



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.


(signature)

6/28/19
(date)

(seal)

Edition: May 13, 2019

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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.

Amendment to Title 3 Buildings and Construction, addition of Chapter 8 Inspection of Public Buildings.
Approved and Effective on October 10, 2016.

Amendments to Title 17, Sections 5165-A 4-Way Stop Signs, 5202 Traffic Light Locations, and 5351
Designation of Zones.
Approved and Effective on January 9, 2017.

Amendments to Title 17, Sections 5101 Definitions, 5320 Parking Violation Schedule of Fines, 5321
Parking for Compact Cars Only, and 5351 Designation of Zones.
Approved and Effective on March 13, 2017.

Amendments to Title 15, Sections 4250 Definitions and 4264 No Smoking Areas.
Approved and Effective on August 14, 2017.

Amendment to Title 17, Section 5351 Designation of Zones.
Approved and Effective on August 14, 2017.

Amendment to Title 17, Section 5308 No Parking Areas.
Approved and Effective on October 9, 2017.

Amendment to Title 17, Section 5251 One-Way Streets.
Approved and Effective on January 8, 2018.

Adoption of Title 25 Stormwater Management and Operations.
Approved May 14, 2018 and Effective on July 1, 2018.

Adoption of Title 17, Chapter 7 Prohibition of Motor Trucks.
Approved and Effective on January 14, 2019.

Amendments to Title 9, Chapter 11 Waste Storage and Collection.
Approved May 13, 2019 and Effective on October 1, 2019.

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

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(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
8. Inspection of Public Buildings

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 Three: Buildings and Construction
Chapter 8:
Inspection of Public Buildings
City of St. Albans and Vermont Fire & Building Safety Code

SECTION

- 750. Inspections of Public Buildings and Collection of Fees
- 751. Public Building Inspection Fee
- 752. Commercial Building or Business Inspection
- 753. Time of Sale or Change of Use Inspection
- 754. First Class Liquor License Establishments and/or Facilities

750. Inspections of Public Buildings and Collection of Fees

- a) In accordance with 20 V.S.A. §2736 and the Cooperative Inspection Agreement Between the State of Vermont and the City of St. Albans, dated May 4, 2016, the City of St. Albans is authorized to and has been assigned the responsibility of conducting inspections of all existing public buildings [as the term is defined in 20 V.S.A. §2730(a)] for the purpose of enforcing the Vermont Fire & Building Code and to establish and collect reasonable fees for its own use for performing any functions that would be subject to a fee established under 20 V.S.A. §2731(a).
- b) Designated employees of the City of St. Albans Fire Department shall coordinate and carry out the responsibilities authorized by this Chapter.

751. Public Building Inspection Fee

Unless otherwise specifically stated in this Chapter, the owner of any public building that is inspected pursuant to this Chapter, shall be assessed a fee of \$125.00 per inspection.

752. Commercial Building or Business Inspections

- a) On-going and no-break or change in use fire and life safety inspections of commercial buildings or businesses will be conducted every two (2) years.
- b) Owners of a Commercial building or business that is inspected pursuant to this Chapter shall be assessed a fee of \$125.00 per inspection, or \$100.00 per hour for large commercial and/or industrial building/facility inspections, not to exceed a maximum fee of \$500.00.
- c) A second, or follow-up inspection (in order to ensure compliance with identified deficiencies) is free (if required) however any additional re-

inspections for commercial/business buildings that are a result of the original deficiencies identified in the first or subsequent inspection shall be subject to an additional \$125.00 per inspection, or \$100.00 per hour for large commercial and/or industrial building/facility for each follow-up inspection.

753. Time of Sale or Change of Use Inspection

Any party requesting a time of sale, or change of use inspection for residential or commercial properties shall pay the following fees:

- a) For rental property buildings containing separate units. \$100.00 per unit.
- b) Time of Sale Business or Commercial building inspections shall be assessed a fee of \$125.00 per inspection, or \$100.00 per hour for large commercial and/or industrial building/facility inspections, not to exceed a maximum fee of \$ 500.00.
- c) The second, or follow-up inspection (in order to ensure compliance with identified deficiencies) is free (if required) however any additional re-inspections for commercial/business buildings that are a result of the original deficiencies identified in the first or subsequent inspection shall be subject to an additional \$125.00 per inspection, or \$100.00 per hour for large commercial and/or industrial building/facility for each follow-up inspection.

Time of sale inspection and re-inspection associated with Time of Sale Inspections shall be paid to the City of St. Albans prior to the commencement of the inspection.

754. First Class Liquor License Establishments and/or Facilities

- a) Inspections of all First Class Liquor License Establishments and/or Facilities shall be conducted pursuant to City of St. Albans Liquor Control Ordinance, Title 23, Section 108. Accordingly, inspections of first class liquor establishments shall be conducted no more than 120 days prior to the beginning of the new liquor licensing year and will occur on an annual basis.
- b) If the first class liquor establishment and/or facility is owned and operated by the building owner, and other business or rental property units are contained within the same building, only the first class liquor establishment and/or facility will be inspected in accordance with the City of St. Albans Liquor Control Ordinance. All other businesses or rental units located in the same building will be inspected pursuant to the provisions of this Chapter.
- c) The owner of a licensed first class liquor establishment and/or facility shall be assessed a fee of \$75.00 per inspection.

- d) The second, or follow-up inspection (in order to ensure compliance with identified deficiencies) is free (if required) however any additional re-inspections for First Class Liquor License Establishments that are a result of the original deficiencies identified in the first or subsequent inspection shall be subject to an additional \$75.00 per inspection.

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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.
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- 1570. Statement of business.
- 1571. Orders.
- 1572. Prohibited acts.
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- 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.
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-
- 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
2. Reserved
3. Fire Marshal and Inspections
4. Landlord Registry Program
5. Reserved
6. Protection, Prevention, and Alarm Systems
7. Other Prohibited Activities
8. Reserved
9. Reserved

CHAPTER 1
FIRE DEPARTMENT

SECTIONS

- 2001. Control of department; disorderly conduct; conduct at fires; assistance.
- 2002. Powers of fire chief during fires.
- 2003. Entry in area near fire.
- 2004. Powers of and duties of fire chief, generally.
- 2005. Reward for information.
- 2006. Property of department, taking.
- 2007. Enforcement.
- 2008. Authority of City Health Officer
- 2009. Authority of Building Safety Officer

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 firefighters 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. All citizens are required to obey the orders and directions of the officers in command at a fire.

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

2002. Powers of fire chief during fires.

During the continuance of any fire the fire chief or qualified designee:

- 1) Shall have absolute control of the streets adjacent thereto;
- 2) may blockade such streets and forbid passage therein
- 3) may order those present to stand back to any reasonable distance
- 4) 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.
- 5) 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

- 6) 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
- 7) shall have power to cut or cause to be cut any electric, telephone, or any 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.

2003. 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 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 vehicle upon a street adjacent to a fire within the block where and while such fire is in progress.

2004. Powers and duties of fire chief, generally.

The fire chief, subject to the direction of the City manager, shall:

- 1) Have the supervision, care and control of all equipment belonging to or used for the purpose of the fire department, and, in case of fire, of all hydrants. After the use of a hydrant he or she shall immediately report such use to the superintendent of streets and/or the director of the public works department.
- 2) Be responsible for the discipline, good order and proper conduct of the whole fire department.
- 3) Report to the fire marshal, building safety officer, and/or the zoning administrator all violations of any ordinances regulating the safety and construction of buildings.
- 4) Perform other duties as may be required.

Powers and duties of chief engineer, see 20 V. S. A. 2671 - 2675.
Appointment of chief engineer, see City Charter, section 9 (V).

2005. Reward for information

The City Council may offer a reward 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.

2006. 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 in accordance with the City of Saint Albans schedule of fees.

2007. 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. All violations of the ordinances contained in Title 7 of the City of Saint Albans Ordinances shall be a civil ordinance violation enforced in the Vermont Judicial Bureau. 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 may constitute a separate violation of this Ordinance. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. Secs. 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, the Fire Chief, Fire Marshal, Building Safety Officer, Enforcement Officer, or other Fire Department Officer who issues a violation shall be the appearing officer at any hearing. All persons cited by an officer of the fire department to have violated the ordinances contained in Title 7 of the City of Saint Albans Ordinances shall plead no more than one of the following; Not Guilty, Guilty, No Contest. Those who plead No Contest shall pay the applicable waiver fee as set by the City Council in the City's Schedule of Fees.

2008. Authority of City Health Officer.

Nothing in this Ordinance shall affect the authority of the City of Saint 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.

2009. Authority of Building Safety Officer.

Nothing in this Ordinance shall affect the authority of the City of Saint Albans Building Safety Officer or the City Council to take any action permitted under the Public Health & Safety Ordinance, or other regulations, as amended, of the City of Saint Albans, Vermont.

CHAPTER 2

Reserved

CHAPTER 3

Fire Marshal and Inspections

SECTIONS

- 2051. Appointment of fire marshal.
- 2052. Inspections.
- 2053. Entry into premises.
- 2054. Removal of fire hazard and hazardous materials; fees.
- 2055. Temporary discontinuance of use of furnace, oil burner, boiler, flue or chimney.
- 2056. Refusal to permit entry.
- 2057. Penalties.
- 2058. Performance of work by official.

2051. Appointment of fire marshal

The City manager shall appoint a fire marshal who shall be subject to the direction of the City manager and the fire chief.

(Ch 8-2-94)

2052. Inspections

The fire marshal shall insure that all public buildings within the City are inspected on a periodic basis. As used in this Section, a "public building" means:

- 1)
 - a) a building owned or occupied by a public utility; hospital; school; house of worship; convalescent center or home for the aged, infirm, or disabled; nursery; kindergarten; or day care;
 - b) a building in which two or more persons is employed, or occasionally enter as part of their employment or are entertained, including private clubs and societies;
 - c) a cooperative or condominium; [A condominium is described as a building or complex in which units of property, such as apartments, are owned by individuals and common parts of the property, such as the grounds and building structure, are owned jointly by the unit owners. A unit in such a complex.]
 - d) a building in which people rent accommodations, whether overnight or for a longer term;
 - e) a restaurant, retail outlet, office or office building, hotel, tent, or other structure for public assembly, including outdoor assembly, such as a grandstand;

- f) a building owned or occupied by the state of Vermont, a county, a municipality, a village, or any public entity, including a school or fire district.
- 2) a) Use of any portion of a building in a manner described in this subsection shall make the entire building a "public building" for purposes of this subsection. For purposes of this subsection, a "person" does not include an individual who is directly related to the employer and who resides in the employment-related building.
- b) The term "public building" does not include:
- (1) an owner-occupied single family residence, unless used for a purpose described in subsection (a) of this section;
 - (2) a family residence registered as a day care home under chapter 35 of Title 33, or specifically exempted from registration by subdivision 3502(b)(1) of Title 33;
 - (3) farm buildings on a working farm or farms. For purposes of this subchapter and subchapter 3 of this chapter, the term "working farm or farms" means farms with fewer than the equivalent of 10 fulltime employees who are not family members and who do not work more than 26 weeks a year. In addition, the term means a farm or farms:
 - A) whose owner is actively engaged in farming; or
 - B) if the farm or farms are owned by a partnership or a corporation, one which includes at least one partner or principal of the corporation who is actively engaged in farming;
 - C) where the farm or farms are leased, the lessee is actively engaged in farming. The term "farming" means:
 - (i) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;
 - (ii) the raising, feeding, or management of livestock, poultry, equines, fish, or bees;
 - (iii) the production of maple syrup;
 - (iv) the operation of greenhouses;
 - (v) the on-site storage, preparation, and sale of agricultural products principally produced on the farm. Notwithstanding this definition of farming, housing provided to farm employees other than family members shall be treated as rental housing and shall be subject to the provisions of this chapter. In addition, any farm building which is open for public tours and for which a fee is charged for those tours shall be considered a public building.
 - (4) a single family residence with an accessory dwelling unit as permitted under subdivision 4406(4)(D) of Title 24. [reference 24 vsa 4412(E) An accessory dwelling unit is an efficiency or one bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living,

including sleeping, food preparation, and sanitation, and does not exceed 30 percent of the total habitable floor area of the single-family dwelling. An accessory dwelling may be contained within the single-family dwelling, or detached, but cannot be located across a public way. A common driveway, shared water and waste water systems, and a common electrical service entrance are examples of an accessory dwelling unit being clearly subordinate to a single family dwelling.]

c) For the purpose of this subchapter, subchapter 3 of this chapter, and chapter 174 of Title 20, the words "premises," "building," and "structure," or any part thereof shall mean "public building" as defined in this section. [Buildings classified as public buildings and owned by a federal agency are not exempt from state and municipal codes but there are limitations on how this Code is applied. 40 U.S.C.A, section 3312 requires that a federal agency consult with local code officials, submit plans for review and permit inspection of the construction project. The federal agency is required to give due consideration to any recommendations made by the local code official and build in compliance with nationally recognized building, electrical, fire, life safety and plumbing codes. A federal agency is exempt from any fees and no enforcement action can be brought against the federal agency for failure to comply with the law.]

d) "Historic building" or "historic structure" means any structure which has been listed in the National Register of Historic Places or the state register of historic properties or which has been determined to be historically significant by the Vermont advisory Council on historic preservation or which meets the standards adopted by the division for historic preservation pursuant to subsection 723(a) of Title 22.

e) The phrase "damage or destroy the historic architectural integrity of the historic building or structure" means to have an undue adverse impact on historically significant features of the historic

The fire marshal shall at once, on the application of any trustworthy person or at the request of said fire chief 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)

2053. Entry into premises

For the purposes aforesaid, the fire chief or fire marshal, or their qualified designee, 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 and hazardous materials; fees.

