing Procedures**

1. Fees shall commence upon connection to the City water and/or wastewater system.
2. The City will generate an annual bill based on the current grand list value of the property. The property owner as of April 1 is responsible for the fee.
3. Affiliation fees shall be considered delinquent 45 days after the billing date. Delinquent affiliation fees shall bear interest at the rate of one percent per month or fraction thereof for the first three months, and thereafter one and one-half percent per month or fraction thereof.

#### **Section 11. Allocation Principles**

Recognizing that the capacity of the wastewater treatment facility is a limited resource in high demand, and that uncontrolled assignment of capacity could cause an adverse impact on the City's tax base, economic competitiveness, and ability to provide municipal services, the City shall strictly allocate the uncommitted reserve capacity pursuant to the policies, procedures, principles and criteria outlined in this Ordinance.

#### **Section 12: Application Requirements**

1. A developer or property owner seeking an allocation for water and/or wastewater service must complete an application on a form to be furnished by the City. All requested information must be completed before the application will be considered. The

applicant must specify a particular use and the application will be considered only for that use.

2. The application must be accompanied by a calculation of the water and/or wastewater flow and infiltration to be generated by the project/development and shall include calculations for the volume, flow rate, strength and any other characteristics determined appropriate by the Manager. All calculations for developments generating over 1000 gallons per day shall be certified by a Vermont professional engineer.
3. The application must be accompanied by plans and specifications for the construction of water and wastewater connections from proposed buildings to City of St. Albans water and wastewater mains including any pump stations and must be prepared by a Vermont professional engineer. This requirement to submit plans and specs may be waived by the Manager until final connection approval.
4. All flow allocations to projects shall be based on the development's estimated flows. These calculations shall follow DEC EPR's. Any differential between actual flows and development estimated wastewater flows that occurs is not available to the development owner for reallocation to another project or a project expansion and shall revert back to the City of St. Albans.

### **Section 13. Application Review**

1. The Manager may review the following application types:
  - a. Projects located wholly within the legal boundaries of the City.
  - b. Projects located wholly within the Route 7 North Sewer District.
  - c. Single and two family residential units located wholly outside the City.
2. The Manager shall use the criteria in Section 14 to guide his/her review and shall issue a decision in writing, which may be appealed to the Board.
3. All other applications for connections shall be reviewed by the Board. The Board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review. The Manager shall provide staff assistance and analysis to the board, unless the Board is hearing an appeal of a Manager's decision.
4. In evaluating each application, the Board shall use the criteria in Section 14 to guide its review and shall issue a decision in writing.
5. The Board may conduct a hearing to take evidence and hear arguments. It shall be the applicant's burden to demonstrate to the Board how the development complies with the criteria. It shall be within the sole discretion of the BOARD to determine whether to approve or deny an application and whether to apply any conditions. The Board shall

issue its decision in writing together with its findings and such conditions it deems appropriate.

6. If the allocation is approved, the Board may grant preliminary connection approval.
7. Applicants may appeal the Board's decision to Superior Court pursuant to the Vermont Rules of Civil Procedure.

#### **Section 14: Allocation Review Criteria**

1. Projects located within the City limits or within the Route 7 North Sewer District shall be reviewed according to the below criteria.
  - a. Is there sufficient capacity in the water and/or wastewater plants and distribution / collection system?
  - b. Is the proposed wastewater of sanitary sewage origin and is there sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection?
  - c. If the proposed wastewater is not of sanitary sewage origin, has sufficient evidence been presented by the applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the plant and sewers and the proposed wastewater will not alone or in combination with other wastes cause a violation of the discharge permit, pass through the plant without treatment, interfere or otherwise disrupt the proper quality and disposal of plant sludge, or be injurious in any other manner to the plant or sewers?
2. Projects located outside the City limits or the Route 7 North Sewer District shall be reviewed according to the below criteria. Projects need not receive positive responses to all criteria.
  - a. Is there sufficient capacity in the water and/or wastewater plants and distribution / collection system?
  - b. Has the applicant demonstrated why the project cannot reasonably or adequately be located within the boundaries of the City of St. Albans?
  - c. Has the applicant presented convincing evidence that the connection will result in an increase in the number and type of employment opportunities in the City or the region?

- d. Does the project directly or indirectly result in the addition or retention of employment opportunities and/or economic activity in the City?
- e. Does the project result in the relocation of employment opportunities or economic activity from within the City limits to outside the City limits?
- f. Could any relocation of employment opportunities, tax base, or economic activity from within the City limits to outside the City limits be mitigated through conditions?
- g. Does the connection result in retention of existing facilities in the City or the region?
- h. Does the project addresses unique environmental, public health or economic concerns for the region?
- i. Does the project support the expansion, retention or creation of facilities which provide essential or desirable public services?
- j. Does the project result in a net financial benefit or loss to the City?
- k. Could the project undermine the City's own economic development efforts?

