

CHARTER AND RELATED LAWS**SUBPART A****CHARTER¹****Title I. Incorporation. City and Ward Boundaries**

Article 1. Boundaries of City. Incorporation

1 Boundaries defined; powers.

Article 2. City Election Areas Defined

2 Election boundaries.**Title II. Elections and City Meetings—City Elections****3 Election of mayor and city councilors.****4 Election of school commissioners.****5 Election to be by ballot; method of election; runoff elections.**

Article 3. Warnings

6 Requirements generally.

Article 4. Qualifications of Voters

7 Age and residence requirements.**8 Person to vote in ward or City district in which the person resides; residence requirement.**

Article 5. Penalties for Illegal Voting

9 Adopted.

Article 6. Ward Officers

10 Specified; election; term.**11 Performance of duties; terms.**

12 [Repealed].

13 Vacancies to be filled by city council.

Article 7. Checklist

14 List of voters to be prepared; posting.

15 Notice of meeting to alter or correct list required.

16 Additions or corrections permitted.

17 Chief administrative officer to post lists; copies to be filed in chief administrative officer's office.

18 Copies of list to be given inspectors.

Article 8. Method of Conducting Elections

19 Where elections held; early voter absentee ballots.

20 Ward clerk to keep records; certificates of election to be furnished successful candidates; election results to be published.

21 Duties of election inspectors.

22 Ballots.

23 Retained ballots to be delivered to inspectors on demand.

24 Record of ballots delivered required; receipts.

Article 9. Special City Meetings

25 Requirements generally.

26 Questions at special meetings to be decided by ballot.

Article 10. Mayor to Preside

27 Presiding officer; powers.

Article 11. Freeman's Meetings

28 Warning required; location; voting.

29 Checklists to be prepared and posted.

30 General laws applicable; exceptions.

31 Duties of election inspectors and ward clerks.

31a Establishment of voting precincts within wards permitted.

Article 12. City Representative

32—35. [Reserved.]

35a "ward" defined.

Title III. City Council with Mayor Presiding and City Council

Article 13. Administration

36 Administration; vested in mayor and city council; selection and terms of same.

Article 14. Meetings of the City Council with Mayor Presiding and City Council

37 Manner of convening.

38 Regular meetings.

39 Special meetings.

40 Quorum; attendance of certain officers may be required.

41 Meetings to be public; except.

Article 15. Board of Abatement of Taxes

42 Composition; meetings.

Article 16. Board of Civil Authority

43 Composition; board for registration of voters; duties; appointments; offices.

Article 17. Mayor to Preside and Vote

44 Authorized.

Article 18. Veto Power of Mayor

45 Mayor not to participate in enactment of ordinances; approval by mayor of council actions required.

46 Approval or veto of ordinances by mayor; reconsideration; item veto on appropriations.

47 Ordinances to become valid at expiration of certain period if not returned.

Article 19. Powers of City Council

48 Enumerated.

Article 20. Ordinances and By-laws

49 Authority to enact.

Article 21. Penalties

50 City council to establish penalty.

51 Ordinance enforcement.

52 Court authorized to order abatement.

53 [Reserved.].

54 Offenders may be liable in damages.

Article 22. City Property, How Sold or Leased

55 City council may authorize sale or lease.

Article 23. Sequestration of Lands

56 Council to have powers conferred by statute regarding public burial grounds.

57 Manner of taking land for reservoirs, aqueducts, water pipes, etc.

58 Council to issue citation that land is to be taken; service.

Article 24. Bonding the City

59 Refunding bonds; council may authorize issuance of bonds.

60 Same—Issuance prior to maturity or redemption; amounts; issuance, maturities, security, rights of owners, and rights, duties and obligations of city; general laws relating to refunding of municipal bonds and indebtedness inapplicable.

61 Bonds to be signed and contain statement that they conform to applicable provisions.

62 Council, school board; not to pledge credit of city; exceptions.

63 Council may pledge credit of city when authorized by voters to do so.

64 State law not applicable to section 63.

64a Council authorized to erect sewage disposal plant and issue bonds therefore.

64b Revenue bonds authorized.

Article 25. Appropriations

65 Source of funds for appropriations; operating expenses for departments; creation of special funds.

66 Annual school appropriations.

67 Appropriations for park and recreation purposes.

Article 26. Expenditures

68 Authorized expenditures.

69 Fiscal year, reports required.

70 Excess expenditures prohibited; assessments for street improvements credited to streets division of the public works department.

Article 27. Change of Street Names

71 Approval of property owners required.

Title IV. Taxation

72—80. [Reserved].

Article 28. Quadrennial Appraisal

81 Tax classification; repeal of inventory tax.

82 [Reserved].

Article 29. Property Grand List

83 Preparation; contents.

84 Composition of books.

85 Arrangement of information in books.

86 Summary of assessed valuations to be made and constitute an abstract.

Article 30. Abstract of Grand List

87 Notice that abstract completed to be given; meetings of assessors.

88 Abstracts and certificate to be completed by May fifth.

89 Notice of changes and that abstracts and lists are open for inspection to be filed.

Article 31. Hearings of Grievances and Appeals

90 Aggrieved persons permitted to appear before assessors; preliminary review.

91 Appeal of assessors decision.

92 Board of tax appeals to hear appeals; deadline for hearings; manner of conducting; possible board of civil authority review.

93 Alterations in valuation to be entered in "corrected valuation" column.

94 Completion of grand list; collection.

95 Abstracts sufficient for returns to secretary of state.

96 Board of tax appeals and board of civil authority to transmit certified copy of appeal proceedings to assessors.

97 Forms for books may be altered as directed by state tax commissioners; extension of time.

98 Council to assess.

98a A tax ceiling reduction after reappraisal.

99 Additional assessment; amount.

100 Annual assessment for redemption of bonds authorized.

101 Annual assessment to pay bond interest authorized.

102 Annual local education spending.

102a Annual assessment for fire and police departments use authorized.

102b Annual assessment for streets use authorized.

102c Annual assessment for library use authorized.

102d [Repealed].

102e Annual assessment for park use authorized.

102f Annual assessment for housing trust fund use authorized.

Article 32. Collection of Taxes

103 Taxes to be paid in money.

104 Taxes to be paid in installments.

105 Chief administrative officer to give notice upon receipt of tax bills.

106 Delinquency assessments.

107 When treasurer to issue warrant against delinquent persons.

108 Chief administrative officer to collect delinquent taxes.

109 Collection after time warrant returnable permitted.

110 Chief administrative officer to proceed in manner prescribed by law.

111 Fees for collection of delinquent taxes.

Article 33. Collection of Assessments

112 Failure of owners to pay assessments; warrant to be issued; chief administrative officer to collect.

113 Assessments may be collected by suit.

Article 34. Rates for Water and Electricity

114 Council to establish and prescribe nature of connections.

Article 35. Real Estate; How Described in Assessments

115 Descriptions recorded in chief administrative officer's office sufficient for assessment purposes.**Title V. Officers**

Article 36. Mayor

116 Duties generally.**117 Order of succession; mayor to notify chief administrative officer of his intended absence.****118 Mayor to administer oaths.****119 Remission of fines authorized.**

Article 37. Boards Established

120 Enumerated.**120a Merger of boards.****121 [Repealed.]**

Article 38. Officers Appointed by Mayor

122 Enumerated.

Article 39. [Repealed.]

123 [Repealed.]

Article 40. Organization of Commissions

124 Chairman; clerk, records.

Article 41. Terms of Office

125 Mayor and city councilors.**126 Commissioners and board of tax appeals.****127 Department heads and other officers.**

Article 42. Vacancy in Office of Mayor or City Council; How Filled

128 Manner of filling.

Article 43. Removal from Office and Filling Vacancies

129 Appointing body or person has power to remove.**130 Manner of filling vacancy and residency requirement.**

Article 44. City Council Not to Hold Other City Offices

131 Dual positions prohibited.

Article 45. Compensation to City Officers

132 Mayor, city council, and other city officials.

Article 46. Contract between City and Officers

133 Conflicts of interest.

Article 47. Bonds of City Officers

134 Required of treasurer and other officers handling city funds.**135 City council to approve surety company; costs to be paid by city.****136 Officer to be removed from neglect to give bond after notice.**

Article 48. Oaths of Officers

137 Form.

Article 49. Appointive Officers and Their Trusts; City Clerk

138 Duties of chief administrative officer generally.**139 Public records to remain in chief administrative officer's office; council may regulate removal.**

140 Certified copies of records to be made.

141 Certification that notices, ordinances, etc., have been posted required.

142 Assistants.

Article 50. City Treasurer

143 [Reserved.]