- 1.) The fire chief or fire marshal 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 or her opinion shall expose to unnecessary hazard, such building or the surrounding or adjacent buildings or property or persons passing by on foot or by any vehicle, and may also direct such owner or occupant to clear away from his or her 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.

2.) The fire department is authorized to recover any and all reasonable direct expenses incurred as a result of the response to and recovery of a hazardous material or chemical incident from the person or persons responsible for the incident. The fire department acting through the City of St. Albans shall have the right to recover its costs and reasonable attorney fees incurred to enforce this provision of the Ordinance.

a.) For the purposes of this ordinance, " hazardous materials or chemicals," as defined by the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) includes any substance or chemical which is a health hazard or physical hazard, including: chemicals which are carcinogens, toxic agents, irritants, corrosives, sensitizers; agents which act on the hematopoietic system; agents which damage the lungs, skin, eyes, or mucous membranes; chemicals which are combustible, explosive, flammable, oxidizers, pyrophorics, unstable-reactive or water-reactive; and chemicals which in the course of normal handling, use, or storage may produce or release dusts, gases, fumes, vapors, mists or smoke which may have any of the previously mentioned characteristics. This definition also includes any substance or chemical which can cause harm to people, plants, or animals when released by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment.

b.) Fees: Fees shall be determined in accordance with the City of Saint Albans schedule of fees. This fee is to cover all personnel and materials costs directly associated with the mitigation of the hazardous material or chemical incident. For every hour each apparatus is involved in the mitigation of the hazardous material or chemical incident after the initial hour, which commences upon the initial response of said apparatus, an additional fee shall be levied from the person or persons responsible for the incident. There shall be no proration of this fee. All cumulative time spent on mitigation response shall be rounded up to the next hour for purposes of assessing this fee only.

Cross references. Rubbish and waste,

Prohibition, see section 2151.
see 20 V. S. A. § 39 subsection (e).

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

Said fire chief or his or her designee or fire marshal or his or her designee 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 fire chief or his or her designee or fire marshal or his or her designee shall deem unsafe to be used, and shall at once notify the fire marshal and the building safety officer of his or her action, and the fire marshal and the building safety officer 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 officers shall deem necessary for protection against fires, and when such alteration is so made to the acceptance of said fire marshal and the building safety officer, 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 fire marshal or building safety officer in determining whether such alteration or repairs should be made, may appeal in writing to the City Council, who may make such order in the premises to said fire marshal or building safety officer 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.

2056. Refusal to permit entry

No person shall refuse to allow said fire chief or fire marshal to enter upon or into his or her 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, the fire chief or fire marshal or his or her designee when making such inspection, shall show the owner or person in charge of such buildings or premises, official City owned and issued identification that clearly states the person requesting entry onto the premises or into buildings is the fire chief or fire marshal or his or her designee.

2057. Penalties

If a person who neglects or refuses for the space of 24 hours to comply with or obey a lawful order of the fire chief, or fire marshal, he or she shall be fined in accordance with the City of Saint Albans schedule of fees and he or she shall be subject to an additional fine in accordance with the City of Saint Albans schedule of fees for each and every day he or she shall so neglect or refuse, after the expiration of said 24 hours.

2058. Performance of work by official

If a person shall neglect or refuse to comply with or obey a lawful order of the fire chief or of the fire marshal, such official may in his or her 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 therefore 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 fire chief or fire marshal shall commence the work required by said order, such person shall not be liable to the additional penalty provided in the preceding section.

CHAPTER 4

Rental Registry Program

SECTIONS

- 2101. Rental registry required, defined.
- 2102. Administration.
- 2103. Registry information required.
- 2104. Inspection cycle.
- 2105. Inspection requirements.
- 2106. Scheduling inspections.
- 2107. Certificate of habitability.
- 2108. Issuance of a certificate of habitability.
- 2109. Issuance of a conditional certificate of habitability.
- 2110. Fees.
- 2111. Penalties.
- 2112. Transfer of ownership inspection required, defined.
- 2113. Appeals

2101. Rental registry required.

All residential dwelling unit owners shall file an annual rental registry application identifying their residential dwelling units for each building located in the City of Saint Albans. For the purposes of this ordinance residential dwelling units are defined as a residential dwelling unit with independent cooking and bathroom facilities as regulated under the occupancy classifications of existing one and two-family dwellings, and existing apartments. This definition does not include a building used only as an owner occupied single family residence. The City of Saint Albans fire marshal, building safety officer, health officer, and zoning administrator are responsible for ensuring that all public buildings located within the City are maintained at established and adopted standards to protect the health, safety, and welfare of the occupants. Additionally, all property owners will ensure each residential dwelling unit is inspected and that Certificates of Habitability are issued a minimum of every four (4) years.

2102. Administration.

Administration and enforcement of this ordinance is the responsibility of the fire marshal, health officer, building safety officer and zoning administrator, and other individuals authorized to perform inspections by the City manager. For the purposes of this ordinance, said officials; fire marshal, health officer, and zoning administrator, shall hereby be referred

to as code officials, enforcement officers, and the code enforcement department, and such terms shall include the qualified designee of any such official or department.

2103. Registry information required.

- 1.) Residential dwelling unit owners must provide the following information to the code enforcement department.
 - a.) The address of the property.
 - b.) The number of residential dwelling units at that address.
 - c.) The mailing address of each residential dwelling unit.
 - d.) The number of bedrooms.
 - e.) The name, address, and phone number of the property owner, corporation, or registered corporate agent.
 - f.) The name, address, and phone number of any property management agent.
 - g.) The name, address, and phone number of a local emergency contact and/or a designated person within the state responsible for services on the property.
 - h.) Upon purchase or transfer of each property containing one or more residential dwelling units, the purchaser shall file a new rental registry application with the code enforcement department.
 - i.) Prior to the occupancy of any newly constructed residential dwelling unit or any conversion of the use to a residential dwelling unit, the property owner shall file a rental registry application with the code enforcement department.
 - j.) It shall be a violation of this ordinance for a property owner of any residential dwelling units within the City to fail to register as required by this section.
 - k.) Property owners of any residential dwelling units shall have a continuing obligation to notify the code enforcement department of any changes in the information required above during the periods between filings of the rental registry application.

2104. Inspection cycle.

For the purposes of planning and scheduling, the property owner of any residential dwelling units are subject to inspection pursuant to this ordinance and to the schedule described as follows. The rental registry fee is required annually for each building. Every four (4) years an inspection for each residential dwelling unit is required. A certificate of habitability will be issued based on the results of said inspection, as appropriate. Program adopted in the year 2010, District 1, initiates program due date for registration as July 1, 2010, with a one year

inspection cycle that expires on June 30, 2011. The district schedule shall follow henceforth based on these initial dates. The code enforcement department will make district boundary adjustments as residential dwelling unit distributions change to ensure balanced scheduling load for inspections is maintained. The code enforcement department will inform the property owners of rental housing units affected by a district boundary change by mail.

2105. Inspection requirements.

Code officials, enforcement officials, and other individuals authorized to perform inspections by the City Council and/or City manager shall make scheduled, periodic inspections, of all residential dwelling units within the City.

2106. Scheduling inspections.

- 1.) The code enforcement department shall schedule with the property owner or his/her agent the date and time of each inspection. The owner or agent shall arrange for the inspection within sixty (60) days of the initial request, and shall provide the occupant(s) with notice of an inspection not less than forty-eight (48) hours prior to the actual inspections. During the inspection the owner or agent shall provide access to the residential dwelling units and all common areas to include basements and other spaces.
- 2.) For attempts to schedule an inspection which do not result in an inspection within the two (2) months of the first (1st) request, it shall constitute a violation of this ordinance subject to forfeiture and/or withdrawal of any Certificates of Habitability.
- 3.) If the enforcement officer has reason to believe that an emergency situation exists tending to create an immediate danger to health, safety, or welfare of the occupants of any residential dwelling unit or the general public, said official may enter, examine, and inspect the residential dwelling unit at any time.
- 4.) Persons requesting inspections for buildings lacking proper Certificates of Habitability records with the code enforcement department in order to refinance or to transfer ownership of the property will do so in writing. These out-of-cycle inspection requests will be scheduled as soon as possible and no later than sixty (60) days from the receipt of a written request.

2107. Certificate of habitability.

It shall be a violation of this ordinance for an owner of a residential dwelling unit within the City to rent or allow any person to occupy any residential dwelling unit without a Certificate of Habitability issued by the

code enforcement department. The Certificate of Habitability verifies that the entire property meets all applicable codes, ordinances, and permit requirements. No residential dwelling unit shall be occupied or used, in whole or in part, for any purpose whatever, until a Certificate of Habitability has been issued. A Certificate of Habitability shall only be valid a maximum of four (4) years from issue date. This section shall go into effect for each district as per the following schedule:

- 1.) District 1: June 30, 2011
- 2.) District 2: June 30, 2012
- 3.) District 3: June 30, 2013
- 4.) District 4: June 30, 2014

2108. Issuance of a certificate of habitability.

- 1.) Upon completion of the initial inspection, pursuant to this ordinance, of a residential dwelling unit, if said property is found to be in compliance with the codes adopted by the City, referenced in Chapter 6, Title 7 of this ordinance, the code enforcement officer shall issue a Certificate of Habitability, which shall expire four (4) years from the date of issuance.
- 2.) Upon completion of the initial inspection of a residential dwelling unit, if an individual unit is cited for five (5) or less minor non life-threatening violations of the adopted code referenced in Chapter 6, Title 7 of this ordinance, and if all violations have been corrected within the time set for compliance by the code enforcement officer, said officer shall issue a Certificate of Habitability which shall expire four (4) years from the date of issuance.
- 3.) Upon completion of the initial inspection of a residential dwelling unit, if any individual unit is cited for more than five (5) minor non life-threatening violations of the adopted code referenced in Chapter 6, Title 7 of this ordinance, the code enforcement department shall issue a Conditional Certificate of Habitability for that residential dwelling unit, which shall expire within, and no more than one (1) year from the date of issuance.
- 4.) Re-inspections for verification by the code enforcement officer that the abatement and mitigation actions have been completed on violations identified on the initial inspection shall not require a fee. Re-inspections for verification by the code enforcement officer that the abatement and mitigation actions have NOT been completed on violations identified on the initial inspection shall be assessed additional fees identified in the City of Saint Albans schedule of fees.
- 5.) Upon completion of the initial inspection of a residential dwelling unit or any subsequent re-inspections, if any individual unit is cited for any of the following conditions the code enforcement officer shall declare the residential dwelling unit uninhabitable and deny the issuance of a Certificate of Habitability:

- a.) The physical condition or use of any residential dwelling unit constitutes a public nuisance;
 - b.) Any physical condition, use or occupancy of any residential dwelling unit or its appurtenances that is considered an attractive nuisance to children, including, but not limited to, abandoned vehicles, appliances, basements and unsafe fences and structures;
 - c.) Any residential dwelling unit that has unsanitary sewage or plumbing facilities;
 - d.) Any residential dwelling unit that is designated as unsafe for human habitation or use;
 - e.) Any residential dwelling unit that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured so as to endanger life, limb, or property;
 - f.) Any residential dwelling unit in which plumbing, heating, fire protection systems, fire detection systems, or other facilities required by the adopted code referenced in Chapter 6, Title 7 have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided;
 - g.) Any residential dwelling unit that is unsanitary or which is littered with rubbish or garbage, or which has an uncontrollable growth of vegetation, or which has active infestations of pests and/or rodents.
 - h.) Any residential dwelling unit that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent of not providing shelter; in danger of collapse or failure and dangerous to anyone on or near the residential dwelling unit.
 - i.) Any residential dwelling unit that is determined to be a health hazard as defined by the State of Vermont Rental Housing Code and/or the declaration of the sworn Health Officer.
- 6.) The code enforcement department shall issue a Certificate of Habitability for a term of four (4) years for a newly constructed residential dwelling unit upon final inspection by a code enforcement officer.
- 7.) Nothing in this Ordinance shall preclude the inspection of said residential dwelling unit more frequently than the term of the Certificate of Habitability.
- 8.) A Certificate of Habitability may be revoked if a subsequent inspection determines that any residential dwelling unit is no longer in compliance with the provisions of the adopted code referenced in Chapter 6, Title 7.