### **Section 15: Preliminary Approval Minimum Conditions**

After making the approval findings above, a preliminary connection approval may be issued. Preliminary connection approval shall constitute a binding commitment of capacity to the project, contingent on compliance with all conditions attached to the preliminary approval and subsequent issuance of a final connection approval. The preliminary approval conditions at a minimum shall include:

1. Three years for the preliminary approval to remain valid unless extended by the Manager / Board, depending on who issued the approval.
2. Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the preliminary connection approval.
3. Provision for revocation by the action of the BOARD on failure of the applicant to fulfill requirements of the preliminary connection approval.
4. Specifications that the recipient of the preliminary connection approval may not

transfer, by any means, the preliminary connection approval to any other person, or project.

### **Section 16: Extensions of the Service Area**

The proposed users to be served by the expansion and/or the developer shall pay the entire cost of the extension which shall be constructed in accordance with City specifications. Once the infrastructure is constructed, inspected, and certified by a Vermont professional engineer, it shall be deeded over to the City.

### **Section 17: Final Connection Pre-requisites**

Prior to consideration of final connection approval, the following commitments shall be met by the applicant:

1. Applicable local, state and federal permits must be secured for the development/project.
2. Allocation fees, connection fees, permit fees, and other local fees or taxes, must be paid in full to the City of St. Albans.
3. The plans and specifications for connection to and, if necessary, extension of the City's water and wastewater infrastructure are accepted by the Manager.

### **Section 18: Final Connection Approval**

Upon making affirmative findings that all conditions of the preliminary connection approval and final connection pre-requisites have been fulfilled, the Manager shall issue the final connection approval permit, which may be conditioned as follows:

1. The permit shall specify the allowed volume, flow rate, strength, and any other characteristics of the proposed discharge determined appropriate.
2. The construction of the connection and, if necessary, the extension, must be overseen by Vermont Professional Engineer to ensure compliance with the plans and specifications and good construction practice in a manner acceptable to the Manager.
3. The Vermont Professional Engineer must provide the City a written certification that the project was constructed in accordance with the approved plans and specifications.
4. Any capacity allocated in conjunction with the final connection approval for building development shall revert to the City of St. Albans if the permit recipient has failed to initiate construction within one year of the issued date on the permit.
5. The date on which the Permit shall expire shall be determined by the Board, based on the original development plan and any other governmental permits and approvals affecting the project/development, as well as any other factors deemed appropriate by

the BOARD. Upon expiration of the Permit, the unused portion of the committed capacity allocation will revert to the City of St. Albans and there will be no refund of any paid fees. Generally, the unused capacity reverting to the City of St. Albans is associated with buildings that do not at least have foundations, framing, and roofs.

6. Regardless of the permit expiration period above, the Board may order construction of the development over a longer period if this action is in the best interest of the City of St. Albans.
7. For subdivision projects the permit holder of a proposed subdivided parcel must indicate the development planned for each lot. If all prerequisites defined for final connection approval herein are met, final connection permits will be issued to the subdivision owner for each lot with a specific reserve capacity allocation associated with the proposed development.
  - a. The subdivision owner shall file the final connection permits in the land records of the municipality the property is located in along with the copies of all fees paid and reference to the location of the approved connection plans and specifications. When the owner/developer of a subdivision sells individual lots within the time frame, the final connection permit shall transfer when the property is transferred and the new owner becomes bound to comply with all permits issued, as well as the plans and specifications for connecting to the City infrastructure. The transferred permit will be considered a new permit issued on the date of property transfer and the constraints of subsection (e) above will apply to this permit. The permit will expire as provided in subsection (e) above.
8. In cases where a final connection permit expires and a new owner applies for capacity on the same or different project, the Board may consider fees paid by the original owner when setting fees for the new owner applying for capacity.
9. The designated City of St. Albans official shall be notified one week in advance of any proposed sewer connection authorized by a final connection permit. The connection to the City of St. Albans sewer shall not be performed until approved by the official. Additional constraints may be found in other articles of this ordinance.
10. No final connection shall be permitted until the developer or other record owner conveys to the City of St. Albans by easement deed in a form satisfactory to the City:
  - a. A perpetual right and permanent easement to lay, repair, maintain and operate sewer pipes and associated equipment over, under, and upon the specified lands and premises;
  - b. A perpetual right and permanent easement, from time to time, to renew, replace, modify, and otherwise change said sewer lines, manholes, and associated equipment, and to pass over specified lands for all said purposes;
  - c. Title in fee to all sewer lines or pipes, manholes, and associated equipment, as may be depicted on the plat for the project/development. In said easement deed, the City of St. Albans will agree that upon completion of construction, said sewer

lines, manholes, and associated equipment, and after each subsequent entry, it will restore the surface of the lands and premises to the condition of such lands and premises prior to entry.