144 Chief administrative officer to keep record of notes and bonds issued.

145 Record of school bonds to be kept.

146 Redeemed bonds, notes and interest coupons to be kept.

147 Chief administrative officer to keep separate account of school appropriations.

Article 51. City Attorney

148 Duties.

149 Subject to same penalties as state's attorneys.

Article 52. Assessors

150 Duties; liabilities; etc.

Article 53. City Grand Juror

151 Powers; duties; liabilities; etc.

Article 54. City Constable

152 Powers and duties.

Article 55. City Engineer and Surveyor

153 Duties.

Title VI. Executive Departments

Article 56. Finance Department

154 Composition.

155 Board to act as board of audit; uniform system to be adopted.

156 Monthly reports; annual audit.

157 Preparation and submission of budget.

158 Sinking fund established.

159 Selection of official depositary.

160 Care and control of public buildings.

161 Repairs to public buildings.

162 Board authorized to rent portions of public buildings.

Article 57. School Commissioners

163 Composition.

164 Terms; elections.

165 Manner of filling vacancies.

166 Meetings.

167 Duties.

168 Adoption of budget.

169 Powers generally; authority to establish graded schools.

170 Authority to establish by-laws and regulations.

Article 58. Superintendent of Schools

171 Appointment; compensation; removal; term.

172 Duties of superintendent; commissioners to file monthly report.

Article 59. Truant Officers

173 Appointment; duties.

Article 60. School Buildings

174 City to provide, equip and maintain.

175 Commissioners to control location, construction, sale and purchase.

176 Statement showing necessity for construction or purchase required.

177 Council to approve purchase or construction.

178 Funds for construction or purchase to be provided by tax levy.

Article 61. Library Department

179 Composition.

180 Duties.

181 Liabilities to be approved and budget preparation.

182 [Reserved.].

Article 62. Police Department

183 Board of police commissioners; composition; terms.

184 Same-powers and duties.

Article 63. Chief of Police and Captain

185 Officers of police force designated.

Article 64. Appointment of Police Officers

186 Manner of filling vacancies.

187 Force to be maintained; selection of members.

188 Manner of appointment.

189 Members of force to be retained as long as they remain competent.

Article 65. Removal or Suspension

190 Chief may remove member for cause; hearing.

Article 66. To Be Nonpartisan

191 Political activity restricted.

Article 67. Local and Special Police Officers

192 Authority to appoint; defined; powers.

Article 68. Powers and Compensation

193 Service and process; fees allowed.**194 Police to have same powers as constables; jurisdiction limited.****195 Compensation to be set by council.****195a Authority of University of Vermont Police Officers.**

Article 69. Fire Commissioners

196 Composition.**197 Authority to establish rules and regulations for fire department.**

Article 70. Members

198 Fire department; created; members; appointment.**199 Department to be under supervision of chief engineer.****200 Powers of fire commissioners.****201 Powers relating to fire department.**

Article 71. To Be Nonpartisan

202 Political activity restricted.

Article 72. Department of Public Parks

203 Commissioners to manage parks; composition of board.**204 Records to be kept; annual reports to city council required.****205 Parks and recreation department; appointment of superintendent and engineer.****206 Establishment and maintenance of athletic activities authorized; charging admission fees permitted.**

- 207 Authorization to establish and alter rules for park operation.**
- 208 Determination of location of sewers, water pipes, wires, etc.**
- 209 Regulation of planting and care of trees in parks.**
- 210 Direction that trees be planted along public grounds and assess abutting land.**
- 211 Authority to regulate parking.**
- 212 Authority to declare weeds, underbrush, etc., a nuisance and direct removal.**
- 213 Issuance of bonds to provide funds for parks authorized.**
- 214 Bills and expenses to be approved.**
- 215 Definition of "park property".**
- 216 [Reserved.]**
- 217 Condemnation of land for park and/or recreational purposes authorized.**

Article 73. Department of Cemeteries

- 218 Composition; appointment; terms.**
- 219 Duties.**
- 220 By-laws and regulations of board to have force of ordinances.**

Article 74. Public Works Department; Water and Waste Water/Solid Waste Division

- 221 [Reserved.]**
- 222 Duties.**
- 223, 224. [Reserved.]
- 225 Powers of board.**

Article 75. Light Department

- 226 Composition; appointment; term.**
- 227 Superintendent/general manager; duties.**

228 Powers of city.

Article 76. Harbor Commission

229 Authority to create; powers and duties.

Article 77. Public Works Department; Streets Division

230 [Reserved].**231 Power and duties.**

232, 233. [Reserved.].

Article 78. Streets; How Laid Out

234 Power to lay out, alter, discontinue, etc.**235 Council may lay out certain streets; owners' petition.****236 Prior actions regarding streets ratified.****237 Rights of property owners.****238 Rights of property owners when street discontinued.**

Article 79. Assessments in Laying Out Streets

239 Power granted.**240 Estimation of probable expenses authorized.****241 Decisions regarding assessments to be recorded.****242 Proceedings for objections to assessment.****243 Assessment lien suspended until final determination.****244 Petition for relief not to delay opening or altering of street.****245 Copy of final determination to be recorded; assessment to become lien.****246 Warrant to be issued upon failure to pay assessment; collection.****247 Court to have jurisdiction to determine questioned assessments.**

Article 80. Sewers

- 248 Establishment and maintenance authorized; assessments.**
- 249 Establishment and construction through private lands authorized.**
- 250 Assessment of landowners authorized.**
- 251 Assessment proceedings and rights.**

Article 81. Notice to Adjoining Landowners

- 252 Required; contents.**
- 253 When given.**
- 254 Acceptance of service.**
- 255 Manner of serving.**
- 256 Service on nonresidents.**
- 257 Chief administrative officer to mail copy of citation to last known address of nonresident.**
- 258 Return of citation prima facie evidence of service.**
- 259 Proceedings to be postponed until all interested parties notified.**
- 260 Manner of giving notice to additional interested parties.**
- 261 Proceedings not to be voided for failure to give notice.**

Article 82. Street Improvements; How Ordered

- 262 City council may order improvements upon petition of owners.**
- 263 Authorization to make improvements without petition; assessment of costs.**

Article 83. Assessments for Street Improvements

- 264 Notice of hearing.**
- 265 Statement to be made.**
- 266 Chief administrative officer to record assessments; notification of owners.**

267 Deadline for paying.

268—275. [Reserved.]

Article 84. Airport Commissioners; Airport Manager

276 Composition; terms; powers; airport management.

Article 85. Health Department; Board of Health

277 Composition.**278 Adoption of by-laws authorized; meetings.****279 Local board to be in lieu of statutory board; general powers.**

Article 86. Appointive Officers

280 Designated.**281 Board of health authorized to make rules and regulations.****282 Powers and duties of health officer.**

Article 87. License to Sell Milk or Cream

283 Generally.**Title VII. Pensions****284 Maintenance of retirement fund; retiring board; sources of retirement fund.****285 Trustees of fund designated; powers; officers.****286 Board of medical examiners-created; duties; composition; terms; compensation.****287 Retirement generally.****288 Reexamination of person on retired list; reappointment, etc.****289 Record of proceedings to be kept; report to city council required.****Title VIII. General Provisions**

290—297. [Transitional provisions. Not reproduced.]

Article 88. Miscellaneous Provisions

298 [Reserved.].

299 Rights, duties and liabilities of city to remain as existing at time of organization.

300 Copy of charter to be kept in office of chief administrative officer.

301 Designation of chapter.

302 [Repealed.].

303 Alteration, amendment or repeal of charter.

304 Approval of section 102 by vote required.

305 Approval of section 99 by vote required.

306 Reserve fund of light department not to be increased without vote.

307—320. [Reserved.].