- 9.) Prior to the issuance of the Certificate of Habitability, all registration and inspection fees shall be paid to the City of Saint Albans.
- 10.) Upon request of an existing or prospective tenant, the owner or the owner's agent shall produce the Certificate of Habitability. All residential dwelling units located in the City of Saint Albans are required to have a Certificate of Habitability on file with the code enforcement department, without which it is a violation of this ordinance.
- 11.) The code enforcement officer shall have the discretion to place a residential dwelling unit on a more frequent inspection cycle for repeat violation and noncompliance.

2109. Issuance of a conditional certificate of habitability.

The code enforcement department may issue a Conditional Certificate of Habitability whenever the code enforcement officer is unable to inspect a residential dwelling unit after the expiration of an existing certificate, or more time is required to remedy a minor code violation cited on an inspection report, when the inability to inspect is not due to obstruction by the property owner or agent.

2110. Fees.

- 1.) An annual application fee in accordance with the City of Saint Albans schedule of fees shall be charged the owner of every building containing one or more residential dwelling units. The said property owner shall file along with the fee an annual rental registry application in order to identify all residential dwelling units, agents, and emergency contacts. The annual fee shall be assessed per building due by 30 days from receipt of invoice for said application fee.
- 2.) Pursuant to this ordinance an inspection of all residential dwelling units within each building will be required in order for a Certificate of Habitability to be issued. In order to comply with this ordinance the property owner shall file the rental registry application each year and on every fourth (4th) year pay an inspection fee in accordance with the City of Saint Albans schedule of fees per residential dwelling unit, in lieu of the annual yearly rental registry application fee. These fees are due net 30 days from receipt of invoice for said inspection fee.
- 3.) Re-inspection fee for non-compliance: Re-inspections for non-compliance with all applicable codes, established and adopted standards to protect the health, safety, and welfare of the occupants and re-inspections for Certificates of Habitability issued for less than the four (4) year cycle shall be assessed a fee in accordance with the City of Saint Albans schedule of fees per residential dwelling unit each time they are re-inspected until a four (4) year Certificate of Habitability is issued.

2111. Penalties.

A residential dwelling unit for which a rental registry fee is required in this ordinance that has not been paid shall be considered a violation of this ordinance and subject to penalties set forth in the City of Saint Albans schedule of fees. In addition, if the code enforcement department determines that a property owner has failed to pay the rental registry fee due under this ordinance, the code enforcement department shall mail to such property owner a statement showing the balance due and shall add thereto a late payment fee. The unpaid balance and penalty shall be subject to interest at a rate of twelve (12%) per year from the due date until date of payment. The charges levied in this chapter shall constitute a lien upon the property on which the residential dwelling unit is situated and may be enforced within the time and manner provided for collection of taxes on property.

2112. Transfer of ownership inspection required, defined.

The seller of any public building or structure, as defined in Section 2052, subsection 1 of this ordinance, transferred by sale or exchange shall certify to the buyer that the dwelling has been inspected and certified by the code enforcement department. This certification shall be signed and dated by the seller and filed in the land records at the time of recording the transfer. If the buyer notifies the seller within ten days by certified mail from the date of conveyance that the building or structure lacks a transfer of ownership inspection certificate, the seller shall comply with this section within ten (10) days of notification. A fee for the transfer of ownership inspection shall be levied in accordance with City of Saint Albans schedule of fees.

2113. Appeals.

All persons who wish to appeal the findings of the Fire Chief, Fire Marshal, Building Safety Officer, Enforcement Officer, or other Fire Department Officer pertaining to a building, fire, and/or life safety inspection shall do so in writing, setting forth specific reasons for the appeal, and deliver it to the City Manager. This appeal shall be delivered to the City Manager within 14 (fourteen) days of the issuance of inspection findings or said inspection findings shall be deemed final. Upon receipt of a written appeal the City Manager shall convene the Fire Inspection Appeal Board.

The Fire Inspection Appeal Board shall be comprised of the City Manager and two additional members, who may or may not be members of the City Council, one of whom may be the owner of a public building. The two members shall be annually appointed by the City Council beginning with the inception of this ordinance and

annually thereafter during the City Council's organizational meeting following the annual City Meeting.

CHAPTER 5

Reserved

CHAPTER 6

Protection, Prevention, and Alarm Systems

SECTIONS

- 2120. Fire code adopted.
- 2121. Compliance with codes required.
- 2122. Authority having jurisdiction defined.
- 2123. Master fire alarm box.
- 2124. Permission required connecting to municipal system.
- 2125. Installation and maintenance.
- 2126. Fire alarm system malfunctions.
- 2127. Damage to master fire alarm boxes.
- 2128. Intentional false alarms.
- 2129. Secure key boxes.
- 2130. Secure fire department connections.
- 2131. Carbon monoxide alarms.
- 2132. Opening hydrants.
- 2133. Obstructions to hydrants.
- 2134. False alarms prohibited; penalty.
- 2135. Posting of occupant load in assembly occupancies.

2120. Fire code adopted.

- 1) There is hereby adopted by the City the Vermont Fire and Building Safety Code as currently adopted by the State of Vermont. Except as to the extent that any sections thereof have been either deleted or modified by the terms of the currently adopted Vermont Fire and Building Safety Code, the City also adopts the editions of the NFPA 1 Fire Prevention Code and NFPA 101 Life Safety Code currently adopted by the State of Vermont.
- 2) In the event there is a conflict between the provisions of the code adopted by reference in this section and the other provisions of this Code or ordinances of the City, the more stringent regulation shall prevail.

State law references: Authority of municipality to adopt codes by reference, 24 V.S.A. § 3101(c).

2121. Compliance with codes required.

- 1) All fire protection, prevention, and alarm systems shall comply with the Vermont Fire and Building Safety Code currently in effect.

- 2) In the event there is a conflict between the provisions of the codes adopted by reference in this section and the provisions of the City Code of Ordinances, the more stringent regulation shall prevail.

2122. Authority having jurisdiction defined.

For the purposes of this ordinance, "authority having jurisdiction," as defined in the NFPA 1 Fire Prevention Code shall mean and include the State of Vermont Division of Fire Safety, City of Saint Albans fire chief, City of Saint Albans fire marshal, or their designees.

2123. Master fire alarm box.

- 1) For purposes of this division, "master fire alarm box" shall mean the master control box at each site which will initiate automatic emergency notification to the fire department.
- 2) The location of the master alarm box at each site shall be approved by the fire chief, fire marshal, or his/her designee. No person shall have access to a master box unless authorized by the fire department. The fire department shall be given at least a twenty-four (24) hour advance notice for any prescheduled drills, maintenance or testing.

2124. Permission required connecting to municipal system.

No person shall install or connect any alarm system to the municipal fire alarm system without first obtaining final approval from the chief of the fire department, the fire marshal or his/her designee.

2125. Installation and maintenance; fees.

The cost of any connection to the municipal fire alarm system, as well as all other costs due to the installation of any master box, shall be borne by the party installing the system. All installation and maintenance work on a master box and/or alarm system shall be performed by state-licensed fire alarm installers and shall be subject to the approval of the fire marshal. An initial connection fee shall be paid to the City by the owner of the property upon which the master box or alarm system is installed. A reprogramming fee shall be paid by the owner for any modification to an existing master box that requires reprogramming and testing by the fire marshal or his/her designee. An annual connection fee shall be paid to the City by the owner of the property upon which the master box or alarm system is installed. It shall be the property owner's responsibility to maintain the master box on his or her premises in working condition and good repair at all times.

2126. Fire alarm system malfunctions; fees.

- 1) Defined: For the purposes of this section, a fire alarm system malfunction is defined as the failure of a fire alarm system to operate in the normal or usual manner due to improper installation or maintenance and/or mechanical defect(s) in the system, resulting in the transmittal of an alarm signal to the fire department.
- 2) Fees: A fee in accordance with the City of Saint Albans schedule of fees shall be imposed for a false alarm due to a system malfunction. Additional offenses shall each increase the fee to be paid.

2127. Damage to master fire alarm boxes; fees.

- 1) Prohibited. No person shall destroy, deface or in any way damage any fire alarm box or any part thereof so as to prevent or delay its proper or timely use.
- 2) Fees: A violation of this section shall be punishable by a fee in accordance with the City of Saint Albans schedule of fees and the person responsible shall also be liable for the cost of repairs or replacement of the damaged property.

2128. Intentional false alarms.

Any intentional misuse of a fire alarm box that results in a false fire alarm from that property to the City fire alarm system shall be a violation of this ordinance and may result in the property owner being held responsible for the costs to the City from the response to such alarm and/or for a fee in accordance with the City of Saint Albans schedule of fees.

2129. Secure key boxes; fees.

- 1.) All public buildings with a fire alarm and/or an automatic sprinkler system shall be required to install secure key boxes or a so-called Knox Box. Existing public buildings with a fire alarm and/or an automatic sprinkler system not currently in compliance shall comply with this requirement within one year of the effective date of this section.
- 2.) The building owner shall be required to install in the key box all master keys to offices, electrical rooms, elevator equipment and all keys needed to reset any fire alarm system.
- 3.) If requested by the fire department, building owners shall be required to supply additional sets of keys as needed by the fire department to allow more than one team of firefighters to have access to areas of the building.

- 4.) If requested by the fire department, more than one Knox Box may be required to facilitate multiple points of entry in large facilities.
- 5.) Fees: A violation of this section after said one year period from the effective date of this section shall be punishable by a fee in accordance with the City of Saint Albans schedule of fees. After said fee has been levied against a non-compliant building owner each month of subsequent non-compliance with this ordinance shall be treated as a separate violation and shall be punishable by a separate fee.

2130. Secure fire department connections; fines.

- 1) Any public building having a sprinkler system shall be required to have locking fire department connection caps installed on each said fire department connection.
- 2) Fines: A violation of this section after said one year period from the effective date of this section shall be punishable by a fines in accordance with the City of Saint Albans schedule of fees and fines. After said initial fine has been levied against a non-compliant public building owner each month of subsequent non-compliance with this ordinance shall be treated as a separate violation and shall be punishable by a separate fine.

2131. Carbon monoxide alarms.

- 1) Carbon monoxide alarms which are UL 2034 listed or approved by a nationally recognized independent testing laboratory shall be installed in all existing buildings in which people sleep, including where people rent accommodations whether for overnight or for a longer term, condominiums, multiple unit dwelling, and other occupancies in which there are rooms or spaces in which sleeping is permitted. Such installation shall be in the vicinity of the sleeping areas and on every floor of the dwelling, installed in accordance with the manufacturer's instructions and state law.
- 2) In all existing buildings in which people sleep, including where people rent accommodations whether for overnight or for a longer term, condominiums, or multiple unit dwelling, anyone installing smoke alarms pursuant to section 2131; subsection 1, after the effective date of this section shall install either a combination smoke alarm/carbon monoxide alarm device or separate devices that provide smoke and carbon monoxide detection and alarm. Such installation shall be in the vicinity of the sleeping areas and on every floor of the dwelling, installed in accordance with the manufacturer's instructions and state law.

- 3) The seller of a residential dwelling transferred by sale or exchange shall certify to the buyer that the dwelling is provided with the carbon monoxide alarms required in subsection 1. This certification shall be signed and dated by the seller and filed in the land records at the time of recording the transfer. If the buyer notifies the seller within ten days by certified mail from the date of conveyance that the dwelling lacks a carbon monoxide alarm or that the alarm is not operable, the seller shall comply with this section within ten (10) days of notification.

2132. Opening hydrants; fines.

- 1) No person shall open any hydrant, or draw water therefrom, except the public works director, superintendent of streets, or persons under their direction, or the officers of the fire department and members of the fire department under their direction for fire suppression purposes.
- 2) Fines: A violation of this section shall be punishable by a fee in accordance with the City of Saint Albans schedule of fees.

2133. Obstructions to hydrants; fines.

- 1) No person shall, by means of a tree, lumber, brick or building material of any kind, or other article of hindrance, obstruct the access to any hydrant connected with any water pipe within any street, alley or public place.
- 2) Fines: A violation of this section shall be punishable by a fee in accordance with the City of Saint Albans schedule of fees.

2134. False alarms prohibited; fines.

Any person who shall intentionally give or cause to be given a false alarm of fire or other public safety emergency shall be punished by a fine in accordance with the City of Saint Albans schedule of fees and fines and subject to prosecution under Vermont State Law.