### **Section 19: Allocation Transfer**

1. Initially, reserve capacity is allocated to a specified owner, project, and parcel of land. The allocation is made solely to a parcel of land and therefore does not run with the land until project completion. After completion of the project, the allocation will run with the land.
2. Requests to transfer an allocation may be considered following the same process for granting a new allocation so long as the allocation has not expired or violated any conditions.

### **Section 20. Moratorium and Severability**

Upon implementation of this ordinance, the moratorium on water and wastewater allocations outside the legal limits of the City, adopted May 2, 2011, shall be repealed. However, if a court of competent jurisdiction invalidates the affiliation fee components of this ordinance, such finding shall not invalidate the remaining parts of this ordinance but shall automatically reinstate the moratorium on water and wastewater allocations outside the City limits, adopted May 2, 2011.

### **Section 21. Effective Date.**

This ordinance shall become effective November 15, 2015.

**TITLE 23**

**LIQUOR CONTROL**

### **Section 101: Authority**

Under authority granted in 7 V.S.A. Chapters 1-25; 24 V.S.A. Part 2, Chapter 61, Subchapter 11; and 24A V.S.A. Chapter 11; the City Council of the City of St. Albans ordains the following civil ordinance regulating liquor.

### **Section 102**

- a) The purpose of this section is to preserve and promote the public health, safety, and welfare by regulating the sale and the consumption of alcoholic beverages within the City of St. Albans. It is the intent of this section to allow alcohol related businesses and the residents of the City to peacefully coexist in a manner which is mutually respectful of the interests and rights of each other and the general public.
- b) This ordinance is meant to compliment or amplify any applicable municipal, state or federal regulations, laws, statutes, ordinances, or conditions.

### **Section 103: Definitions**

As used in this section, all terms shall be as defined by 7 V.S.A. Chapter 1, Section 2. In addition:

- (a) The word "license," as used in this Ordinance, shall mean a license issued pursuant Title 7 Vermont Statutes Annotated.
- (b) The word "Commission," as used in this Ordinance, shall mean the St. Albans City Council when convened as the Local Liquor Control Commission.
- (c) The word "City," as used in this Ordinance, shall mean the City of St. Albans.
- (d) A "Low-Volume Alcohol Vendor," as used in this Ordinance, shall mean a Licensee who operates an establishment whose annual sales of alcoholic beverages is less than forty percent (40%) of its total annual sales.
- (e) A "High-Volume Alcohol Vendor," as used in this Ordinance, shall mean a Licensee who operates an establishment whose annual sales of alcoholic beverages is forty percent (40%) or more of its total annual sales.

### **Section 104: Adoption of Vermont Liquor Control Board Rules and Regulations**

This Ordinance adopts the Rules and Regulations of the Vermont Liquor Control Board as amended.

### **Section 105: Duration of license**

In accordance with 7 V.S.A. §232, all licenses shall expire at midnight on April 30 of the year following issuance unless extended, renewed, or otherwise approved by the Commission with the approval of the Vermont Liquor Control Board, and upon the payment of a new fee.

### **Section 106: Application.**

All licenses shall be issued by the City Clerk in accordance with the procedure and requirements outlined in Title 7 Vermont Statutes Annotated and the Rules and Regulations of the Vermont Liquor Control Board. In compliance with these requirements, before a license shall be granted, the applicant shall file a written application with the City Clerk signed by the applicant and stating the applicant's place of residence with street and number, the particular type of license desired and that the applicant will observe the conditions of the license and all provisions of the ordinances governing it. Said Application shall be submitted at least thirty (30) calendar days prior to the date of license expiration or commencement of business.

Upon receipt of an application, the City Clerk shall conduct a background check of the applicant, at the applicant's sole expense, that shall be completed prior to the application being considered by the Commission.

Licenses may also apply for a one-day special event permit by submitting to the City Clerk a request to cater malt, vinous, and/or spirituous liquors. Such permits shall be granted in accordance with the procedure and requirements outlined in Title 7 Vermont Statutes Annotated and the Rules and Regulations of the Vermont Liquor Control Board. Applications for a one-day special event permit shall be submitted to the City Clerk at least 10 calendar days prior to the date of the event unless the Applicant has an existing account with the Vermont Department of Liquor Control with a positive balance, in which case, said application must be filed at least 5 calendar days prior to the event.

### **Section 107: Fees**

Fees shall be as determined in 7 V.S.A. §231.

### **Section 108: License Approval / Suspension / Revocation / Renewal**

(a) Pursuant to its statutory authority, the Commission may approve, deny and/or condition all applications for a license.