Article 89. Church Street Marketplace; District and Commission

321 Creation of downtown improvement district, church street marketplace district and marketplace.

322 Establishment of commission.

323 Expansion of church street marketplace district and/or marketplace.

324 Purposes and powers.

325 Annual taxation for downtown improvement district; free parking for two hours in public lots and garages; annual budget of church street marketplace district.

326 Common area fees.

327 Powers supplemental; construction.

328—329. [Reserved.].

330 Board of tax appeals.

Article 90. Community and Economic Development

331 Creation of community and economic development office.**332 Purposes and powers.****333 Department to be under supervision of director.**

334—350. [Reserved].

Article 91. Burlington City Arts Office

351 Creation of Burlington City Arts.**352 Purposes and powers.****353 Department to be under supervision of director.**

354—360. [Reserved].

Article 92. Personnel Department

361 Creation of human resources department.**362 Purposes and powers.****363 Department to be under supervision of director.**

364—369. [Reserved].

Article 92A. Department of Permitting and Inspections

370 Creation of department of permitting and inspections.**371 Purposes and powers.****372 Department to be under supervision of director.****373 Powers, duties, and responsibilities of zoning administrative officer.**

374—400. [Reserved].

SUBPART B**RELATED LAWS****Title IX. Related Laws**

Article 93. General Revision of Ordinances of the City of Burlington

401 Revisions effective without publication.

402—404. [Reserved].

Article 94. Benefit System for City Employees and Appointive Officers in Lieu of the Present Retirement and Pension Provisions of Said City Charter

405 Authority to establish system.**406 Authority to appoint boards and officers, appropriate funds, provide rate of contributions and designate sums payable.****407 Direction to budget funds for system.****408 Existing provisions to remain valid until new provisions adopted.**

409—414. [Reserved].

Article 95. Authority to Construct or Otherwise Acquire and Maintain and Operate an Electric Plant and a Gas Plant

415 Authority to construct and maintain an electric plant.**416 Authority to construct, maintain and operate a gas-generating and distribution plant.****417 Authority to acquire property for purposes of sections 415 and 416 of this Charter.****418 Authority to sell services, merchandise and equipment incidental to use of electricity or gas.****419 Operation of gas business.****420 Procedure for exercising eminent domain right.****421 Issuance of bonds authorized.****422 Rates sufficient to pay for services and bonds to be charged.****423 Bond issuance to be approved by voters.**

424—430. [Reserved].

Article 96. Authority to Improve, Extend, Better and Add to Its Existing Electric Plant and to Finance the Cost Thereof through the Issuance of Revenue Bonds

431 Definitions.

432 Electric plant; improvement of.

433 Bonds; issuance of.

434 Same—Payment of.

435 Same—Pledge of revenues.

436 Same—Refunding.

437 Same—Anticipation notes.

438 Same—Regulation.

439 Same—Rights of holders.

440 Same—Right of city.

441 Rates; payment by municipal agencies.

442 Bonds; proceeds.

443 Energy conservation facilities.

444 Construction of article.

445 Same.

446 Same; invalidity.

447 Ratification.

448 Powers exercised through city council.

449 Authority for joint venture for telecommunications.

450—500. [Reserved.]

Article 97. Electric Revenue Bonds

501 City of Burlington Utility Facilities; taxation of.

502—505. [Reserved.]

Article 98. The Burlington Waterworks System

506 Definitions.

507 Bonds; issuance of.

508 Refunding.

¹**Editor's note**—Subpart A consists of the Charter of the City of Burlington as derived from Act No. 298, Acts of 1949 approved April 20, 1949, and as subsequently amended. Amendments have been worked into their appropriate places and are followed by parenthetical history notes indicating the sources of the amendments; absence of such notes indicates that the section is as enacted in 1949. In order to provide for clarity in the text and to facilitate usage and indexing, the editors have inserted catchlines and minor, nonsubstantive additions, such as commas, which are indicated by brackets.

State law reference—Authority to amend and procedure for amending charters, 24 V.S.A. § 702a.

TITLE I. INCORPORATION. CITY AND WARD BOUNDARIES

The act entitled "An Act to Incorporate the City of Burlington," approved November 22, 1964, as heretofore amended, reenacted and approved, and the several acts in amendment thereof heretofore enacted, are hereby amended so as to read as follows, viz:

1 Boundaries defined; powers.

The inhabitants of that portion of the former Town of Burlington which is embraced in the following limits, viz:

Beginning at the east shore of Lake Champlain, at the northwest corner of one hundred acre lot number one hundred and sixty-three, thence easterly in the north line of said lot to the northeast corner thereof; thence northerly in the west line of one hundred acre lot number one hundred and fifty-five, to the northwest corner of said lot number one hundred and fifty-five; thence running easterly in the north line of said lot number one hundred fifty-five to the east line of the stage road from Burlington to Shelburne; thence northerly in the east line of said stage road to the northwest corner of one hundred acre lot number one hundred sixty-five; thence easterly in the north line of one hundred acre lots number one hundred and sixty-five and one hundred and eighty-three, to a point two hundred feet west of the west line of the highway called Spear Street; then northerly in a line parallel to, and two hundred feet west of, the west line of the highway called Spear Street, to the south line of Williston Turnpike; thence easterly in the southerly line of said turnpike to a point opposite the angle formed by the north line of said turnpike and the east line of the road leading northerly from said turnpike to Colchester Avenue, easterly of the Mary Fletcher Hospital; thence crossing said turnpike northerly to said angle; thence from said angle in a straight line to the center of Winooski River, at the northern termination of the east line of one hundred acre lot number eighteen; thence in the center of Winooski River down said river to Lake Champlain; thence southerly on the lake shore at low water mark, to the most western point of Appletree Point,

thence in a straight line southerly to the place of beginning - are hereby continued to be incorporated and a body corporate and politic under the name of the City of Burlington; and by that name may sue and be sued, prosecute and defend in any court; may have a common seal and alter it at pleasure; may take, hold, purchase and convey such property as the purposes of the corporation may require; may borrow money on the credit of the city, in the mode and under the restrictions hereinafter provided; may elect a representative to the general assembly of the state, and the same number of justices of the peace as a town of equal population; and generally shall have, exercise and enjoy all such rights, immunities, powers and privileges as are conferred upon or incident to towns in this state; and shall be subject to like duties, liabilities and obligations, except as is otherwise provided in this Charter.

2 Election boundaries.

(a) City Districts Described. For the annual meeting of 2015 and all City elections thereafter, the City of Burlington is divided into four electoral districts, constituted as follows:

(1) East District. The East District shall include all that part of said City lying easterly and northerly of the following described boundaries: Beginning at the common boundary between the Cities of Burlington and Winooski in the Winooski River beneath the Central Vermont Railway bridge downstream of the Lower Winooski Falls and Salmon Hole; thence westerly in the centerline of said railroad tracks, crossing Intervale Road, to a point where the centerline of Hyde Street extended northeasterly intersects said railroad track centerline (approximately -73.2045 longitude, 44.4912 latitude); thence southerly along the extension of the centerline of Hyde Street, continuing on the centerline of Hyde Street to the intersection of the centerline of North Willard Street; thence southerly along the centerline of North Willard Street to the intersection of the centerline of Pearl Street; thence westerly along the centerline of Pearl Street to the intersection of the centerline of South Winooski Avenue; thence southerly along the centerline of South Winooski Avenue to the intersection of the centerline of Main Street; thence easterly along the centerline of Main Street to the intersection of the western property line of 525 Main Street extended, containing the Main Street Water Reservoir (approximately -73.1992 longitude, 44.4763 latitude); thence southerly along the western property boundary of 525 Main Street to its southwestern corner approximately -73.1991 longitude, 44.4746 latitude); thence easterly along the southern property boundary of 525 Main Street to its southeastern corner (approximately -73.1984 longitude, 44.4746 latitude); thence southwesterly along the western property boundaries of 49, 55, and 59 University Terrace to the southwestern corner of 59 University Terrace (approximately -73.1987 longitude, 44.4742 latitude); thence southeasterly along the southern property boundaries of 59 University Terrace and 60 University Terrace, extended to the centerline of University Heights Road (approximately -73.1964 longitude, 44.4732 latitude); thence southerly along the centerline of University Heights Road 1,314 feet to its intersection with the extended centerline of the walkway serving the University of Vermont Southwick Hall and the Music Building from the Redstone Campus loop road (approximately -73.1968 longitude, 44.4698 latitude); thence westerly along the extended walkway and walkway centerline, with the Music Building to the north and Southwick Hall to the south, 367 feet to its intersection with the centerline of the Redstone Campus loop road (approximately -73.1982 longitude, 44.4698 latitude); thence northerly and then westerly along the centerline of the Redstone Campus loop road to its intersection with the centerline of South Prospect Street; thence southerly along the centerline of South Prospect Street to its intersection with the centerline of the Davis Road; thence northeasterly along the centerline of Davis Road to its intersection with University Heights Road, continuing easterly along the centerline of Davis Road to its intersection with the common boundary between the Cities of Burlington and South Burlington.