2135. Posting of occupant load in assembly occupancies.

Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent. Occupant loads shall be calculated in accordance with the adopted codes referenced in Section 2120 subsection 1 of this ordinance, by the Department of Public Safety upon request of the property owner or authorized agent. An annual

administrative fee shall be charged by the City of Saint Albans in accordance with the City of Saint Albans schedule of fees for the maintenance of the occupant load calculation and shall be due upon the anniversary of the initial occupancy load calculation. A new occupant load certificate shall be issued by the Department of Public Safety upon any permanent change in configuration of the room or space of an assembly occupancy that already has an approved occupant load certificate. Issued occupant load certificates shall serve as the approved official record for all posted occupant loads. Once an occupant load is calculated the number of occupants allowed to enter the room or space shall not exceed the posted occupant load. If a posted occupant load is exceeded the building owner shall be fined in accordance with the City of Saint Albans schedule of fees and the event being attended may be halted by the Department of Public Safety or the City of Saint Albans.

CHAPTER 7

OTHER PROHIBITED ACTIVITIES

SECTIONS

- 2151. Rubbish and other waste.
- 2152. Open fires prohibited; fees
- 2153. Outside fire endangering buildings or noxious to others.

- 2151. Rubbish and other waste.

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

Cross references. Removal of fire hazard and hazardous materials; fees see section 2054.

- 2152. Open fires prohibited; fines

- 1) No person shall build an outside fire, open or contained in an incinerator, fireplace or other receptacle, or permit the same to remain burning at any time in the City without obtaining written or verbal permission from the chief of the fire department, fire marshal, or designee, nor except upon the terms and conditions of such permit. Provided, that nothing herein contained is meant to conflict in any manner with state statutes governing this subject. Provided further, that this section shall not be applicable to outside cooking units.
- 2) 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.
- 3) Upon being issued written or verbal permission to burn no person shall make an open fire within 25 feet of a building, structure, wooded area, standing brush, or tall grass. Also, the allowed fire must be attended by some responsible person who shall see the fire is extinguished before leaving it.
- 4) Fines: Each day's violation of any part of this section shall constitute a separate offense, and any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in accordance with the City of Saint Albans schedule of fees and fines. Any subsequent violations will be penalized by additional

finest accordance with the City of Saint Albans schedule of fees and fines.

2153. Outside Fire endangering buildings or noxious to others

- 1) No person shall build, permit to be built, upon premises under his or her 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 the fire department that any building or structure is being so endangered, or to the health officer that such noxious or injurious condition exists, such fire department official or health officer shall make investigation, and issue to any person found to be in violation of the subsection his or her written or verbal 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.
- 2) A person who neglects or refuses to comply with or obey a lawful order as defined in Section 2152; subsection 1, shall be subject to a fee in accordance with the City of Saint Albans schedule of fees and fines.

CHAPTER 8

Reserved

CHAPTER 9

Reserved

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. Waste Storage and Collection
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

WASTE STORAGE AND COLLECTION

Sec. 11-1. Purpose.

This Waste Storage and Collection Ordinance is adopted under authority conferred by 24 V.S.A. §§2291(12), (13), and (14) and Section 18(6) of the St. Albans City Charter. The purpose of this Ordinance is to protect the health, safety, welfare, and convenience of residents through regulations promoting the orderly storage and collection of Solid Waste, Recyclables and Food Residuals in the City. This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

Sec. 11-2. Definitions.

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

“Bulky Waste” shall mean a discarded or unusable Solid Waste item of such size or weight that it cannot be stored in a container, including but not limited to stoves, refrigerators, water tanks, washing machines, furniture, and other large waste materials.

“Commercial Collection” shall mean the collection of Solid Waste, Recyclables, and Food Residuals from business establishments or multiple-family dwellings, by a Person holding a Waste Collection License issued by the City.

“Dumpster” shall mean a mobile waste container having a capacity typically greater than two cubic yards, designed to be emptied or transported by a specially designed truck.

“Enforcement Officer” shall mean the City Manager, Health Officer, Director of Public Works, any law enforcement officer, or any other person designated an Enforcement Officer under this Ordinance by the City Council.

“Food Residuals” shall mean material that is derived from processing or discarding of food and that is recyclable or reusable. Food residual may include pre-consumer and post-consumer food scraps. Food Residuals do not include food material composted by a resident on-site.

“Person” shall mean any individual, partnership, company, corporation, association, unincorporated association, joint venture, municipality, the State of Vermont or any agency, department, or subdivision of the State, a federal agency, or any other legal or commercial entity.

“Residential Collection” shall mean the collection of Solid Waste, Recyclables, and Food Residuals from single-family dwellings, collected individually and not otherwise classified as Commercial Collection by a Person holding a Waste Collection License issued by the City.

“Recyclables” shall mean material which may be reclaimed and/or processed so that it may be used in the production of materials or products. Recyclables include, but are not limited to,

aluminum and steel cans; aluminum foil and aluminum pie plates; glass bottles and jars from foods and beverages; polyethylene terephthalate (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles and jugs; corrugated cardboard; white and colored paper; newspaper; magazines; catalogues; paper mail and envelopes; boxboard; and paper bags.

“Solid Waste” shall mean garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and other material, including solid, liquid, semi- solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities. Solid Waste does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges that are point sources subject to permits under the Water Pollution Control Act.

“Tote” shall mean a mobile waste container with a fixed, hinged lid, wheels and horizontal handle, having a typical capacity of 65 to 95 gallons.

Sec. 11- 3. Disposal.

All Persons shall dispose of all Solid Waste, Recyclables, and Food Residuals generated by them either by delivering such materials to a facility that is legally authorized and permitted to accept such materials or by having a Person holding a Waste Collection License collect and deliver such materials on their behalf.

Sec. 11-4. Storage.

A. All Solid Waste, Recyclables, and Food Residuals placed or stored outdoors shall be stored in a container so as to prevent conditions harmful to public health or which create a safety hazard, odor, unsightliness, or a public nuisance. All such containers shall be covered, maintained in clean and sanitary condition, and shall be appropriately sized to store all such materials generated during periods between regularly scheduled collections. Use of uncovered bins that allow Solid Waste, Recyclables, or Food Residuals to blow in the wind is prohibited.

B. Single family dwellings shall store Solid Waste and Recyclables in Totes. Business establishments, multiple family dwellings, and multiple single-family residential units utilizing common containers shall store Solid Waste and Recyclables in Totes or Dumpsters.

C. Totes, Dumpsters, Bulky Waste items, and containers storing Food Residuals shall be kept in a discrete location out of view from the street and adjacent property except when placed out for collection.

Sec. 11-5. Collection.

A. Commercial Collection and Residential Collection shall only occur between the hours of 7:00 a.m. and 7:00 p.m. No Person operating a vehicle in the collection of Solid Waste, Recyclables, or Food Residuals shall allow the back up alarm on such vehicle to sound before 7 a.m.

B. Totes, Bulky Waste items, and Food Residual containers shall not be placed out for collection before 9 a.m. of the day preceding collection. Totes and uncollected Solid Waste, Recyclables, Bulky Waste items, and Food Residuals shall be removed from the collection location no later than 9 a.m. on the day following collection.

C. Totes, Bulky Waste items, and Food Residual containers shall be placed for collection in a location that does not impede vehicle or pedestrian traffic.

Sec. 11-6. Waste Collection License.

A. No person shall engage in the business of collecting or hauling Solid Waste, Recyclables, or Food Residuals without possessing a valid and current Waste Collection License issued by the City. No person holding a Waste Collection License shall violate the terms, restrictions, or conditions thereof or any provision of this Ordinance.

B. A Waste Collection License shall be issued by the City Manager or his or her designee, upon application, provided the following conditions are satisfied:

1. The applicant has all necessary current State licenses and licenses from the Northwest Vermont Solid Waste Management District;
2. The applicant has properly completed and filed all necessary application forms and provided such information as may be required by this Ordinance;
3. The applicant has paid the license fee as established by the City Council; and,
4. The applicant is not, at the time of application, under suspension or revocation of a Waste Collection License under Section 11-7 D of this Chapter. For the purpose of this subsection, applicant shall mean not only the named applicant but any person or legal entity that has a controlling interest in the applicant's business.

C. For the purpose of administering the provisions of this Ordinance and the licensing program established herein, the City Council shall impose a licensing fee as a condition to issuance and renewal of a Waste Collection License. The amount of the licensing fee shall be \$100.00. The license fee may be modified by resolution of the City Council from time to time.

D. Each Waste Collection License shall be valid for a period of one year from the date of issuance. Any renewal application shall comply with the application requirements in this section and be accompanied by the fee as prescribed above.

E. A Waste Collection License may not be assigned or transferred.

F. Each Licensee shall register the Licensee's collection route and day of collection with the City, compliance with which shall be deemed a condition of the Waste Collection License. The City Manager, or his or her designee, may attach to any Waste Collection License such other

reasonable terms, restrictions, and conditions as are necessary to assure that Solid Waste, Recyclables, and Food Residuals are collected and hauled in compliance with this Ordinance.

G. Each Licensee shall affix a sticker, provided by the City, to each Totes and Food Residuals container used by the Licensee's customers. The sticker shall indicate the Licensee's name, the Licensee's collection route and the day of collection.

H. Each Licensee shall keep and maintain such records as will enable the City to determine compliance with this Ordinance, including, but not limited to, records of the amount of Solid Waste, Recyclables, and Food Residuals that are collected or transported and the locations from which such materials have been collected.

Sec. 11-7 Temporary Roll-off Container Permit.

A. Large portable waste containers, commonly known as a "roll-off dumpsters" or "roll-off containers" may be used for the collection and removal of debris generated from the construction, reconstruction, renovation, or improvement of structures within the City.

B. Prior to locating a roll-off dumpster or roll-off container in the City, a Roll-off Permit shall be obtained from the City Manager or his or her designee. A Roll-off Container Permit shall be valid for fifteen (15) days. The Permit may be renewed upon the filing of a renewal application, however, no more than four (4) consecutive renewals shall be issued for any Permit. The amount of the permit fee shall be \$10.00. The permit fee may be modified by resolution of the City Council from time to time.

C. Roll-off containers shall only be located on private property and shall not be left standing or parked on or along any City street or on any public property. Roll-off containers may be located on City property with approval of the City Manager or his or her designee.

Sec. 11-8. Civil Penalty; Other Enforcement.

A. Any Person who violates a provision of this Ordinance or who violates any condition of a Waste Collection License issued under this Ordinance shall be subject to a Civil Penalty of up to \$800.00 per day under 24 V.S.A §1974a for each day that such violation continues. An Enforcement Officer shall be authorized to act as an issuing municipal official to issue and pursue before the Vermont Judicial Bureau a municipal complaint. Each day a violation continues shall constitute a separate violation.

B. An Enforcement Officer is authorized to recover Civil Penalties and Waiver Fees in the following amounts for violation of each indicated Section of this Ordinance:

1. Sec. 11-4, Sec. 11-5 C, and Sec. 11-5 D:

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
First Offense	\$20.00	\$15.00
Second Offense	\$30.00	\$25.00
Third Offense	\$40.00	\$35.00

Fourth Offense	\$50.00	\$45.00
Fifth and Subsequent Offenses	\$60.00	\$55.00

2. Sec. 11-5 A, Sec. 11-5 B, Sec. 11-6 A, Sec. 11- 6 G, Sec 11-7 B, and Sec. 11-7 C:

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
First Offense	\$160.00	\$100.00
Second Offense	\$320.00	\$250.00
Third Offense	\$480.00	\$400.00
Fourth Offense	\$640.00	\$550.00
Fifth and Subsequent Offenses	\$800.00	\$700.00

If the penalty for all continuing violations is greater than \$800.00, or injunctive relief is sought, the action shall be brought in the Criminal Division of the Superior Court.

C. In addition to the enforcement procedures available under 24 V.S.A §1974a, the City may issue and enforce a solid waste order in accordance with 24 V.S.A. §2297a.

D. The City Manager may suspend or revoke a Waste Collection License for any violation of this Ordinance or any term, condition, or restriction contained in the License. Notification of suspension or revocation will be made to the Licensee in writing and delivered in person or by certified mail, return receipt requested. A Licensee may appeal any suspension or revocation within ten (10) business days of receipt of the notice and request a hearing before the City Council. If an appeal is not received within ten (10) business days of notification, the decision of the City Manager to suspend or revoke shall be final and binding upon the Licensee.

Sec. 11- 9. Other Laws.

This Ordinance is in addition to all other ordinances of the City of St. Albans and all applicable laws of the State of Vermont, including 24 V.S.A. §2201.

Sec. 11-10. Severability.

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

Sec. 11-11 Repeal.

Sections 2901 – 2910 of the Revised Ordinances of the City of St. Albans, January 8, 2018, Edition and all other City ordinances, insofar as they may conflict with or are inconsistent with the provisions of this Ordinance, are hereby repealed.

Sec. 11-12. Effective Date.

This Ordinance shall become effective October 1, 2019.

Sec. 11-13. Approval and Adoption.

This Ordinance is hereby Adopted this 13th day of May, 2019.

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:

- 1st offense: written warning
- 2nd offense within one year of written warning \$100.00
- 3rd offense within one year of 2nd offense: \$200.00
- 4th 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.
- 4264. No Smoking Areas

4250. Definitions

For the 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.