1. Without limitation, any of the following may be grounds for disapproval or nonrenewal of the license:
  - A. The business premises do not comply with applicable City ordinances and State laws.
  - B. The application is incomplete or contains any material misrepresentation.

- C. The application does not show adequate measures for the protection of the public health, safety or welfare of persons on site and in the areas surrounding the premises.
  - D. If, in accordance with to 32 V.S.A. §3113(f), taxes administered by the Vermont Department of Taxes/Commissioner of Taxes to the Licensee have not been paid and the Licensee's liability for such taxes is not under appeal.
2. The Standard conditions for all licenses shall be as follows:
- A. Licensee agrees that it shall comply with all City and State conditions, laws, ordinances and regulations and that the failure to do so may result in the Commission suspending or revoking the license for violation of this condition.
  - B. Licensee agrees that it will ensure that lighting in its establishment is illuminated such that inspectors, law enforcement officers, the licensee and its agents shall be able to read the identification documents of persons throughout the interior of the establishment.
  - C. Licensee agrees that it will ensure that patrons waiting to enter their establishments leave the sidewalk adjacent to the establishment open for pedestrians to pass.
  - D. Licensee agrees that it will maintain the public right-of-way adjacent to its premises clear of all refuse and debris (i.e. paper, glass, cigarette butts, etc.) and understands that failure to do so may result in the Local Control Commission imposing a suspension for repeated violations of this condition.
  - E. Licensee acknowledges and agrees that discounting practices that encourage overconsumption of alcohol (i.e. happy hours, two for ones, all you can drink for a set price, free alcohol or selling at less than cost) are prohibited.
  - F. All first class licensees agree and understand that they must be in full compliance with any annual fire safety inspection of their establishments. This inspection shall be conducted no more than 120 days prior to the beginning of the new licensing year.
  - G. Licensee agrees that all its advertising will be consistent with any license or permit issued.
  - H. All licensees shall report any changes in management or contact information to the City Clerk's office in writing within 30 days of such change.
  - I. All First Class Licensees' agree that they must keep a copy of the establishment's complete floor plan on file in the City Clerk's office. Any

changes to the floor plans must be filed with the Clerk's office within 14 days of such change.

- J. Licensee agrees that it shall indemnify and reimburse the City for any damage sustained by the City by reason of the granting or exercise of such license.
- K. Licensee agrees that it shall maintain, at all times while its license is in effect, appropriate insurance covering reasonable liability of the type(s) and minimum coverage amounts required by the City of St. Albans' Liquor Control Ordinance and State of Vermont Statutes.

(b) Pursuant to the authority granted by 7 V.S.A. §§ 167 and 236, any license may be suspended or revoked at any time by the Commission for cause, after notice and hearing, if it finds in its sole discretion that, without limitation, a violation of one or more of the following has occurred:

1. Title 7 of Vermont Statutes Annotated.
2. Any condition pursuant to which such license was granted.
3. Any duly adopted City Ordinances regulating entertainment or public nuisances.
4. Any rule or regulation prescribed by the State of Vermont Liquor Control Board.
5. The Licensee has materially misrepresented or failed to disclose any material information to the Commission in connection with the application for the License.
6. If, pursuant to 32 V.S.A. §3113(f), taxes administered by the Vermont Department of Taxes/Commissioner of Taxes to the Licensee have not been paid and the Licensee's liability for such taxes is not under appeal.

No revocation shall be made by the Commission, however, until the licensee shall be notified and be given a hearing before the State of Vermont Liquor Control Board, unless such licensee shall have been convicted by a court of competent jurisdiction of violating the provisions of Title 7 Vermont Statutes Annotated.

Without limitation, any violation of the above may also be the basis for the non-renewal or conditioning of a License by the Commission.

**Section 109: Sale, assignment or transfer prohibited.**

No license may be sold, assigned or transferred.

**Section 110: Indemnification of City and Insurance.**

- a) All licenses shall be subject to the condition that the licensee shall indemnify and reimburse the City for any damage sustained by the City by reason of the granting or exercise of such license.

- b) All holders of any class of license shall be required to have the appropriate insurance covering reasonable liability. Low-Volume Alcohol Vendors must maintain appropriate liability coverage including, but not limited to, liquor liability insurance coverage in an amount not less than \$250,000 per occurrence. High-Volume Alcohol Vendors must maintain appropriate liability coverage including, but not limited to, liquor liability insurance coverage in an amount not less than \$500,000.00 per occurrence. Prior to issuance of a license, the license holder shall produce to the City a Declaration Page proving the coverage required by this Ordinance. The Commission may increase or decrease the coverage amounts required of a Licensee by this Section 110 based upon a Licensee's record of compliance or non-compliance with this Ordinance, Title 7 Vermont Statutes Annotated, or the Rules and Regulations of the Vermont Liquor Control Board.