(2) Central District. The Central District shall include all that part of the City bounded as follows: On the east, beginning at the common boundary between the City of Burlington and Town of Colchester in the Winooski River at the intersection of the centerline of Institute Road extended northeasterly (approximately -73.2139 longitude, 44.5077 latitude); thence southerly along the common boundary between the City of Burlington and Town of Colchester in the Winooski River to a point beneath the Central Vermont Railway bridge downstream of

the Lower Winooski Falls and Salmon Hole; thence southerly along the East District western boundary to its intersection with the centerline of Main Street; continuing southerly along the centerline of South Winooski Avenue to its intersection with the centerline of King Street; on the south along the centerline of King Street extended westerly to Lake Champlain; on the west by Lake Champlain; on the north, beginning at the intersection of the common property boundary between 87 North Avenue and 9 Lakeview Terrace extended westerly to Lake Champlain (approximately -73.2252 longitude, 44.4832 latitude); thence northeasterly along the extended property boundary between 87 North Avenue and 9 Lakeview Terrace to its intersection with the centerline of the Central Vermont Railway railroad track (approximately -73.2239 longitude, 44.4837 latitude); thence northerly and easterly along the centerline of the Central Vermont Railway railroad track, crossing North Avenue and the Burlington Beltline, to its intersection with the centerline of Spring Street extended northwesterly (approximately -73.2183 longitude, 44.4912 latitude); thence northwesterly along the extension of the centerline of Spring Street to its intersection with the centerline of Institute Road extended northeasterly (approximately -73.2281 longitude, 44.4995 latitude); thence northeasterly along the extension of the centerline of Institute Road extended to its intersection with the common boundary between the City of Burlington and Town of Colchester in the Winooski River (approximately -73.2139 longitude, 44.5077 latitude).

(3) South District. The South District shall include all that part of the City south of the southern boundaries of the East and Central Districts.

(4) North District. The North District shall include all that part of the City north of the northern boundary of the Central District.

(b) Wards Described. Each of the City of Burlington's four electoral districts set forth in subsection (a) of this section hereby comprises two wards, each of which is constituted as follows:

(1) East District - Ward 1 and Ward 8.

(A) The East District is divided into two wards by the following boundary: Beginning at the center of the intersection of Pearl Street and South Willard Street; thence southerly along the centerline of South Willard Street to the intersection of the centerline of College Street; thence easterly along the centerline of College Street extended to the intersection of the centerline of University Place; thence southerly along the centerline of University Place to the intersection of the centerline of Main Street; thence easterly along the centerline of Main Street to the common boundary between the Cities of Burlington and South Burlington.

(B) Ward 1 lies to the north and east of the boundary described in subdivision (A) of this subdivision (1), and Ward 8 lies to the south and west.

(2) Central District - Ward 2 and Ward 3.

(A) The Central District is divided into two wards by the following boundary: Beginning at the centerline of the Central Vermont Railway railroad track at the intersection of the centerline of Spring Street extended northwesterly (approximately -73.2183 longitude, 44.4912 latitude); thence southerly along the centerline of Spring Street extended northwesterly, continuing along the centerline of Spring Street to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Pearl Street; thence easterly along the centerline of Pearl Street to the intersection of the centerlines of North and South Winooski Avenue.

(B) Ward 2 lies to the east of the boundary described in subdivision (A) of this subdivision (2), and Ward 3 lies to the west.

(3) South District - Ward 5 and Ward 6.

(A) The South District is divided into two wards by the following boundary: Beginning at the intersection of the centerlines of King Street and Saint Paul Street; thence southerly along the centerline of Saint Paul Street to its intersection with the centerline of Shelburne Street; thence southerly along the centerline of Shelburne Street to its intersection with the centerline of Flynn Avenue; thence easterly along the centerline of Flynn Avenue extended easterly to the common boundary between the Cities of Burlington and South Burlington.

(B) Ward 5 lies to the west of the boundary described in subdivision (A) of this subdivision (3), and Ward 6 lies to the east.

(4) North District - Ward 4 and Ward 7.

(A) The North District is divided into two wards by the following boundary: Beginning at the intersection of the centerlines of North Avenue and the Central Vermont Railway railroad track; thence northerly along the centerline of North Avenue to its intersection with the centerline of Fairfield Drive; thence westerly along the centerline of Fairfield Drive to its intersection with the western property boundary of 39 Westward Drive extended southerly; thence northerly along the western property boundaries of 39 and 40 Westward Drive, continuing northerly along the western property boundaries of properties fronting the west side of Hardy Avenue to the southern boundary of 35 Derway Drive; thence westerly along the southern boundary of 35 Derway Drive, extended to its intersection with the centerline of Derway Drive (approximately -73.2690 longitude, 44.5249 latitude); thence northeasterly along the centerline of Derway Drive to its intersection with the centerline of Claire Pointe Drive; thence northerly along the centerline of Claire Pointe Drive approximately 44 feet to its intersection with the southern property boundary of the Claire Pointe condominium development; thence westerly along the southern property boundary of the Claire Pointe condominium development to the Waterfront Bike Path right-of-way approximately 537 feet (approximately -73.2707 longitude, 44.5253 latitude), and then extended to Lake Champlain.

(B) Ward 4 lies to the west of the boundary described in subdivision (A) of this subdivision (4), and Ward 7 lies to the east.

(5) Ward map reference. Reference is also made to a map entitled "Ward Redistricting, 8 Wards - 4 Districts, 12 Councilors, Referred to City Council by CC Committee (v.3), Map Date: December 2, 2013" located in the Burlington Chief Administrative Officer's office in further aid of the description of the wards set forth in this subsection.

(Act No. M-15, § 2, approved 3-4-2014)

TITLE II. ELECTIONS AND CITY MEETINGS—CITY ELECTIONS

3 Election of mayor and city councilors.

(a) **Election of Mayor.** On the first Tuesday in March 2003 and triennially thereafter, the legal voters of the City shall, from among the legal voters thereof, elect a Mayor. Notwithstanding any provision of this charter or the general statutes, no person shall be eligible to have his or her name printed on the ballot as a candidate for the Office of Mayor who has not submitted a nominating petition signed by at least 150 registered voters of the City within the time limits specified in 17 V.S.A. chapter 55, as the same may be amended from time to time. For all special elections, nominations of the municipal officers shall be by petition as specified in 17 V.S.A. chapter 55, excepting 17 V.S.A. § 2681(a)(1)(A). Instead, the petition shall be filed with

the municipal clerk, together with the endorsement, if any, of any party or parties in accordance with the provisions of this title, not later than 5:00 p.m. on the ninth Monday preceding the day of the election, which shall be the filing deadline.

(b) Election of City councilors.

(1) On the first Tuesday in March 2015 and biennially thereafter, the legal voters of each of the South, Central, East, and North City Districts shall, from among the legal voters of their respective district, elect a City councilor for a two-year term.

(2) (A) On the first Tuesday in March 2015, the legal voters from each of Wards One, Two, Three, Four, Five, Six, Seven, and Eight shall, from among the legal voters of their respective ward, elect a City councilor for a three-year term.