(Added 10-08-1973)

For the purposes of this Chapter, “Smoking” shall include the possession and/or use of lighted or ignited tobacco products or other products burned for inhalation as well as the use of electronic or battery-powered devices that contain and are designed to deliver nicotine or other substances into the body by inhaling vapor.

(Added 08-14-2017)

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 03-14-1995)

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.

(Ch 03-14-1995)

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 10-08-1973)

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 06-19-1990)

4264. No Smoking Areas

In the following areas, it shall be unlawful for any person to possess or use lighted or ignited tobacco products or other products burned for inhalation or to use electronic or battery-powered devices that contain and are designed to deliver nicotine or other substances into the body by inhaling vapor:

- a. The pedestrian alley-way between 28 North Main Street and 30-32 North Main Street.
- b. The sidewalk and greenbelt within the City right of way along the baseball field property at the corner of Aldis Street and North Elm Street.

(Added 08-14-2017)

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.

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TITLE 17

VEHICLES AND TRAFFIC

CHAPTER

1. Bicycles
3. Parking of Vehicles on Private Premises
5. Traffic Regulations
7. Prohibition of Motor Trucks

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. Vehicles Operating or Standing on Sidewalks and Greenbelts.
- 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.
- 5169. Trucks Prohibited
- 5170. Bike Lanes

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 4. One-Way Traffic; Left Turns

- 5251. One-way streets.
- 5252. Passing on one-way streets; marked lanes.

Subchapter 5. Parking

- 5301. City Manager powers and duties; signs; using spaces.
- 5302. Unlawful parking as public nuisance; towing.
- 5303. Record of removed vehicle.
- 5304. Reclaiming of vehicle.
- 5305. Charges.
- 5306. Lien; foreclosure.
- 5307. Charges not a fine, penalty or forfeiture.
- 5308. No-parking areas.
- 5309. Commercial vehicles loading areas.
- 5310. Sunday restrictions.
- 5311. Winter parking.
- 5312. Bus stops.
- 5313. Police parking.
- 5314. Tourist information parking.
- 5315. Street Department work.
- 5316. Parking restrictions – trucks.
- 5317. Parking restrictions – parades.
- 5318. General prohibition; evidence.
- 5319. Parking time limited on certain streets.
- 5320. Parking Violation Schedule of Fines

Subchapter 6. Timed Parking Zones

- 5351. Designation of zones.
- 5352. Time periods; limitations on time.
- 5353. Bus stops.
- 5354. Taxi stands.
- 5355. Parades.
- 5356. Separability

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.

COMPACT CAR. Any motor vehicle measuring 175 inches or less in total length, with said measurement including anything attached to the front or rear of the vehicle. (Add. 03-13-2017)

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
5201	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 (09-29-2007)
13. Lincoln Avenue and Ferris Street (09-29-2007)
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
19. Lake Street, Federal Street and Catherine Street (Added 01-09-2017)

(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)

(Ch. 01-09-2017)

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 4. 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)
- (8) Market Street, southerly from Lake Street to the intersection of Stebbins and
Allen Street.
(Added 01-08-2018)

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 the southerly side of Lake Street west of Edward Street. (Added 03-14-2016, Ch. 10-09-2017)

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 1st of every year to March 15th 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 12-28-1970)

- (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 12-23-2003)

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 6-12-1966)

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
OVER TIME – PARKING LOT	5401; 5403; 5404(2)	\$15.00
OVER TIME – STREET	5351; 5352	\$15.00
OVER TIME – 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
COMPACT CAR ONLY	5321	\$25.00
(Add. 03-13-2017)		

(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)

5321. Parking for Compact Cars Only

The following spaces are designated for compact cars only. Vehicles larger than a compact car are prohibited from parking here:

1. The on-street parking spaces on the east side of Federal Street between Kingman Street and the access drive to the City parking garage. (Add. 03-13-2017)

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 hour parking areas, except for any spaces otherwise designated under subsections 5351(b) and 5351(f):
(Ch. 03-13-2017)
 - (1) The east side of North Main Street from Fairfield Street north to Congress Street. (Ch. 03-13-2017)
 - (2) The west side of North and South Main Streets from the north side of Stebbins Street north to Hudson Street.(Ch. 05-14-2007, Ch. 03-13-2017)
 - (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 01-05-1999)

- (12) North side of Stowell Street. (Added 08-14-2017)
- b. The following described on-street parking spaces 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 8:00 AM to 5:00 PM Monday through Saturday.
(Added 07-29-2003, Ch. 03-13-2017)
 - (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 8:00 AM to 5:00 PM Monday through Saturday.
(Added 04-13-2015, Ch. 03-13-2017)
 - (4) The on-street parking area in the vicinity of 22 Lake Street on the south side of Lake Street and to the east of the driveway into the Lake Street municipal parking lot from the hours of 8:00 AM to 5:00 PM Monday through Saturday.
(Added 01-09-2017, Ch. 03-13-2017)
- c. The provisions of subsection (a) of this section shall be effective during the hours from 8:00 AM to 5:00 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, Ch. 03-13-2017)
- 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)
- e. 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 8:00 AM to 5:00 PM Monday through Friday, except on legal state holidays, or on Mondays succeeding legal state holidays that fall on Sunday:
- (1) The east side of North Main Street from Congress Street to the driveway entrance of 109 North Main Street, currently Ace Hardware. (Add. 03-13-2017)
 - (2) The west side of North Main Street from Hudson Street to Hoyt Street. (Add. 03-13-2017)

- f. The following described streets and areas in the City of St. Albans are hereby designated and established as one hour parking areas, effective during the hours from 8:00 AM to 5:00 PM Monday through Friday, except on legal state holidays, or on Mondays succeeding legal state holidays that fall on Sunday:

- (1) The north side of Lake Street between Main Street and the access drive into 15 Lake Street, currently the City parking garage. (Add. 03-13-2017)

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 set forth 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)

CHAPTER 7. PROHIBITION OF MOTOR TRUCKS

Sec. 1. Purpose.

This Motor Truck Operation Ordinance is adopted under authority conferred by Sections 18(7) and 18(21) of the St. Albans City Charter. The purpose of this Ordinance is to restrict truck traffic on Upper Welden Street in the City of St. Albans. This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

Sec. 2. Definitions.

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

"Motor truck" means any motor vehicle designed primarily for the transportation of property and shall be construed to include truck tractor-semitrailer and truck tractor-semitrailer-trailer combinations.

Sec. 3. Prohibition of Motor Trucks.

Motor trucks with a registered vehicle weight in excess of sixteen thousand pounds (16,000 lbs.) shall be prohibited from Upper Welden Street. This prohibition shall not apply to motor trucks making deliveries to or from properties on Upper Welden Street or Barlow Street, or to City-owned vehicles or emergency response vehicles.

Sec. 4. Civil Penalty; Other Enforcement.

A. Any person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800.00 per day for each day that such violation continues. Any law enforcement officer shall be authorized to act as an issuing municipal official to issue and pursue before the Vermont Judicial Bureau a municipal complaint. Such officer is authorized to recover civil penalties and waiver fees in the following amounts for each violation:

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
First Offense	\$ 100	\$ 75
Second Offense	\$ 300	\$ 225
Third Offense	\$ 500	\$ 375
Fourth and Subsequent Offenses	\$ 800	\$ 600

Sec. 5. Other Laws.

This Ordinance is in addition to all other ordinances of the City of St. Albans and all applicable laws of the State of Vermont.

Sec. 6. Severability.

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

Sec. 7. Approval and Adoption.

This Ordinance is hereby adopted this 14th day of January, 2019 and shall take effect immediately.

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.

Licenseses 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).

Title 25 Stormwater Management and Operations

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Chapter 1. General

Sec. 1.1 Findings.

The St. Albans City Council finds and declares that:

- A. Land development activities and associated increases in the amount of impervious cover within a watershed often alter the hydrologic response and water quality aspects of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, sediment transport and deposition and the concentration of waterborne pollutants and pathogens.
- B. Clearing and grading during construction tend to increase soil erosion and reduce the native vegetation important for terrestrial habitat, for stream regulation through shading and for maintenance of natural food cycles important to food chains and aquatic habitat. Effective erosion controls are important techniques in preventing water pollution, soil loss, wildlife habitat loss and human property loss. Clearing and grading is particularly disruptive within stream corridors, contributing to streambank erosion, loss of vegetative cover, overland transport of pollutants into the stream, and loss of riparian habitat.
- C. Improper design and construction of stormwater management practices can increase downstream flooding and increase the velocity of stormwater runoff causing stream bank erosion and buildup of sedimentation.
- D. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- E. Stormwater runoff, soil erosion and non-point source pollution can be controlled, minimized and in some cases eliminated through the regulation of stormwater runoff from land development activities. Illicit discharges must be eliminated.
- F. The regulation of stormwater discharges from new development and redevelopment of existing sites, the elimination of illicit discharges, and the control of erosion, sediment and stormwater discharge is in the public interest and will minimize threats to public health and safety posed by unmanaged runoff.
- G. The creation of a stormwater utility, enterprise fund, and a system of fees is necessary to ensure the public health and safety in the management of stormwater pollution and operation of the stormwater system in the City of St. Albans.

Sec. 1.2 Purpose.

This Ordinance is adopted pursuant to the City of St. Albans Charter §§ 16-22, 10 V.S.A. Chapter 47, 24 V.S.A. Chapters 97 and 101, and 24 V.S.A. §2291(14). This Ordinance defines the rules and regulations for the control of stormwater and operation of the stormwater utility, also referred to as the stormwater system and/or stormwater program, of the City of St. Albans, allow the City to exercise general regulation over the planning, location, construction, and operation

and maintenance of stormwater facilities in the City, whether or not owned and operated by the City, to adopt any regulations deemed necessary to accomplish the purposes of this Ordinance, including the adoption of an enterprise fund and system of fees for services and permits, and to define what constitutes a public nuisance relating to illicit discharges, soil erosion, water pollution, and stormwater management related to land disturbance activities. This Ordinance also provides procedures for the abatement or removal of such public nuisances as the public health, safety or welfare may require. This Ordinance also establishes methods for controlling the discharge of sediment, stormwater and non-stormwater discharges into the MS4, and/or surface or ground water in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont.

Sec. 1.3 Applicability.

This Ordinance shall apply to all property within the City of St. Albans and shall apply specifically as indicated in Chapters within this Ordinance.

Sec. 1.4 Severability.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, it shall not affect the validity or application of other provisions of this Ordinance.

Sec. 1.5 Relation to other Ordinances of the City of St. Albans.

If the provisions of these regulations conflict with the provisions of any other valid and enforceable City of St. Albans Ordinance(s), the stricter shall prevail.

Sec. 1.6 Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore, this Ordinance does not intend nor imply that compliance by any Person will ensure that there will be no contamination, pollution, nor unauthorized discharge or discharge of pollutants.

Sec. 1.7 Documents Incorporated by Reference as may be amended from time to time.

- A. St. Albans City Revised Ordinances.
- B. St. Albans City Land Development Regulations.
- C. Vermont Stormwater Management Manual.
- D. Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.
- E. City of St. Albans Construction Stormwater Guidance Document.
- F. City of St. Albans Stormwater Utility Credit Manual.
- G. City of St. Albans Stormwater Regulation Fees.

Sec. 1.8 Definitions.

For the purposes of this Ordinance, the following shall mean:

“Administrative Officer” shall mean the person or designated by the City Manager to administer, implement, and enforce this Ordinance.

“Agent” shall mean a person authorized to act in the place of another person.

“Applicant” shall mean a property owner or duly designated representative who files an application for a land disturbance activity.

“Best Management Practices” or “BMPs” shall mean a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution.

“Certified Professional in Erosion and Sediment Control” or “CPESC” shall mean an individual holding a certification in good standing as a Certified Professional in Erosion and Sediment Control from EnviroCert International, Inc.

“Clearing” shall mean any activity that removes the vegetative surface cover.

“Common Plan of Development” shall mean a development that is completed in phases or stages when such phases or stages share a common state or City permit related to the regulation of land use, the discharge of wastewater or a discharge to surface waters or groundwater, or a development designed with shared common infrastructure. Common plans of development include, but are not limited to, subdivisions, industrial and commercial parks, and university and other campuses. Construction activities or portions of construction activities that have achieved final stabilization as of the effective date of this Ordinance shall not be considered for purposes of determining what constitutes disturbance under a common plan of development that requires coverage under this Ordinance. Following completion of the common plan components on a parcel of land, any additional development of the parcel shall be considered as separate from the original common plan for the purposes of evaluating whether one or more acres of land will be disturbed.

“Construction” and “Construction Activity” shall mean Land Disturbing Activity associated with development, including land preparation such as clearing, grading, filling, and breaking of topsoil; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages. Also includes activities subject to NPDES Construction Permits.

“Construction and Demolition Debris” shall mean those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure including houses, buildings, industrial or commercial facilities, and roadways.