**Section 111: License issuance and display.**

The City Clerk shall furnish each license granted by the Commission. This license shall be conspicuously displayed by the licensee according to the provisions of the license, State statutes and Vermont Liquor Control Board Rules and Regulations.

**Section 112: Enforcement.**

- a) It shall be the duty of the Commission to see that all licensees are in compliance with this ordinance, Title 7 Vermont Statutes Annotated, the conditions pursuant to which such license was granted, duly adopted City Ordinances regulating entertainment or public nuisances, and all rules and regulations prescribed by the State of Vermont Liquor Control Board. The Commission shall enforce all violations in accordance with state statutes and this ordinance.
- b) Any certified Vermont law enforcement officer, including but not limited to St. Albans City Police Officers, shall be the designated enforcement officers. They may issue written reports and/or complaints and may be an appearing officer at any hearing.

**Section 113: Classification of Violations**

Any violation of this ordinance shall be punishable as a civil offense and/or pursuant to the authority delegated to the Commission by 7 V.S.A. Chapters 1-25 and the Rules and Regulations of the Vermont Liquor Control Board. Violations of this Ordinance shall be designated, in their sole discretion, by the Commission as one of three classes of violation.

- a) The three classes of violations shall be as follows:
  - 1. Class A violations pose a real or potential threat to public health, safety, and welfare and/or are deemed a significant violation(s) by the Commission.
  - 2. Class B violations result from a regulatory infraction and/or are deemed to be a public nuisance that is a level of severity below that considered a Class A violation by the Commission. A second Class B violation, and any additional

Class B violations, within a 12-month period may be considered Class A violations.

3. Class C violations result from an administrative infraction and/or are deemed to be a public nuisance that is a level of severity below that considered a Class B violation by the Commission. A fourth Class C violation, and any additional Class C violations, within a 12-month period may be considered Class A violations.

b) The table and reference to the appropriate state website, below, illustrates the rules and regulations that, when violated, can constitute a Class A, B or C violation. This table shall be used to provide guidance to the Commission and Licensees but in no way shall it limit the factors that the Commission may consider when determining the Class of a violation or the penalty to be imposed.

CLASS A VIOLATIONS	CLASS B VIOLATIONS	CLASS C VIOLATIONS
General Regulation # 2	General Regulation # 5	General Regulation # 11
General Regulation # 3	General Regulation # 7	General Regulation # 20
General Regulation # 4	General Regulation # 8	General Regulation # 21
General Regulation # 6	General Regulation # 9	General Regulation # 38
General Regulation # 12	General Regulation # 10	General Regulation # 51
General Regulation # 13	General Regulation # 31	
General Regulation # 14	General Regulation # 32	
General Regulation # 15	General Regulation # 33	
General Regulation # 16	General Regulation # 34	
General Regulation # 17	General Regulation # 35	
General Regulation # 18	General Regulation # 41	
General Regulation # 19	General Regulation # 42	
General Regulation # 22	General Regulation # 44	
General Regulation # 23	General Regulation # 45	
General Regulation # 24	General Regulation # 46	
General Regulation # 25	General Regulation # 49	
General Regulation # 26	General Regulation # 50	
General Regulation # 27		
General Regulation # 28		
General Regulation # 29		
General Regulation # 30		
General Regulation # 36		
General Regulation # 37		
General Regulation # 39		
General Regulation # 40		
General Regulation # 43		
General Regulation # 47		
General Regulation # 48		

\* The term “General Regulation” in the table above refers to the Vermont Liquor Control Board General Rules and Regulations, as amended. Such General Rules and Regulations can be found at <http://www.liquorcontrol.vermont.gov/enforcement/regulations> or by contacting the Vermont Department of Liquor Control.

### **Section 116: Penalties**

The Penalties for Class A, B, and C violations shall be as follows:

Class A violations: i) Suspension of license for at least ten (10) business days and/or a penalty of up to \$800 per violation; or ii) Revocation of license.

Class B violations: Suspension of license for no more than nine (9) business days and/or penalty of up to \$500 for each violation.

Class C violations: Suspension of license for no more than four (4) business days and/or penalty of up to \$250 for each violation.

In addition to the penalties outlined above, the Commission may, upon determining that a Licensee has committed one or more Class A, B or C violation(s), increase the insurance coverage amount required by Section 110(b) to an appropriate amount commensurate with the increased level of risk caused by the violation(s).

**PUBLIC HEALTH & SAFETY ORDINANCE  
CITY OF ST. ALBANS, VERMONT**

**SECTION 1. AUTHORITY.**

This Ordinance is adopted by the City Council of the City of St. Albans under authority granted in 24A V.S.A. Ch. 11, §§ 16 and 18-22, 24 V.S.A. §§ 2291(13), (14), and (15), 24 V.S.A. § 2121, and 24 V.S.A. Chapter 59.