(B) On the first Tuesday in March 2018 and biennially thereafter, the legal voters of each ward shall elect a City councilor for a two-year term.

(Act No. M-15, § 2, approved 3-4-2014; Act. No. M-12, § 2, approved 3-3-2020)

4 Election of school commissioners.

(a) The legal voters of each ward and City district of the City shall elect, from among the legal voters of their respective wards and City districts, school commissioners to serve for terms hereinafter provided.

(b) Election of school commissioners in each ward and City district shall be held on the first Tuesday in March in the year in which the term of office of the school commissioner therein shall expire.

(Act No. M-15, § 2, approved 3-4-2014)

5 Election to be by ballot; method of election; runoff elections.

All elections of the Mayor, City Councilors, school commissioners, and ward election officers shall be by ballot, using a system of ranked choice voting without a separate runoff election. The Chief Administrative Officer shall implement a ranked choice voting protocol according to these guidelines:

(1) The ballot shall give voters the option of ranking candidates in order of preference.

(2) If a candidate receives a majority (over 50 percent) of first preferences, that candidate is elected.

- (3) If no candidate receives a majority of first preferences, an instant runoff tabulation shall be performed by the presiding election officer.
- (4) The City Council may adopt ordinances consistent with this subsection to implement these standards.

(Act No. M-3, Election of 3-1-2005, § 2, Approved 5-12-2005; Approved March 2, 2010, § 5; Act No. M-14, § 2, approved 5-19-22; Act No. M-9, § 2, approved 5-27-23)

6 Requirements generally.

- (a) All warnings for meetings for the election of city or ward officers, and for general meetings of all the legal voters of said city, for any purpose, shall be issued by the mayor and published in the manner and for the length of time designated in chapter 55 of Title 17 of the Vermont Statutes Annotated relating to local elections as the same may be amended from time to time.
- (b) Upon request of the City Council by resolution or upon petition signed by five percent of the legal voters, filed with the Chief Administrative Officer, the Mayor shall insert in the warning for the annual City meeting any special article for any legal purpose beyond the jurisdiction of the City Council, the purpose to be set forth in said article as stated in such resolution or petition and the Chief Administrative Officer shall prepare suitable ballots in sufficient quantities for the vote upon the article. For the City annual meeting in March of each year, the resolution or petition must be filed with the Chief Administrative Officer not later than the deadline established in 17 V.S.A. chapter 55 as the same may be amended from time to time, and for any special elections, the resolution or petition must be filed with the Chief Administrative Officer not later than 60 days prior to the election; provided, however, that any petition for the insertion of any article calling for the resubmission, reconsideration, or revision of any question previously submitted to the legal voters of the City shall be filed not later than the deadline established for requesting reconsideration or revision of a prior vote as specified in 17 V.S.A. § 2661 as the same may be amended from time to time; and provided further, that no question previously submitted to the legal voters of the City shall be more than once resubmitted or presented for reconsideration or revision except upon request of the City Council by resolution. Each page of a petition filed under this section shall bear the full text of the petition, each signature to the petition shall be witnessed, each signer of such petition shall set after his or her signature his or her legal address within the City, and any part of the petition not conforming to these requirements shall be invalid.

(Act. No. M-12, § 2, approved 3-3-2020)

7 Age and residence requirements.

Every citizen of this state not less than 18 years of age who has taken the Freeman's (Voter's) Oath, who resides in said City and who has registered to vote with the Board for Registration of Voters no later than the deadline established by Vermont law prior to any warned City or ward or City district election or any annual or special City meeting shall be a legal voter at said election or meeting, and no other person shall be allowed to vote at such election or meeting.

(Act No. M-15, § 2, approved 3-4-14)

8 Person to vote in ward or City district in which the person resides; residence requirement.

No such citizen shall vote except in the ward or City district of which he or she is at the time a resident.

(Act No. M-15, § 2, approved 3-4-14)

9 Adopted.

The penalties set forth in Vermont Statutes Annotated shall be applicable for illegal voting at any City or ward or City district election.

(Act No. M-15, § 2, approved 3-4-14)

10 Specified; election; term.

(a)(1) The ward officers shall be a Clerk and three inspectors of election. All three inspectors of election may not be members of the same political party. In such event, the City Council shall forthwith appoint an inspector who shall serve instead of the candidate who received the third largest number of votes.

(2) Ward clerks and inspectors of election elected at the annual City meeting shall take office on the first Monday in April in the year of their election.

(b)(1) Ward clerks shall be chosen for two-year terms and inspectors of elections for three-year terms by the legal voters of each ward at the annual City election.

(2) The ward clerks elected March 3, 2015 shall take office April 6, 2015.

- (3) Three inspectors of election shall be elected in each ward on March 3, 2015.
- (A) One inspector of election shall be elected for a one-year term commencing April 6, 2015 and terminating April 4, 2016, and who shall thereafter be elected for a three-year term.
- (B) One inspector of election shall be elected for a two-year term commencing April 6, 2015 and terminating April 3, 2017, and who shall thereafter be elected for a three-year term.
- (C) One inspector of election shall be elected for a three-year term commencing April 6, 2015 and terminating April 2, 2018, and who shall thereafter be elected for a three-year term.

(Act No. M-15, § 2, approved 3-4-14)

11 Performance of duties; terms.

The ward officers shall be sworn to the faithful discharge of their respective duties and shall hold their offices until their successors are chosen and qualified.

12 [Repealed.]

13 Vacancies to be filled by city council.

In case of a vacancy in any ward office occasioned by death, removal from the ward or city, resignation, inability to serve, failure to elect or other cause, the same shall be filled by the city council.

14 List of voters to be prepared; posting.

Preceding each annual or special City or ward or City district election to be held in said City, it shall be the duty of the Board for Registration of Voters to prepare full and complete lists of the voters in the respective wards or City districts of said City, and to certify the same to the Chief Administrative Officer. One copy of such lists shall be posted by or under the direction of the Chief Administrative Officer in some public place in the wards or City districts to which the voters whose names are on such list respectively belong, at least 12 days previous to any such election.

15 Notice of meeting to alter or correct list required.

Whenever any checklist of voters shall be posted in said city, a notice shall be written or printed thereon, signed by a majority of said board for registration of voters, setting forth the time and place at which said board will meet to make additions thereto or alterations or corrections thereon, which time and place shall be previously determined by said board.

16 Additions or corrections permitted.

The board for registration of voters shall, pursuant to the notice set forth in section 15 of this chapter, meet to make additions to, or alterations and corrections in, the list required by section 14 of this chapter.

(Act No. M-11, Approved March 3, 2009)

17 Chief administrative officer to post lists; copies to be filed in chief administrative officer's office.

It shall be the duty of the chief administrative officer to cause the original of each and every checklist of voters at any time ordered to be posted by the board for registration of voters of said city, to be filed in the chief administrative officer's office with his or her certificate attached, that true copies of such lists have been posted as directed by said board, together with the time and place in said city at which the same were posted, which certificate shall be *prima facie* evidence of such posting.

18 Copies of list to be given inspectors.

After all such additions, alterations and corrections shall have been made by said Board for Registration of Voters, a true copy of such checklist shall be made by the Chief Administrative Officer, and delivered to the inspectors of election in the several wards, for use at such annual or special City election or City district election; and no person whose name is not on such lists shall be allowed to vote at any such election.

(Act No. M-15, § 2, approved 3-4-14)

19 Where elections held; early voter absentee ballots.

Annual and special elections shall be held in the several wards. Notwithstanding 17 V.S.A. chapter 51, the ballots of early or absentee voters may be returned to the ward clerks of the various wards within the City.

(Act No. M-15, § 2, approved 3-4-14)

20 Ward clerk to keep records; certificates of election to be furnished successful candidates; election results to be published.

It shall be the duty of the clerk of each ward subject to supervision by the Chief Administrative Officer as presiding officer for City and ward and City district elections to make a record of all elections held therein, and to furnish to each officer who shall have been elected for such ward or City district, including City councilors and school commissioners, a certificate of his or her election, and also immediately after any election in such ward to return and certify to the Chief Administrative Officer a statement of the votes for all officers in his or her ward, which statement shall be recorded in the City records, and a certificate by the Chief Administrative Officer of the result of such election in the whole City shall be forthwith published in the various newspapers of said City.