“Construction Permit” shall mean a permit approved by the City Zoning Administrator and/or

Administrative Officer which authorizes any land disturbance activities in the City of St. Albans.

“Construction Season” shall mean the period of time between May 1 and October 14 when land disturbance activities are permitted under this Ordinance.

“Credits” shall mean an ongoing reduction in a property’s or parcel’s normally calculated stormwater fee for certain qualifying activities that reduce the impact of increased stormwater runoff resulting from development, or provide an ongoing public benefit related to stormwater management.

“Department of Public Works” shall mean the Director of Public Works and employees or designees of the Director of Public Works.

“Developed Property” shall mean any property that is altered from a natural state by construction, or installation of improvements such as buildings, structures, or other impervious surfaces.

“Development” shall mean the Construction of improvements or other alterations on a tract of land for any purpose.

“Erosion and Sediment Control Plan” or “ESCP” shall mean a set of plans prepared by or under the direction of a licensed professional engineer or a certified erosion control technician indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

“Erosion Control” shall mean a measure that prevents or controls wind or water erosion in agriculture, land development, coastal areas, riverbanks or construction.

“ERU” is an acronym for “Equivalent Residential Unit” and is described further in Sec. 10.1.

“Grading” shall mean any excavation or fill of material, including the resulting conditions thereof.

“Hazardous Materials” shall mean any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Illegal Discharge” shall mean any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 3.4 of this Ordinance.

“Illicit Connections” shall mean any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MS4, and any connections to the MS4, from indoor drains and sinks,

regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City.

“Impervious Surface” shall mean those manmade surfaces that cannot effectively infiltrate rainfall. Examples include but shall not be limited to paved and unpaved roads; rooftops; parking lots; decks; stationary vehicles and trailers; walkways and driveways; compacted gravel or soil surfaces, including those created through agricultural activities; swimming pools; the horizontal coverage of free-standing solar panels; storage areas; awnings and other fabric or plastic coverings; and other hardscapes, whether paved, brick, stone or concrete. Surfaces that are specifically designed and installed to directly infiltrate stormwater into the ground and that are functioning properly shall not be defined as impervious. Impervious Surface shall also mean the so-classified pixels and polygons contained within the geographic information systems data layers used from time to time by the City and its agents to establish ERU values for multiple parcels.

“Industrial Activity” shall mean activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

“Infiltration Basin” shall mean any structure or device designed to infiltrate retained water to the subsurface.

“Land Disturbance” and “Land Disturbance Activities” shall mean any activity that disturbs or breaks the topsoil or results in the movement of earth on land.

“Limits of Disturbance” shall mean the boundary within which all construction, materials and equipment storage, grading, landscaping and related activities shall occur.

“Maintenance Agreement” shall mean a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

“Municipal Separate Storm Sewer System” and “MS4” shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (i) owned or operated by the City of St. Albans or another designated MS4 entity that discharges to surface waters or ground water; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR, Section 122.2

“National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” shall mean a permit issued by EPA (or by the State of Vermont under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Non-point Source Pollution” shall mean pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from mining, construction, subsurface disposal and urban runoff sources.

“Non-Stormwater Discharge” shall mean any discharge to the MS4 that is not composed entirely of stormwater.

“Parcel” is any lot, subdivided piece of land, unit of land, any subset of land, land owned in common, or a condominium unit or condominium association in the City of St. Albans that could legally be sold as a separate entity as of April 1 of the year the fee is based on, and has a separate parcel identification number, map identification number or is identified as a separate parcel on the City of St. Albans Parcel Maps. Included in this definition are all roadways owned by the City, the State, and the Federal Government.

“Permitted Premises” shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips, that require a NPDES permit to discharge stormwater, or a state stormwater discharge permit, or a construction erosion control permit, or stormwater best management practices constructed and submitted for receiving stormwater credits.

“Person” shall mean any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner, the owner's agent, or the operator of a premise.

“Private Stormwater System” shall mean all elements of a stormwater system located in the City of St. Albans that are controlled and operated by individuals, corporations, and other organizations and not by the City of St. Albans, County, State, or Federal Government Agency, or that carry water that drains from any private property or parcel.

“Property Owner” shall mean any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly, or severally with others hold(s) legal or equitable title to any real-estate. The term “Property Owner” shall also include heirs, successors, and assigns.

“Pollutant” shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

“Premises” shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Public Stormwater Treatment Facility” shall mean a form of stormwater treatment that collects stormwater from more than one property and/or from City streets for the purposes of meeting the City's watershed-wide MS4 water quality requirements and that has been so-designated by the

Administrative Officer.

“Sediment” shall mean soil, sand, and minerals washed from land into surface waters or onto other lands.

“Sediment Control” shall mean measures that prevent eroded sediment from leaving the Site.

“SF” or “Sq Ft” shall mean square feet, as a measurement.

“Single Family Property” or “Single Family Dwelling” shall mean any single parcel of developed land that contains a single dwelling unit as the only principal use. This definition includes single family properties where a legal home business/occupation exists and/or where an accessory dwelling unit exists, as defined by the St. Albans City Land Development Regulations.

“Site” shall mean a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

“Site Development” shall mean construction or alteration of the ground, improvements and structure installation.

“Soil Erosion” shall mean when land or soil is diminished or worn due to wind or water.

“Stabilization” shall mean the use of accepted practices that prevent exposed soil from eroding.

“Start of Construction” shall mean the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

“Stormwater” shall mean precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain.

“Stormwater Fee” shall mean the periodic fee imposed pursuant to this Ordinance for the purpose of funding costs related to stormwater programs, services, systems, and facilities.

“Stormwater Impaired Watershed” shall mean the water catchment area that contributes to a section of surface water failing to meet Vermont Water Quality Standards and listed as “impaired” by the Vermont Department of Environment Conservation.

“Stormwater Management” shall mean the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge and detrimental changes in stream temperature that affect water quality and habitat.

“Stormwater Management Plan” shall mean a comprehensive plan consistent with the requirements of the Vermont Stormwater Management Manual as most recently adopted by the

Vermont Department of Environmental Conservation, and designed to manage the volume, rate and pollutant load of stormwater runoff after a site has undergone final stabilization following completion of the construction activity.

“Stormwater Runoff” shall mean Precipitation, snowmelt, and the material dissolved or suspended in precipitation and snowmelt that flows on the surface of the ground and discharges into surface waters or into groundwater via infiltration.

“Stormwater Treatment Practices” shall mean measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

“Structure” shall mean a house, building or any other assembly of materials used for human occupancy, including but not limited to residence, place of employment, meeting places and places used for recreation.

“Surface Waters” shall mean any receiving waters existing on the surface of the ground, including but not limited to; brooks, streams, rivers, wetlands, ponds, or lakes.

“Two-Family Property” or “Two-Family Dwelling” shall mean any single parcel of developed land that contains a total of two dwelling units as the only principal use. This definition includes two-family properties where a legal home business/occupation exists.

“Undeveloped Property” shall mean any property that exists in a natural state.

“Un-permitted Premises” shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips, that does not require a NPDES permit to discharge stormwater, or a state stormwater discharge permit, or a construction erosion control permit, or stormwater best management practices constructed and submitted for receiving stormwater credits.

“Wastewater” shall mean any water or other liquid, other than uncontaminated stormwater, discharged from premises.

“Watercourse” shall mean any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of St. Albans.

“Waterway” shall mean a channel that directs surface runoff to a watercourse or to the public storm drain.

“Zoning Administrator” shall mean the person or persons appointed to administer and enforce the St. Albans City Land Development Regulations.

Chapter 2. Administration.

Sec. 2.1 Responsibility for Administration.

The City Manager shall appoint an Administrative Officer to implement and enforce the provisions of this Ordinance. The City Manager and Administrative Officer may also delegate other powers and duties to implement and enforce this Ordinance to persons or entities acting in the beneficial interest of or in the employ of the City of St. Albans. Except where otherwise noted in this Ordinance, the Administrative Officer shall administer, implement, and enforce the provisions of this Ordinance.

Sec. 2.2 Technical Review.

In the event the Administrative Officer finds, in the discharge of their duties under this Ordinance, that they require the assistance of qualified professionals in stormwater management, erosion control, engineering or related fields to determine compliance with the provisions of this Ordinance, the Administrative Officer may require an independent review of one or more aspects of a permit, plan or application, with the cost of the review to be paid by the applicant or permittee.

Chapter 3. Illicit Discharge and Stormwater Connection

Sec. 3.1 Purpose and Intent.

Under the authority set forth in the City of St. Albans Charter §§ 16-22, 10 V.S.A. Chapter 47, 24 V.S.A. Chapters 97 and 101, and 24 V.S.A § 2291(14), and to provide for the public health, safety, welfare and convenience, it is hereby declared that it shall be a public nuisance for anyone to contribute pollutants, illegally connect, or illegally discharge into the Municipal Separate Storm Sewer System, (MS4), or to otherwise discharge non-stormwater discharges in violation of the requirements of this Ordinance. It is the further purpose of this Chapter to provide procedures for the regulation of non-stormwater discharges to the MS4, and where required by public health, safety, or welfare, to provide for the abatement or removal of any public nuisance related thereto. This Chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont.

The objectives of this Chapter are:

- A. To regulate the introduction of pollutants to the MS4 from non-stormwater discharges by any user;
- B. To prohibit illicit connections and illegal discharges to the MS4;
- C. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Chapter.

Sec. 3.2 Applicability.

This Chapter applies to all properties and parcels within the City of St. Albans.

Sec. 3.3 Prohibitions.

A. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any premise, public or private property, driveway, parking area, street, alley, sidewalk, component of the MS4, or any surface water of the City of St. Albans, any object or material, including but not limited to: Refuse, rubbish, garbage, animal waste, litter, yard waste, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution, or interfere with the operation, maintenance and access to the MS4. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

B. The construction, use, maintenance or continued existence of illicit connections to the MS4 are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. No person shall discharge or cause to be discharged into the MS4, any materials, including but not limited to pollutants or waters containing any pollutants, other than stormwater, or any materials that may impede the natural flow of stormwater or the functionality of the MS4.

Sec. 3.4 Exemptions.

The commencement or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

A. Water line flushing or other potable water sources, landscape irrigation or lawn watering, approved stream flow diversions, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pool draining (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.

B. Discharges specified in writing by the Director of Public Works or Administrative Officer as being necessary to protect public health and safety.

C. Dye testing is an allowable discharge, but requires notification of, and acknowledgement of receipt of notification by, the Administrative Officer prior to the time of the test.

D. The prohibition in this Section shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and

administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4 by the Administrative Officer.

Sec. 3.5 Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge regulation, and/or permit shall comply with all provisions of such regulation and/or permit. Proof of compliance with said regulation and/or permit may be required in a form acceptable to the Administrative Officer prior to allowing such discharges to the MS4.

Chapter 4. Monitoring of Discharges.

Sec. 4.1 Applicability.

This Chapter applies to all premises that have stormwater discharges associated with industrial activity as defined in this Ordinance, including construction activity.

Sec. 4.2 Access to Premises.

A. The Administrative Officer and his/her representatives shall be permitted to enter and inspect any premise subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a person has security measures in force that require proper identification and clearance before entry into its premise, the person shall make the necessary arrangements to allow access to the Administrative Officer and his/her representatives.

B. A person shall allow the Administrative Officer and his/her representatives ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

C. The Administrative Officer and his/her representatives shall have the right to set up on any permitted premises such devices as are necessary in the opinion of the Administrative Officer to conduct monitoring and/or sampling of the premises stormwater discharge.

D. The Administrative Officer shall have the authority to require a person to install monitoring equipment as necessary. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator of the premise at their own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy. The owner or operator of the premise shall demonstrate calibration techniques and satisfactory operation of the devices to the Administrative Officer and his/her representatives upon request.

E. Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the owner or operator of the premise at

the written or oral request of the Administrative Officer and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator of the premise.

F. Unreasonable delays in allowing the Administrative Officer and his/her representatives access to permitted premises are a violation of this Chapter. A person who is the operator of a premise with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Administrative Officer and his/her representatives reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this Chapter.

G. If the Administrative Officer and his/her representatives have been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Administrative Officer may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 4.3 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the use of Best Management Practices.

A. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural Best Management Practices (BMPs).

B. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section.

Sec. 4.4 Notification of Spills.

A. Notwithstanding other requirements of law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Administrative Officer either in person, by phone, or via email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Administrative Officer within three business days of the phone notice.

B. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge, steps taken to remediate said illicit discharge, and the actions taken to prevent its recurrence. Such records shall be retained on site by the owner or operator for at least three years.

Chapter 5. Erosion and Sediment Control

Sec. 5.1 Purpose and Intent.

A. The purpose of this Chapter is to regulate and prevent the discharge of sediment to the MS4 and surface waters and to provide for the abatement of any public nuisance related thereto. This Ordinance establishes these regulations to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process and General Permit No. 3-9014 (2012) as issued by the State of Vermont.