**SECTION 2. STATEMENT OF FINDINGS AND PURPOSE.**

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

- (1) Structures that become dangerous and unsafe must promptly be made safe and secure to protect the public safety.
- (2) Structures that are vacant and not properly secured are dangerous and unsafe in that they are extremely vulnerable to being set on fire by unauthorized persons.
- (3) Many structures that are vacant, whether secured or not, are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods, and have an adverse impact upon adjacent and nearby properties.
- (4) Structures that were previously used as residential units and have since become vacant have a significant and detrimental impact on the local housing market.
- (5) Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal activities, including arson and drug use.
- (6) Structures that are vacant and unsecured pose serious threats to the public health and safety and therefore are declared to be public nuisances.
- (7) Immediate abatement and rehabilitation of these structures is necessary to abate such public nuisances, prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties, secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.
- (8) Communication between owners of dangerous and vacant buildings and the City is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regard to such structures.

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

### **SECTION 3. DEFINITIONS.**

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

- A. **Dangerous Building or Dangerous Structure.** Any building or structure or part thereof that, for the lack of proper maintenance, repair, or sanitation is hazardous to the health or safety of the public or likely to endanger other buildings or property.
- B. **Vacant Building.** Any building or structure that is unoccupied by a person or occupied by unauthorized persons for more than one hundred and twenty (120) days, excepting any permitted warehouse, garage, vacation property, or building or structure used only on a seasonal basis.
- C. **Building Safety Officer.** The officer appointed by the City of St. Albans City Council to enforce this Ordinance. The Building Safety officer may hold any other office in the City of St. Albans. Nothing in this Ordinance shall prevent the Building Safety Officer from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce. The Building Safety Officer shall have the authority to inspect buildings, structures or any portion of a property, interior or exterior, within the territorial limits of the City of St. Albans. In the event that the Building Safety Officer is unavailable, or has a conflict of interest, the City Manager or his/her designee shall perform the functions of the Building Safety Officer.
- D. **Trash.** Shall include rubbish, garbage, waste and refuse, including, but not limited to household wastes, recyclables, food scraps, household appliances, automotive parts, automobiles, furniture and yard clippings, but shall not include junk at a duly licensed junkyard.
- E. **Hazardous Conditions.** Shall include, but not be limited to, situations where a property owner, tenant, any mortgagee in possession, or a designee of any of the foregoing allows:
  - 1. Trash to unreasonably accumulate or be discarded on a property in such a way that it causes an obvious hazard to public safety;
  - 2. The creation of an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin or disease-carrying pests;

3. Trees and other plant life to dangerously obscure drivers' views or attract vermin;
4. The placement of appliances, autos, trucks or other motor vehicles, and other objects that might constitute an attractive nuisance to children, pose a health or safety risk or attract vermin; or
5. Allows an abandoned or unoccupied property to be left in an unsecured state.

#### **SECTION 4. AUTHORITY OF CITY HEALTH OFFICER.**

Nothing in this Ordinance shall affect the authority of the City of St. Albans Health Officer or the City Council to take any action permitted under 18 V.S.A. §§ 126, 127 *et seq.* The Health Officer and the City Council retain the authority, in their discretion, to take action under Vermont state law or under this Ordinance.

#### **SECTION 5. BUILDING AND PROPERTY OWNER OBLIGATIONS.**

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

- A. Building Openings. Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid materials which are weather protected, and tightly fitted and secured to the opening.
- B. Roofs. The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.
- C. Drainage. The building storm drainage system shall be functional and allow discharge in an appropriate, legal manner.
- D. 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.
- E. Foundation Walls. Foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to

be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rodent-proof.

- F. Exterior Walls. Exterior walls shall be free of holes, breaks, and loose or rotting materials.
- G. Exterior Features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair.
- H. 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, sound and of legal dimensions.
- I. Exposed Metal and Wood. All exposed metal and wood surfaces shall be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- J. Chimneys and Towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair. Walkways. Walkways shall be safe for pedestrian travel.
- K. Accessory and Appurtenant Structures. Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these building maintenance standards.
- L. Premises. All properties located in the City of St. Albans shall be kept clean, safe, and sanitary, free from waste, trash, rubbish, debris or excessive vegetation, and shall not cause any hazardous condition or threat to the public health or safety. Lawns shall not be allowed to exceed ten inches in height.

## **SECTION 6. BUILDING INSPECTION**

Upon receiving information that any building, structure or property, or anything attached or connected therewith is in violation of the specifications of this Ordinance or is otherwise in such unsafe condition that the public safety is endangered, the Building Safety Officer shall cause the building, structure or property to be inspected. Such inspection shall occur according to the following process:

- A. Written notice of intent to conduct an inspection pursuant to this Ordinance shall be given to the owner of the building, structure or property at least twenty-four (24) hours prior to the inspection.