(Act No. M-15, § 2, approved 3-4-14)

21 Duties of election inspectors.

It shall be the duty of their inspectors of election to be present, preside and preserve order at all elections in their respective wards, to decide all questions relative to the right of any person to vote at such election, to sort and count the ballots and to publicly announce the result to the voters present. In all respects not inconsistent with this Charter, the provisions of the general statutes respecting the process of voting shall apply to all annual and special elections and city meetings in said city, except that a voter's name shall not be required to be checked when his ballot is deposited in the ballot box, and except that the number of ballot clerks and assisting clerks to be appointed shall be discretionary with the board of civil authority.

22 Ballots.

For all City or ward or City district elections, and also for the election of justices of the peace in the City, the Chief Administrative Officer shall prepare all official ballots, consistent with the requirements of any regulation adopted under section 5 of this chapter, and otherwise in the same manner and subject to all the provisions of the laws of this State providing for and regulating the preparation and distribution of official ballots in towns and cities; provided,

however, that the Chief Administrative Officer shall cause to be printed for every ward or City district in the City not less than 60 ballots for every 50 names or fractional part thereof on the voting list prepared and posted in the ward or City district for any such election; and further provided that the Chief Administrative Officer shall deliver to the inspectors of election in each ward on the day of the election and before the hour for opening the polls in said ward, the number of blocks of ballots containing 100 each as shall nearest represent two thirds of the whole number required to be printed for the ward or City district, and shall retain the balance of the ballots for each ward or City district so prepared. For all special elections, the Chief Administrative Officer shall prepare all official ballots at least 45 days prior to the election.

(Act No. M-3, Election of 3-1-2005, § 3, Approved 5-12-2005; Act No. M-15, § 2, approved 3-4-14; Act. No. M-12, § 2, approved 3-3-2020)

23 Retained ballots to be delivered to inspectors on demand.

In case the inspectors of election in any ward for any cause shall require the ballots so belonging to such ward or City district and retained by said Chief Administrative Officer, or any part thereof, they shall notify him or her in writing. Said Chief Administrative Officer shall thereupon forthwith transmit to said inspectors of election such part or all of said ballots so retained in his or her possession as said inspectors of election shall specify.

(Act No. M-15, § 2, approved 3-4-14)

24 Record of ballots delivered required; receipts.

The chief administrative officer shall keep a record of the whole number of ballots so prepared and delivered; and said inspectors of election shall give to said chief administrative officer, whenever any ballots are received by them, a receipt stating the number of ballots so received.

25 Requirements generally.

Special meetings of all the legal voters of said city shall be called by the mayor upon request by resolution of the city council or on petition signed by five per cent of the legal voters for any legal purpose beyond the jurisdiction of the city council, said purpose to be set forth in the warning for said meeting; provided, however, that any petition for the calling of any special meeting for the resubmission, reconsideration, or rescission of any question previously submitted to the legal voters of said city shall be filed not more than thirty days after such previous submission; and provided further, that no question previously submitted

to the legal voters of said city shall be more than once resubmitted or presented for reconsideration or rescission except upon request of the city council by resolution. Each page of a petition filed under this section shall bear the full text of such petition, each signature to such petition shall be witnessed, each signer of such petition shall set after his signature his legal address within the city, and any part of such petition not conforming to these requirements shall be invalid. At such special meetings those persons only shall be entitled to vote whose names are on the checklist used for the last annual city election, and such persons as were or have become entitled by law to have their names on such checklist and whose names have been added thereto by the board for registration of voters since said city election. The board for registration of voters shall hold a meeting or meetings to make additions and corrections to said checklist.

26 Questions at special meetings to be decided by ballot.

The questions at any such special meeting shall be determined by ballot and the checklist shall be used. There shall be at such meeting a separate polling place, or polling places, for each ward, and as many of the ward officers hereinbefore named as shall be necessary shall act at such meetings, in the same manner as at City or ward or City district elections. For all such meetings, it shall be the duty of the Chief Administrative Officer to prepare suitable ballots in sufficient quantity.

(Act No. M-15, § 2, approved 3-4-14)

27 Presiding officer; powers.

At all meetings of the legal voters of said city, the mayor shall preside and shall have the powers of a moderator in town meetings.

28 Warning required; location; voting.

Freemen's meetings for all purposes provided by the laws of the state shall be warned by the mayor, and one copy of such warning, signed by the mayor, shall be posted in each ward of the city. Such meetings shall be held in the respective wards at such place or places in each ward as shall be designated in the warning therefor, and each freeman shall vote only in the ward of which he is an inhabitant at the time of the completion of the checklist of voters therefor.

29 Checklists to be prepared and posted.

Checklists of voters in the respective wards for each freemen's meeting shall be prepared, posted, corrected and furnished to the inspectors of election therein; and elections at such freemen's meetings shall be conducted in the manner herein provided for city elections. No person whose name is not on such checklist shall be allowed to vote at any freemen's meeting.

30 General laws applicable; exceptions.

In all respects not inconsistent with this Charter, the provisions of the general statutes respecting freemen's meetings shall apply to such meetings in said city, except that a voter's name shall not be required to be checked when his ballot is deposited in the ballot box, and except that the number of ballot clerks and assisting clerks to be appointed shall be discretionary with the board of civil authority.

31 Duties of election inspectors and ward clerks.

The inspectors of election and ward clerks in the several wards shall perform all and the same duties in regard to certifying the results of elections in their respective wards for state and county officers, county senators, justices of the peace, representatives to Congress, electors of president and vice-president of the United States, and of the votes cast for any or all of such officers, as now devolve by law upon the presiding officers of freemen's meetings and town clerks, respectively, in towns; and in addition thereto they shall certify the same to the clerk/treasurer, who shall keep a record thereof.

31a Establishment of voting precincts within wards permitted.

(a) The City Council may, by resolution, establish voting precincts within one or more of the several wards of the City, and from time to time amend or alter the boundaries thereof, which said precincts so established shall be designated by number.

(b)(1) In the event such precincts are so established, the ward officers previously elected shall, from the remainder of their respective terms, be the precinct officers of the first numbered precincts in their ward, whether or not they reside therein, and the City Council shall appoint additional precinct officers for each additional precinct.

(2) At the annual City meeting following the establishment of such precincts, and at each annual City meeting thereafter, precinct officers shall be chosen by the legal voters of each precinct from among the legal voters thereof.

(Act No. M-15, § 2, approved 3-4-14)

32—35 [Reserved].**35a "ward" defined.**

In all places in sections 6 through 35, inclusive, and in section 125 of this Charter, the word "ward" wherever the same appears shall be construed to include a precinct thereof.

TITLE III. CITY COUNCIL WITH MAYOR PRESIDING AND CITY COUNCIL**36 Administration; vested in mayor and city council; selection and terms of same.**

- (a) The administration of all the fiscal, prudential and municipal affairs of the city and the government thereof, except as herein otherwise provided, shall be vested in a principal officer to be styled the Mayor and a board of 12 members to be denominated the City Council. The City Council shall elect one of the members President thereof.
- (b) The Mayor and City Council sitting in their joint capacity shall be called the City Council with Mayor presiding.

(Act No. M-15, § 2, approved 3-4-14)

37 Manner of convening.

All meetings of the city council with mayor presiding shall, unless otherwise provided [,] be convened in the same manner as herein provided for calling special meetings of the city council.

38 Regular meetings.

Regular meetings of the City Council shall be held based on a schedule adopted by the City Council for the fiscal year and generally on Mondays once or twice each month. The schedule may be amended by action of the Council.

(Act No. M-9, § 2, approved 3-7-17)

39 Special meetings.

Special meetings of the City Council may be called at any time by the Mayor, and shall be called by the Chief Administrative Officer on petition signed by a majority of the City Council then in office and filed with the Chief Administrative Officer. Notice of special meetings shall be provided to the City councilors by any means sufficient to reasonably ensure that all councilors have or should have received notice of the date, time, and purpose of the meeting. Leaving a written notice at the address the Chief Administrative Officer has on file for a councilor or providing notice to the electronic mail address of the councilor or through an electronic scheduling program that sends automatic updates to a councilor shall, among other means, be considered sufficient notice.