B. Under the authority of Section 18 of the City of St. Albans Charter, 10 V.S.A. Chapter 47, 24 V.S.A. Chapters 97 and 101, and 24 V.S.A. § 2291(14), and to provide for the public health, safety, welfare and convenience, it is hereby declared a public nuisance for any person to discharge sediment into the MS4 or surface waters in violation of this Ordinance or an approved Erosion and Sediment Control Plan.

Sec. 5.2 General Prohibition.

No person shall cause, allow, or permit any sediment created by soil erosion resulting from Land Disturbance Activity to enter the MS4 or the surface waters of the City.

Sec. 5.3 Erosion Prevention and Sediment Control Plans.

A. Land Disturbance Activity disturbing less than one acre of land, either individually or as part of a Common Plan of Development, that is not subject to the requirements of the Vermont Construction General Permit 3-9020, that is not exempt under Section 5.4, and that meets any of the following criteria, shall require an Erosion Prevention and Sediment Control Plan approved by the Administrative Officer:

1. Any Land Disturbance Activity disturbing more than 50 SF within 30 linear feet of the centerline of Grice Brook, Rugg Brook or Stevens Brook.
2. Any Land Disturbance Activity disturbing more than 100 SF located within a Stormwater Impaired Watershed.
3. Any Land Disturbance Activity disturbing more than 500 SF located outside a Stormwater Impaired Watershed.

4. Any project that, in the opinion of the Administrative Officer, has the potential to cause significant erosion, resulting in the transport of sediment to surface waters or the MS4 or endanger property or public safety if not properly mitigated and controlled.

B. The content of an Erosion Prevention and Sediment Control Plan shall be as set forth in the City of St. Albans Construction Stormwater Guidance Document, as amended. All erosion control practices, sediment control practices, waterway and watercourse protection practices and construction site access practices shall be consistent with the City of St. Albans Construction Stormwater Guidance Document and shall be adequate to prevent erosion and transportation of sediment to the satisfaction of the Administrative Officer.

C. The Administrative Officer shall review each Erosion Prevention and Sediment Control Plan to determine its conformance with the City of St. Albans Construction Stormwater Guidance Document and this Ordinance. Within thirty (30) days after receiving an application for review, the Administrative Officer shall in writing: 1) Approve the Plan; 2) Approve the Plan subject to such conditions as may be necessary to secure the objectives of this Ordinance; or 3) Disapprove the Plan, indicating in writing the reason(s) and procedure for submitting a revised Plan.

D. In the event an Erosion Prevention and Sediment Control Plan is associated with an application for another permit or decision to be issued by the City of St Albans, the Erosion Prevention and Sediment Control Plan shall be deemed to be a required component of a complete application for the associated permit or decision.

Sec. 5.4 Exemptions.

A. Any emergency activity that is immediately necessary for the protection of life, property or natural resources shall not require an Erosion Prevention and Sediment Control Plan immediately before the commencement of Land Disturbance Activities. However, an Erosion Prevention and Sediment Control Plan shall be required if the associated Land Disturbance Activities last more than 96 hours.

B. Any active nursery or garden for permanent landscaping or harvested for personal use of products shall not require an Erosion Prevention and Sediment Control Plan, provided that, in the opinion of the Administrative Officer, the activity does not have the potential to cause significant erosion or stormwater management impacts, or endanger property or public safety.

Sec. 5.5 Inspection.

A. For all projects for which an Erosion Prevention and Sediment Control Plan has been approved, the Administrative Officer shall make inspections, and either shall approve that portion of the work completed or shall notify the permittee that the work fails to comply with the Erosion Prevention and Sediment Control Plan. To obtain inspections, the applicant shall request an inspection from the Administrative Officer at least three (3) business days before commencement of any of the following:

1. Start of construction, at which time the inspection shall include inspection of the limits of disturbance to ensure the limits are correctly and fully demarcated on the site;

2. Installation of all sediment and erosion control measures;
3. Completion of final grading;
4. Completion of final landscaping.

B. In lieu of inspection by the Administrative Officer, the Administrative Officer may, upon written request of the applicant, allow the applicant to provide a written certification from a professionally licensed engineer, or a certified professional in erosion and sediment control (CPESC), certifying compliance with the Erosion Prevention and Sediment Control Plan upon completion of the activities enumerated in subsection A. above. The applicant shall make regular inspections of all control measures in accordance with the inspection schedule outlined in the Erosion Prevention and Sediment Control Plan and shall provide written certification to the Administrative Officer upon completion of each inspection, noting any remedial action required to achieve compliance with the Erosion and Sediment Control Plan.

Sec. 5.6 Access to Land Disturbance Activities.

The Administrative Officer or his/her designee shall be permitted to enter and inspect any Land Disturbance Activities in the City of St. Albans to determine compliance with this Ordinance and the Erosion Prevention and Sediment Control Plan. The limits of Land Disturbance Activity shall be physically demarcated using measures described in the City of St. Albans Construction Stormwater Guidance Document.

Sec. 5.7 Surety.

As a condition of approval of an Erosion Prevention and Sediment Control Plan, the Administrative Officer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee good faith execution of the approved Erosion Prevention and Sediment Control Plan. Surety generally shall be required only in those instances where a site's conditions or a proposed land disturbing activity pose a unique or substantial threat of causing erosion or sedimentation in surface waters or the MS4, or where there are unique technical issues affecting the content and prospective effectiveness of an Erosion Prevention and Sediment Control Plan.

Chapter 6. Post-Construction Stormwater Management.

Sec. 6.1 Purpose and Intent.

Under the authority set forth in the City of St. Albans Charter §§ 16-22, 10 V.S.A. Chapter 47, and 24 V.S.A. Chapters 97 and 101, and 24 V.S.A. § 2291 (14), and to provide for the public health, safety, welfare and convenience, it is hereby declared that it shall be a public nuisance for anyone to improperly manage stormwater runoff created by land development, or to otherwise manage stormwater runoff caused by land development in violation of the requirements of this Ordinance.

It is the purpose of this Chapter to provide procedures for the regulation of stormwater runoff caused by land Development, and where required by public health, safety, or welfare, to provide for the abatement or removal of any public nuisance related thereto. This Chapter establishes

minimum stormwater management requirements for post-construction sites in the City of St. Albans, in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and General Permit No. 3-9014 as issued by the State of Vermont. The specific purposes of this Chapter are:

- A. To minimize increases in stormwater runoff from Development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion;
- B. To maintain the integrity of stream channels and minimize disruption to natural hydrologic processes from land development;
- C. To minimize increases in non-point source pollution caused by stormwater runoff from Development which would otherwise degrade local water quality;
- D. To reduce stormwater runoff rates and volumes, soil erosion, and non-point source pollution through the effective use of landscaping, surfacing, and stormwater treatment practices, and to ensure that these management controls are properly maintained;
- E. To establish the legal authority to carry out all review, inspection and enforcement procedures necessary to ensure compliance with this Chapter.

Sec. 6.2 Applicability of Post-Construction Stormwater Management Requirements.

This Chapter applies to Development activities that result in the creation, expansion or redevelopment of impervious surface, as such terms are defined in this Ordinance and as enumerated in Section 6.4, unless otherwise exempted under Section 6.5. All projects undertaken by the City of St. Albans shall be subject to the applicable provisions of this Chapter.

Sec. 6.3 Prohibitions.

No person required to obtain a permit from the City for any Development that results in the creation, expansion or redevelopment of impervious surface shall improperly manage stormwater runoff associated with these activities, and/or fail to conform to the requirements of this Chapter.

Sec. 6.4 Permits.

No person shall be granted an approval by the City of St. Albans for any Development regulated under this Chapter without compliance with the following provisions:

- A. Projects that result in the creation of new impervious surface greater than one acre or the expansion of existing impervious surface of greater than one acre shall require evidence of application to the Vermont Department of Environmental Conservation for coverage under General Permit 3-9015 for Stormwater Discharges or an Individual Stormwater Discharge Permit, as applicable.

B. Projects resulting in one acre or more of land disturbance, whether as an individual project or under a Common Plan of Development, and that do not otherwise require coverage under General Permit 3-9015 for Stormwater Discharges or a Vermont Individual Stormwater Discharge Permit shall require approval by the Administrative Officer or his/her designee of a Stormwater Management Plan equivalent to the requirements of General Permit 3-9015 for Stormwater Discharges as enumerated in the Vermont Stormwater Management Manual, as most recently revised.

Sec. 6.5 Exemptions.

The following activities shall be exempt from the provisions of this Chapter:

- A. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
- B. Any active nursery or garden harvested for personal use of products and that, in the opinion of the Administrative Officer, does not have the potential to cause significant erosion or stormwater management impacts, or endanger property or public safety, if post-construction stormwater is not properly mitigated and controlled.
- C. Construction or modification of single-family or two-family dwellings and accessory structures and appurtenances thereto, where no impervious surface or structure is proposed to be sited within 30 linear feet of the centerline of Grice Brook, Rugg Brook or Stevens Brook, and that, in the opinion of the Administrative Officer, does not have the potential to cause significant erosion or stormwater management impacts, or endanger property or public safety, if post-construction stormwater is not properly mitigated and controlled.

Sec. 6.6 Stormwater Management Plans; Content and Preparation.

A. At a minimum all stormwater management practices in a Stormwater Management Plan shall meet the design requirements set forth in the Vermont Stormwater Management Manual, as most recently amended. All Plans shall include a Maintenance Plan as described in Section 6.8 of this Ordinance.

B. A Stormwater Management Plan shall be prepared and signed by a professional engineer licensed to practice in the State of Vermont who shall verify and demonstrate conformance to the applicable water quality treatment standards and stormwater management design criteria contained in this Chapter.

Sec. 6.7 Stormwater Management Plans; Approval Process.

A. In the event a Stormwater Management Plan is associated with an application for another permit or decision to be issued by the City of St Albans, the Stormwater Management Plan shall be deemed to be a required component of a complete application for the associated permit.

B. The Administrative Officer will review each Plan to determine its conformance with the provisions of this regulation, unless explicitly exempted within this Ordinance. Within 30 days after receiving an application for review, the Administrative Officer shall in writing:

1. Approve the plan;
2. Approve the plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation; or
3. Disapprove the plan, indicating in writing the reason(s) and procedure for submitting a revised plan.

Sec. 6.8 Maintenance of Stormwater Management Practices and Landscaping.

A Maintenance Plan shall be prepared and approved in conjunction with all Stormwater Management Plans. The Maintenance Plan shall include detailed maintenance and repair procedures to ensure the continued function of all stormwater management measures, including those landscaped or surfaced areas that are integral to the function of the Plan. The Maintenance Plan shall include:

A. Landscape Plan; The applicant must present a detailed plan for the management of vegetation at the site after construction is finished, including identification of all landscaped areas or practices that are to provide stormwater treatment and control, the responsible party for maintenance of vegetation at the site, and practices that will be employed to ensure the healthy condition and function of landscaped areas.

B. Maintenance Easements; The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all of the maintenance easements needed on a permanent basis. These easements shall be recorded in the land records before commencement of the approved land use and shall remain in effect upon transfer of title to the property.

C. Maintenance Agreement; The applicant must execute a maintenance agreement binding on all subsequent owners of land served by a stormwater management measure included in the approved Stormwater Management Plan. The maintenance agreement shall be recorded in the land records before commencement of the approved land use and shall specify the required maintenance measures for all stormwater treatment practices, including landscaped or surfaced areas providing stormwater treatment and control, along with a maintenance schedule specifying when and how often maintenance shall be performed on each stormwater treatment practice.

D. Maintenance Records; The applicant shall be required to maintain records that verify that all required maintenance and inspections were performed in conformance with the approved Stormwater Management Plan. The records shall be maintained for a period of three (3) years, and a copy of all records shall be submitted annually to the Administrative Officer.

Sec. 6.9 Access to Stormwater Treatment Practices.

The Administrative Officer shall be permitted to enter and inspect any property where stormwater treatment practices are being, or have been constructed, subject to regulation under this Ordinance as often as may be necessary to determine compliance with the Stormwater Management Plan and this Ordinance.

Sec. 6.10 Inspection Requirements.

The applicant shall notify the Administrative Officer via email, mail or telephone no less than three (3) business days in advance of the start of Construction. The Administrative Officer or his/her designees shall inspect stormwater treatment practices a minimum of once during the construction phase to verify that practices are being constructed per the approved Stormwater Management Plan and shall inspect the stormwater treatment practices upon notification of completion. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No additional work shall proceed until any violations are corrected and all work previously completed has received approval from the Administrative Officer.

Sec. 6.11 Inspection Certifications.

In lieu of the requirements outlined in Section 6.10 of this Chapter, the Administrative Officer may allow or require that the applicant or their agent provide a written certification from a professionally licensed engineer certifying compliance with the Stormwater Management Plan, as approved.

Sec. 6.12 Surety Requirements.