- B. If the Building Safety Officer has reason to believe that an emergency situation exists which poses an immediate danger to the health or safety of the public, no notification shall be necessary prior to inspection.
- C. If the owner of a building, structure or property fails or refuses to consent to the inspection and, in the Building Safety Officer's opinion, an emergency situation does not exist that poses an immediate danger to the health or safety of the public, the Building Safety Officer shall be authorized to obtain a search warrant from the Vermont Superior Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, and that the building and its contents will not present a hazard to the public.
- D. The Building Safety Officer may also view the premises from any public space, or, with the permission of the property owner, from any nearby or adjacent property.
- E. The Building Safety Officer may retain such law enforcement officers, fire officials, engineers, attorneys and other qualified experts as necessary to assist with a building safety inspection and the preparation of a Building Safety Order.

## **SECTION 7. SAFETY ORDER.**

- A. If, upon inspection, the Building Safety Officer determines that a building, premises, structure or anything attached or connected therewith, or any hazardous condition appears to endanger the public safety, the Building Safety Officer shall commence an abatement action by issuing a Safety Order. The Safety Order shall:
  - 1. Identify the hazardous conditions that cause the premises, building, structure or anything attached or connected thereto to be dangerous.
  - 2. Identify the actions that must be taken by the owner to secure the Dangerous Building or Premises and abate the hazardous conditions identified in the order, including, where appropriate, removal of a Dangerous Building.
  - 3. Set a date by which the actions to secure a Dangerous Building or Premises and abate the hazardous conditions must be completed by the owner, which shall be not less than three (3) business days from the date of service of the order.

4. Inform the owner of his/her right to appeal the Building Safety Order and the right to be represented by legal counsel at the appeal hearing.
- B. The Safety Order shall be served upon the owner of the Dangerous Building or Premises in person with written receipt or by certified mail, return receipt requested, and by first class mail. A copy of the Order shall be provided to the City Council of the City of St. Albans.
  - C. If it appears to the Building Safety Officer that such structure or premises would be especially dangerous, the officer may affix a notice of dangerousness in a conspicuous place upon the structure's exterior walls, or may affix a posted notice in the ground which shall not be removed or defaced without the officer's authority.
  - D. If the owner continues such refusal or neglects to remove or make the building or premises safe, and the Order has become final by the failure to appeal, the Building Safety Officer shall be fully authorized to abate the nuisance, except where removal or demolition of a building is required. The Building Safety Officer may, as necessary, install boards or otherwise secure a dangerous building or order that a building be vacated by any occupants and removed.
  - E. For removal or demolition, the Building Safety Officer, or other appropriate City officer, may seek approval from the appropriate Court for a remedy in equity to remove or demolish a dangerous building, or to order such steps as may be necessary to abate any hazardous condition. The Building Safety Officer may also seek the imposition of fines in accord with Section 9(A) of this Ordinance.
  - F. The Building Safety Officer may contract with such service providers or use such other City employees as may be necessary to ensure public safety in the circumstances. The full cost of any work necessitated by a Safety Order shall constitute a lien chargeable against the property owner and may be recovered in the same manner as taxes for real estate pursuant to 32 V.S.A. Ch. 133.

## **SECTION 8. APPEAL OF SAFETY ORDER**

- A. A person aggrieved by a Safety Order may appeal such Order to the City Council of the City of St. Albans by filing a notice of appeal within the time frame set forth for compliance in the safety order, pursuant to Section 7(A)(3) of this Ordinance. The notice of appeal shall be in writing and shall set forth a brief statement of the basis of the appeal. The notice of appeal to the City Council shall be filed with the Office of the City Manager, St. Albans City Hall, 100 North Main Street, St. Albans Vermont 05478
- B. Within thirty (30) days of service of the notice of appeal, the City Council shall hold a hearing on the appeal. The City Council shall issue a written

decision within fifteen (15) days of the close of the hearing. The decision may reverse or sustain the Safety Order and may contain such additional requirements as the City Council deems necessary and appropriate to implement the purpose of this Ordinance.

## **SECTION 9. PENALTY AND ENFORCEMENT**

- A. If the owner fails to comply with a Safety Order, the owner shall be considered to be in violation of the Order and this Ordinance. The City shall be authorized to take such steps as may be allowed under Section 7(D) of this Ordinance. In addition, any violation shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Franklin County Superior Court, at the election of the Building Safety Officer.
- B. A civil penalty of not more than \$100.00 per violation may be imposed for violation of this Ordinance. Each day that the violation continues shall constitute a separate violation of this Ordinance.
- C. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 *et seq.* For purposes of enforcement in the Judicial Bureau, the Building Safety Officer shall be the designated enforcement officer. The Building Safety Officer shall issue tickets and may be the appearing officer at any hearing.
- D. Violations enforced in the Superior Court shall be in accordance with 24 V.S.A. §1974a and the Vermont Rules of Civil Procedure. The City of St. Albans may pursue any and all remedies available at law or in equity.