(Act No. M-9, § 2, approved 3-7-17)

40 Quorum; attendance of certain officers may be required.

A majority of the city council elect shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and may compel the attendance of absent members in such manner and enforce such penalties for nonattendance as may by ordinance be prescribed. Any other city officer may be required to attend a meeting of the city council or city council with mayor presiding in the same manner as a member of the city council.

41 Meetings to be public; except.

All meetings of the city council and all meetings of the city council with mayor presiding are declared to be public meetings open to the public at all times. Provided, that executive sessions of such bodies shall be permitted in accordance with the provisions of Chapter 5 of Title 1, Vermont Statutes Annotated, as amended.

42 Composition; meetings.

The mayor, city council and assessors shall constitute a board for the abatement of taxes and also for the abatement of special assessments, or any part thereof, for sewers and street improvements, whenever the same are illegal or in the judgment of the board cannot be collected or are manifestly unjust. Meetings of such board shall be convened in the manner herein prescribed for calling special meetings of the city council; and notice thereof signed by the mayor or chief administrative officer, shall be given to all taxpayers by the publication of

such notice for two days in all the daily newspapers printed in said city, the first of which publications shall be not more than ten days, and the last not less than three days prior to said meeting. Whenever any special assessment, or any part thereof, for sewers or street improvements is abated, the chief administrative officer shall make a minute of such abatement on the original assessment on file in his or her office on the margin of the record thereof.

43 Composition; board for registration of voters; duties; appointments; offices.

(a)(1) The City Council with Mayor presiding shall constitute the Board of Civil Authority for the City, except that all duties with respect to preparing checklists of voters and making additions thereto or alterations or corrections thereon imposed upon the Council by this charter or the provisions of the general statutes relating thereto shall be performed by a board of 12 members, to be known as the Board for Registration of Voters.

(2) Not more than six members of the Board shall at any one time be from the same political party.

(b)(1) All members of the Board shall be legal voters of the City and shall serve a term of five years.

(2) Terms shall be staggered so that in June in each year the City Council with Mayor presiding shall appoint no more than three members of the Board depending upon the expiration of terms to serve for a term of five years from the July first next succeeding or until his or her or their successor(s) is or are duly appointed and qualified.

(3) Vacancies in the Board for any cause shall be filled by appointment by the City Council with Mayor presiding for the balance of the unexpired term.

(c)(1) The records of the Board shall be maintained in an office in the City Hall of the City or another location determined by the Chief Administrative Officer that is open for business during the regular business hours of the City.

(2) The Board shall advise any petitioner whose application to vote has been rejected or whose name has been removed from the checklist of his or her statutory right to seek judicial review of such decision pursuant to 17 V.S.A. § 2148.

(3) The Board shall also appoint a Clerk, who need not be a member thereof, who shall have such duties as the Board may assign.

(4) Records of the taking of voter's oaths heretofore kept by the City Clerk shall be transferred to the Clerk of the Board.

(Act No. M-15, § 2, approved 3-4-14; Act No. M-9, § 2, approved 3-7-17)

44 Authorized.

At all meetings of the Board of Civil Authority, the Board for the Abatement of Taxes, and also of the City Council for the appointment of officers or for the removal of such officers, except for the meeting for the appointment of those officers identified in Article 38, and in all proceedings by the City Council for the purpose of taking lands or other property for public purposes, the Mayor shall preside and shall vote as other members thereof.

(Act No. M-9, § 2, approved 3-7-17)

45 Mayor not to participate in enactment of ordinances; approval by mayor of council actions required.

For the enactment of all ordinances and by-laws and the transaction of any other business by the city council, except such as is designated in the preceding section of this Charter, the mayor shall not preside over or sit with the city council, and the action of the city council shall require the approval of the mayor, except as herein otherwise provided.

46 Approval or veto of ordinances by mayor; reconsideration; item veto on appropriations.

If the mayor shall approve any ordinance, or by-law, or any resolution or vote of the city council in respect to the business above referred to, the mayor shall sign the same. If the mayor does not approve the same, the mayor shall return it, with his or her objections in writing, to the city council at the next meeting thereof after it shall have been presented to the mayor, provided that the mayor shall have not less than two weeks to consider such ordinance, by-law, resolution or vote, as aforesaid. The city council shall thereupon proceed to reconsider such ordinance, by-law, resolution or vote, and if, upon such reconsideration, two-thirds of the whole number of city councilors shall vote in favor of the same, it shall be valid and take effect, notwithstanding the objection of the mayor. In the event that any ordinance, by-law, resolution or vote of the city council shall contain more than one appropriation, or establish more than one salary, the mayor shall have the power to veto with respect to each such appropriation or salary, and no item of appropriation or salary so vetoed shall be effective unless adopted by the city council upon reconsideration, by two-thirds vote of the whole number as hereinabove provided.

47 Ordinances to become valid at expiration of certain period if not returned.

If any such ordinance, by-law, resolution or vote shall not be returned by the mayor of the city council at the next meeting of said city council after the expiration of two weeks from the time the mayor received it, the same shall be valid and take effect without the mayor's approval.

48 Enumerated.

The city council shall have power:

- (1) To establish and regulate a market, and to regulate, license, tax or prohibit the selling or peddling of meat, fish, or other provisions on foot or from vehicles about the city, except that the city council shall not have power to license, tax, or prohibit farmers selling the produce of their own farm.
- (2) To restrain and prohibit all descriptions of gaming, to order the destruction of all instruments and devices used for that purpose, and to license or tax any such devices or instruments the usage of which is now, or may hereafter be, permissible under the laws of the state, and to license or tax any mechanical or electrical amusement devices or the places wherein the same may be located.
- (3) To regulate, license, tax or prohibit the exhibition of common showmen, circuses, menageries, carnivals, and shows of every kind, and all plays, athletic contests, exhibitions or entertainments for money, including the power to tax admissions to the same except such as may be conducted by educational or nonprofit institutions or organizations or wholly for charitable purposes; to provide a system of examination, approval and regulation of motion picture films, reels or stereopticon views or slides and of banners, posters and other like advertising matter used in connection therewith; to create and establish a board of censors to administer such system within the limits of said city and to define and prescribe their duties and powers and to regulate, restrict or prevent attendance of minors at exhibitions of films, reels or stereopticon views.
- (4) To regulate, license, tax, or prohibit itinerant vendors, peddlers, street musicians, transient auctioneers and itinerant photographers; provided the city council shall not have the power to license, tax or prohibit farmers selling the produce of their own farm.
- (5) To prevent riots, noises, disturbances or disorderly assemblages.

(6) To abate and remove nuisances; to regulate or prohibit the storage and accumulation on premises within the city of garbage, ashes, rubbish, refuse and waste materials; to tax or license for revenue and regulate or prohibit the collection and removal of such materials from such premises and the disposal of the same by private persons or agencies; to compel and regulate the removal and disposal of such materials by owners, tenants and occupants of such premises; to require and provide for the collection, removal and disposal of such materials, by the city at its expense by contract with some private individual or agency, or by some city officer, officers or department either existing, or hereafter created and established by the city council for that purpose; to establish, in case the collection, removal and disposal of such materials is done at the expense of the city, service rates to be paid to the city by the owners, tenants or occupants of premises from which said materials are collected and removed for services rendered by the city in collecting, removing and disposing of such materials, to compensate the city for the cost and expense of those services. All service rates against owners or others shall be collected and enforced under such regulations and ordinances as the city council shall prescribe.

(7) Repealed.

(8) To compel the owner or occupant of any unwholesome, noisome or offensive house or place to remove or cleanse the same from time to time, so far as may be necessary for the health or comfort of the inhabitants of said city.

(9) To direct the location and management of all slaughterhouses, markets, steam mills, blacksmith shops, sewers and all private drains, and to compel the construction of drains within the limits of the city, under such inspection regulations as the city council may adopt.

(10) To regulate the use in blasting, the manufacture and the keeping of gunpowder and all other combustible and dangerous materials.