As a condition of approval and issuance of the permit, the Administrative Officer may at his/her discretion require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved Stormwater Management Plan, and any other related permit conditions. Surety generally shall be required only in those instances where a site's conditions or a proposed land development activity pose a unique or substantial threat of causing stormwater runoff-related problems in surface waters or the MS4, or where there are unique technical issues affecting the content and prospective effectiveness of the Stormwater Management Plan.

Sec. 6.13 As-Built Drawings.

Within thirty (30) days of completion of a project, the applicant shall submit as-built drawings of all stormwater treatment practices to the Administrative Officer.

Chapter 7. [Reserved]

Chapter 8. Management of Construction Waste and Debris.

Sec. 8.1 Construction Waste and Debris.

Any person conducting activity involving the outdoor generation or storage of construction waste or debris shall be required by this Ordinance to observe the following:

- A. Piles of uncontained wastes, and wastes stored in open containers, shall be covered during windy conditions that would result in the mobilization of debris into the MS4 or waterways, and shall be covered prior to significant forecasted rain (0.25 inches in a 24-hour period).
- B. No dumpsters shall be hosed out onto the construction site.

Chapter 9. Enforcement.

The City of St Albans, by and through its authorized agents, shall have the authority to enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil and criminal remedies in connection with any violation hereunder.

Sec. 9.1 Remedies not Exclusive.

The remedies set forth herein are not exclusive of any other remedies available, including criminal prosecution, under any applicable federal, state or local law. Election of one remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the City of St Albans from seeking multiple remedies.

Sec. 9.2 Judicial Bureau Municipal Civil Complaint Ticket.

Pursuant to 24 V.S.A., Chapters 59 and 61 and 4 V.S.A., Chapter 29, the City may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of one hundred dollars (\$100.00), the waiver fee shall be fifty dollars (\$50.00); a second offense ticketed for the same violation shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee shall be one hundred dollars (\$100.00); all third and subsequent offenses ticketed for the same violation shall be punishable by a fine of five hundred dollars (\$500.00), the waiver fee shall be two hundred and fifty dollars (\$250.00).

Sec. 9.3 Other Enforcement Remedies Generally; Fines, Injunctive Relief.

- A. Any person violating any of the provisions of this Ordinance shall be subject to fines as outlined in Section 9.2 In addition to any other penalty authorized by this section, any person,

partnership, or corporation convicted of violating any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

B. An action, injunction, or other enforcement proceeding may be instituted by the City of St. Albans to prevent, restrain, correct, or abate any violation or activity causing a violation. The relief sought may include the right to enter onto private property to abate or correct the violation, to restrain any activity that would create further violations, or to compel a person or persons to perform abatement or remediation of the violation; and to seek damages for all costs, including reasonable attorney's fees, incurred by the City of St. Albans in pursuing and obtaining such relief. In addition to any other remedies authorized in law or equity, the City of St. Albans may seek an order specifically requiring:

1. The elimination of illicit connections and/or non-stormwater discharges to the MS4;
2. The discontinuance of practices, activities, or operations that lead to violations of this Ordinance;
3. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
4. The implementation of source control or treatment through the use of best management practices;
5. The performance of monitoring, analysis, and reporting.

In the event that any person holding a Construction Permit approved by the Administrative Officer, or any other City-issued approval for land development or land disturbance activities, violates the terms of this Ordinance or alters a site in such a manner as to adversely affect the public health, safety or welfare, the Administrative Officer or his/her designee may issue a Stop Work Order and/or suspend or revoke the permit.

Chapter 10. Stormwater System User Fees.

Sec. 10.1 Establishment of Stormwater User Fees.

- A. A user fee based on an Equivalent Residential Unit (ERU) shall be imposed on all properties or parcels as otherwise defined in Section 10.1(D). An ERU shall equal that square footage that approximately represents the average of the area of impervious surface for all single family and two-family properties with total impervious surface less than 10,000 square feet in the City. The City Council shall, by resolution, establish the square footage that constitutes one ERU on a periodic basis.
- B. The City Council shall have the authority to set and modify the user fee rates so that the total revenue generated by said charges, and any secondary sources of revenue, shall be sufficient to fund the City's stormwater program.
- C. The City Council shall establish by resolution the annual rate for each ERU. The annual user fee for a specific property or parcel is determined by multiplying the rate per ERU times the number of ERUs allocated to the property or parcel.

- D. Owners of all parcels, including tax-exempt parcels, that are assigned an ERU value under Section 10.3 will be charged a stormwater fee. Owners of condominiums will be assigned an ERU and be charged a stormwater fee, unless their ownership association receives a St. Albans water and sewer bill for the combined property as of the adoption of this Ordinance, in which case the association will be charged the fee for the combined property's assigned ERU. The ERUs and stormwater fee for mobile home parks shall be assigned to the mobile home park owner. The Administrative Officer may waive charging a stormwater fee to any property whereby the owner cannot be easily determined and that the efforts to do so create an unreasonable and disproportionate burden to the utility and its rate payers in relationship to the overall public benefit.
- E. From time to time, the City Council may order that the impervious surface square footage basis for a portion or all of the City be updated using the most recent appropriate geographic information systems data. During this update, the Administrative Officer is allowed, but not required, to use other permitting, assessing or on-site measurement data to supplement the process.

Sec. 10.2 User Fee Credits.

- A. The Stormwater Utility Credit Manual shall specify the design and performance standards of on-site stormwater systems, activities and services which qualify for application of a user fee credit and the method of calculating credits. Under no circumstances shall a credit be applied to the stormwater bill for parcels having only 1 ERU, or to condominium properties for which the total combined impervious equals only 1 ERU. The City Council, by resolution, shall have the authority to approve, modify or disapprove the Credit Manual.
- B. Any property or parcel owner may appeal the determination regarding an award of a credit. The appeal process is outlined under Chapter 11 of this Ordinance.
- C. Credits may be awarded retroactively for one (1) year from the date of initiation of the stormwater user fee. Thereafter, credits shall be applied to user fees on the next billing period after the completed credit application is approved.
- D. Any award of credit shall be conditioned on continuing compliance with the City's design and performance standards as stated in the Stormwater Utility Credit Manual and/or upon continuing provision of the systems, facilities, services, and activities provided, operated, and maintained by the property or parcel owner or owners upon which the credit is based. The Administrative Officer may revoke a credit at any time for non-compliance by providing thirty (30) days written notice of a non-complying condition and intent to revoke the credit to the property or parcel owner. If the non-compliance is not cured within the thirty (30) day period, the Administrative Officer shall eliminate the credit for user fee bills issued to the property or parcel owner after such period.

Sec. 10.3 Assignment of ERUs

- A. Single Family and two-family properties or parcels with less than 6,000 square feet of impervious shall be billed one (1.0) ERU, as defined in Section 10.1.
- B. All properties or parcels with no impervious surface shall be billed one (1.0) ERU, as defined in Section 10.1.
- C. Owners of condominiums will be assigned an ERU rounded to the nearest 0.5 and greater than zero (0), unless their ownership association already receives a water/wastewater utility bill for the combined property as of the adoption of this Ordinance, in which case the association will be assigned an ERU rounded to the nearest whole number as defined in Section 10.3, subsection D.
- D. All properties or parcels with impervious surface that do not qualify under Section 10.3, subsections A through C, shall be billed the ERU's that are determined by dividing the total impervious surface on the property or parcel by one (1.0) ERU as defined in Section 10.1. The resulting value shall be rounded to the nearest whole number and shall be greater than zero (0). In those instances when the calculations produce a value exactly half-way between two numbers, (.5) the number is rounded up to the next whole number.
- E. Notwithstanding the other subsections of this Section, no City-owned parcel that contains a Public Stormwater Treatment Facility and no City street rights-of-way shall be assigned any ERUs.
- F. Also, notwithstanding the other subsections of this Section, the City Manager or their designee may enter into agreements with property owners to reduce the number of assigned ERUs for any properties that contain a Public Stormwater Treatment Facility. Such agreements may also be made for property owners that make financial contributions to Public Stormwater Treatment off-site and could include reductions in assigned ERUs for any other related properties.
- G. A property-owner may appeal their ERU assignment to the Administrative Officer. The Administrative Officer may choose to use GIS data, permitting and assessing information, and on-site measurements to update the impervious surface square footage basis of the appellant's property's ERU. After the Administrative Officer's analysis, the property's ERU may be adjusted up or down or stay the same. If changed, the new ERU shall take effect on the next billing period after the analysis is complete. The property-owner may appeal the Administrative Officer's decision pursuant to Chapter 11.

Sec. 10.4 Billing and Collection

- A. Stormwater user fees shall be billed quarterly and shall be reflected on the utility bill for each property or parcel owner.
- B. The filing of an appeal pursuant to Chapter 11 of this Ordinance shall not relieve a property

or parcel owner of the obligation to pay the user fee when due.

- C. . Stormwater user fees shall be considered delinquent thirty (30) days after the billing date. Delinquent stormwater user fees 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 stormwater user fee bill. Such interest shall be imposed on a fraction of a month as if it were an entire month.
- D. All stormwater user fees, interest, finance charges, and court costs shall be a charge and a lien upon the property to which the stormwater user fee is assessed from the date the same becomes due until paid in full, in the same manner and to the same effect, as taxes are a lien upon real estate pursuant to 32 V.S.A. §5061 and 24 V.S.A. §3612.
- E. When a property pays late fees, interest and finance charges for stormwater, water and wastewater charges shown on one bill, any payments shall be applied toward the stormwater liabilities first, before being applied to water and wastewater liabilities.

Sec. 10.5 Establishment of Stormwater Enterprise Fund

- A. The user fees, as well as any secondary sources of revenue, shall be used to fund the City's efforts to manage stormwater in the municipality and operate the City's system for stormwater collection, conveyance and treatment.
- B. Revenues will be placed into the Stormwater Enterprise Fund and may be retained and expended in the manner set forth herein.
- C. The St. Albans City Council shall establish a dedicated stormwater enterprise fund in the City budget and an accounting system for the purpose of managing all funds collected for the purposes and obligations of the stormwater program. All revenues and receipts of the stormwater program shall be placed in the enterprise fund, which shall be separate from all other funds. Fees will be set at a rate that covers the costs associated with stormwater management, collection, conveyance, treatment, planning, staffing, engineering, maintenance and repair, public education, capital improvements, technical assistance, customer service, and other services approved by the City to implement the purposes of the stormwater program as set forth herein. The City Council may consider both stormwater quality and quantity management needs in determining whether to expend any funds in the Stormwater Enterprise Fund, and the use of the fund is limited to operating expenses, non-operating expenses such as equipment, payment of principal and interest on debt obligations, capital improvement projects, reserve expenses and other costs as deemed necessary by the St. Albans City Council.
- D. Excess revenues may be placed into a reserve fund and may be retained and expended pursuant to Section 10.5.

Chapter 11. Appeals.

The following process shall be followed for appeals to City decisions pertaining to this Ordinance:

Sec. 11.1 Appeals of Decisions of Administrative Officer or Director of Public Works

- A. Any aggrieved Person or parcel owner shall have the right to appeal any action or decision of the Administrative Officer or Director of Public Works under this Ordinance to the City Manager by filing a petition with the City Manager.
- B. Such petition shall be filed within fifteen (15) days after receipt of notice of such action or decision. Within forty-five (45) days following receipt of the petition, the City Manager shall hear the petitioner and the Administrative Officer and/or Director of Public Works. The City Manager shall determine whether he/she should affirm or reverse the Administrative Officer and/or Director of Public Works' decision or action or modify the same; any modification shall conform to the provisions of this Ordinance. The City Manager's determination shall be made in writing and shall be sent to the Administrative Officer and/or Director of Public Works and to the petitioner.
- C. Any aggrieved Person or parcel owner may appeal the decision of the City Manager to the St. Albans City Council, pursuant to Section 11.2.

Sec. 11.2 Appeals of Decisions of City Manager

- A. Any aggrieved Person or parcel owner shall have the right to appeal any action or decision of the City Manager under this Ordinance to the St. Albans City Council by filing a petition with the City Clerk and a copy with the City Manager.
- B. Such petition shall be filed within fifteen (15) days after receipt of notice of such action or decision. Within forty-five (45) days following receipt of the petition, the City Council shall meet and hear the petitioner and the Administrative Officer and/or Director of Public Works. The City Council shall determine whether they should affirm or reverse the City Manager's decision or action or modify the same; any modification shall conform to the provisions of this Ordinance. The City Council's determination shall be made in writing and shall be sent to the City Manager and to the petitioner.
- C. Any aggrieved Person or parcel owner may appeal the decision of the City Manager to the Vermont Superior Court, Civil Division, Franklin Unit, pursuant to V.R.C.P. 75.

Sec. 11.3 Ongoing Obligations.

The filing of an appeal shall not relieve a Person or parcel owner of the obligations of this

Ordinance.

Chapter 12. Effective Date.

This Ordinance shall take effect on July 1, 2018.

END OF TITLE.

**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.