## **SECTION 10. VACANT BUILDING PERMIT AND STANDARDS**

- A. Application by the owner of a vacant building or structure for a vacant building permit shall be made on a form provided by the Building Safety Officer. Applicants shall disclose all measures to be taken to ensure that the building will be kept weather-tight and secure from trespassers, safe for entry by police officers and firefighters in times of exigent circumstances or emergency, and together with its premises be free from nuisance and in good order in conformance with the vacant building maintenance standards.
- B. The application shall include a "statement of intent." The statement of intent shall include but not necessarily be limited to information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection, and a plan and timeline for the lawful occupancy, rehabilitation or removal or demolition of the structure.

- C. Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the Building Safety Officer and the appropriate police and fire officials. The purpose of such inspection is to determine and ensure the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present a hazard to the public during the time that the building remains vacant, and that the building or structure is in compliance with the standards of this Ordinance.
- D. If the Building Safety Officer has reason to believe that an emergency situation exists tending to create an immediate danger to the health, safety or welfare of the general public, no notification or warrant shall be necessary and the Building Safety Officer shall enter and inspect the premises pursuant to Section 7 of this Ordinance.
- E. The Building Safety Officer shall provide the St. Albans Police Department with copies of vacant building permits at the time of issuance.
- F. If the owner of the vacant building or structure fails or refuses to consent to an inspection, the Building Safety Officer may seek a search warrant from the Vermont Superior Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present a hazard to the public during the time that the building remains vacant, and that the building and structure is in compliance with the standards of this Ordinance.
- G. The Building Safety Officer, upon inspection, shall issue any order for work needed to:
1. Adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the standards set forth in this Ordinance.
  2. Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.
  3. When issuing such orders, the Building Safety Officer shall specify the time for completion of the work. The Order shall act as an interim vacant building permit, the duration of which shall be for the time set forth in the Building Safety Officer's order. No interim permit shall be effective for a

period of more than ninety (90) days. All work done pursuant to this article shall be done in compliance with the applicable building, fire prevention, and zoning statutes and ordinances.

4. The Building Safety Officer shall issue a vacant building permit upon his or her satisfaction that the building has been inspected and is in compliance with the standards set forth in this Ordinance, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This permit shall be effective for a period of three hundred sixty-five (365) days.
5. A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the building maintenance standards in Section 5(A) of this Ordinance.

#### **SECTION 11. FEES.**

- A. A fee of one hundred dollars (\$100.00) shall be charged for a vacant building permit or interim permit. This one-hundred dollar fee shall also be charged upon the renewal of such permits. The fee is to be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee.
- B. Upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to its vacant building permit or renewal thereof, the Building Safety Officer shall waive the fee. The waiver of the permit fee for the active marketing and maintenance of the building or structure shall be for a period of twelve (12) months from the time the fee first becomes due. This waiver may be extended for an additional year for such buildings if the owner (a) continues to show that the building or structure is being actively marketed for sale and maintained and (b) discloses the details of how the building was actively marketed for sale during the waiver year (i.e., offers, appraisals, or consultants engaged). Upon the expiration of the initial twelve-month period or its extension, the fee shall be charged.
- C. When a building is in need of substantial rehabilitation, as determined by the Building Safety Officer, to comply with the obligations and standards set forth in this Ordinance, no initial vacant building permit fee is required if the owner has: (i) developed and submitted a statement of intent, scope of work which meets the applicable building and zoning standards and the obligations and standards set forth in this article, and a reasonable schedule for the completion of the work, approved by the Building Safety Officer, and (ii) secured all necessary building and zoning permits. To qualify for a continued exemption upon renewal, the owner must certify that the improvements set forth in the scope of work are being made according to the schedule of work or prove to

the Building Safety Officer that the schedule will be completed within a reasonable amount of time.

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

**SECTION 12. REPEAL OF PRIOR CONFLICTING ORDINANCES.**

The enactment of this Ordinance shall repeal all previous ordinances of the City of St. Albans that regulate the topics addressed herein with the exception of the City's Land Development Regulations.

**SECTION 13. SEVERABILITY.**

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

**SECTION 14. EFFECTIVE DATE.**

This Ordinance shall become effective upon its adoption or amendment by the City Council of the City of St. Albans in accordance with 24A V.S.A. Ch. 11, § 17. Last amended by vote of the City Council on November 10, 2014.