(11) To regulate the making of alterations and repairs of stovepipes, furnaces, fireplaces and other things from which damage by fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes; to provide for the preservation of buildings from fires by precautionary measures and inspections.

(12) To establish and regulate a fire department and fire alarm system, and fire companies, except as herein otherwise provided.

(13) To regulate the size, height, material, and manner of erecting and constructing new buildings and repairing of buildings already constructed in said city, or in certain prescribed localities therein; and to regulate the use of streets for building purposes.

(14) To prescribe the duties and powers of inspectors of buildings and fire wardens; and to provide penalties for any refusal or neglect to comply with the orders of said inspectors and fire wardens made by virtue of any resolution or ordinance passed by said city council.

(15) Repealed.

(16) To prevent encumbering the streets, sidewalks and public alleys with firewood, lumber, carriages, boxes or other things.

(17) To provide for the care, preservation and improvement of public grounds, except as herein otherwise provided.

(18) To restrain and punish vagrants.

(19) To make regulations respecting paupers, except as herein otherwise provided.

(20) To restrain or regulate the keeping and running at large of poultry, cattle, horses, swine, sheep, goats and dogs. And in addition to the tax now imposed by the laws of this state upon the owner or keeper of dogs, to impose upon or require of the owner or keeper of any dog or dogs, such additional tax or license fee for the keeping thereof, and prescribe such penalties in default thereof, as may be deemed necessary. And all moneys received hereunder shall be paid into the city treasury and belong to said city.

(21) To provide a supply of water for the protection of the city against fire and for the distribution and sale of water for private and public purposes to persons and corporations both within and without the city, and to regulate the use of the same; to establish and maintain reservoirs, aqueducts, water pipes, hydrants, or any other apparatus necessary for such purposes, upon, in and through the lands of individuals and corporations both within and without the city, on making compensation therefor; but the city council, in providing such supply of water and establishing and maintaining reservoirs, aqueducts, water pipes, hydrants and other apparatus, as hereinbefore provided, for the distribution and sale of water outside of the city, shall not incur any expense for the same that cannot be paid from the current net earnings of the water resources department above the necessary operating expenses, and the necessary cost of maintaining, improving and adding to the property and equipment of that department within the city, unless authorized by the legal voters so to do, and to raise the necessary funds to pay for the same.

(22) To regulate and determine the time or place of bathing in any of the public waters within said city, or adjacent thereto, and to prevent the same.

- (23) To compel all persons to remove from the sidewalks and gutters in front of the premises owned or occupied by them all snow, ice, dirt and garbage, and to keep such sidewalks and gutters clean, and to compel the owners or occupants of any land or premises in the city to cut and remove from the streets and sidewalks in front of such land or premises all grass, brush, thistles and weeds growing or being thereon, under such regulations as may be prescribed therefor, except as herein otherwise provided.
- (24) To regulate and license innkeepers, keepers of saloons, victualing houses, billiard saloons, billiard tables, bowling alleys, places of amusement and auctioneers, or to tax the same, under such regulations as shall be prescribed therefor; and all moneys paid for such licenses or taxes shall belong to the city, and be paid into the city treasury.
- (25) To regulate or restrain the use of rockets, squibs, firecrackers, or other fireworks in the streets or commons, and to prevent the practicing therein of any amusements having a tendency to injure or annoy persons passing therein or to endanger the security of property.
- (26) To regulate gauging; the place and manner of selling and weighing hay, packing, inspecting and branding meats and produce; and of selling, measuring and weighing wood, lime, coal, and petroleum products; and to appoint suitable persons to superintend and conduct the same.
- (27) To regulate and license porters and cartmen who receive or discharge their loads within the city; to regulate and license the owners and drivers of taxicabs, jitneys, and motor vehicles for hire, receiving or discharging passengers, with or without baggage, within the city, whether or not such vehicles are engaged in carrying passengers entirely within the city; to prescribe the duties and privileges of such owners and drivers; to fix and regulate rates of fare, including maximum and minimum rate or rates, for any such transportation of passengers within the city; to license and regulate all such vehicles; to rescind any and all licenses granted hereunder, and to prohibit the operation of such vehicles upon the streets of the city when either the owners or the drivers thereof have not complied with all the provisions of ordinances duly enacted hereunder; provided, however, that no license shall be granted hereunder unless the applicant has first complied with all the requirements of the laws of the State of Vermont relative to the registration and operation of motor vehicles to enable the applicant to use the license for which he applies; and to limit and restrict the use of its streets and highways by such motor vehicles in such manner as will promote the safety and general welfare of the public.
- (28) To prescribe the powers and duties of watchmen and policemen of said city.

- (29) To regulate, establish and alter the grade of streets and the grade and width of sidewalks, and the construction thereof, and prescribe the material to be used therein.
- (30) To provide for lighting of the city.
- (31) To provide for removing and trimming shade, fruit and ornamental trees in the public streets and parks whenever the public good or convenience requires the same to be done, except as herein otherwise provided.
- (32) To prohibit and punish willful injuries to shade, ornamental and fruit trees standing on public or private lands.
- (33) To prevent and punish trespasses or willful injuries to or upon public buildings, squares, commons, cemeteries, fountains, statues, or other property.
- (34) To establish and maintain a public library.
- (35) To regulate the time and manner in which examinations of public documents, land records and other public records shall be made.
- (36) To establish, manage, and control public cemeteries, parks, commons, or any other public place in said city, and to regulate the use of the same by the public, except as herein otherwise provided.
- (37) To permit, regulate, license, tax or prohibit, except as herein otherwise provided, the suspending, putting up, or continuance of any sign or awning in or over any street, lane, alley, common or other public place in said city; and whenever the public good may require, to order and direct that any such sign or awning heretofore erected or suspended as aforesaid shall be changed, taken down or removed; and to order and direct the removal of any sign or awning upon which any license fee or tax levied under the provisions hereof shall not have been paid.
- (38) (A) To provide for assessing owners of land and buildings thereon abutting any street, alley or lane in said city such sum as said land and buildings shall be benefited by raising or lowering the surface of said street or highway; and also to award such damages to such owners as they shall suffer in consequence of raising or lowering the surface of said street or highway as aforesaid.

(B) The same proceedings shall be had in respect to said award of damages and assessment, as are herein provided in case the owners of lands are dissatisfied with the award of damages or amount of assessment in laying out or altering streets or highways; and said assessment shall be a lien in the nature of a tax on the lands and buildings so assessed, and may be collected or enforced in the same manner herein

provided for assessments made in laying out, altering or resurveying any street or highway in said city.

(39) To provide for indexing any part or all of the records of deeds and of any or all public records of said City of Burlington, and like records of the former Town of Burlington, by the "card index," so-called, or any other like system. Such "card index" or other like system may be employed in addition to or in lieu of the manner of indexing now required by the laws of this state.

(40) (A) To fix, demand, impose and enforce such terms, conditions and regulations for the use or occupation of any street or highway in said city by any street railroad, traction, telegraph, telephone, electric, gas, electric lighting, electric power, or other company or any person enjoying the privileges, or exercising the functions of any such company aforesaid, as shall be just and reasonable, including any sum or sums of money to be paid to said city for the use of any street or highway by any or all of said companies for the purpose of laying, maintaining and operating any street railway therein, or for the purpose of therein erecting and maintaining any poles, wires or any other apparatus in or under the surface of said street; and to prohibit the use of such street by any such company or person until such terms have been complied with.

(B) In case any such company or person cannot agree with said city upon such terms, said company or person may apply by petition to the county court within and for the County of Chittenden, and said court shall thereupon, after hearing all parties interested therein, fix such terms as shall be just and reasonable and make all necessary orders for carrying its decision therein into effect.

(C) Provided, however, that no special franchise shall be granted by said city council for a longer term than thirty years, and further provided that at the expiration of any franchise, or at any time thereafter, the city shall have the right to acquire the title to and take over the property employed or used in the business for which such franchise was granted, upon the payment to the owner of the same of the fair value of the physical properties at that time employed or used in such business, and that in case the city is unable to agree with the owners as to the value of such physical properties, then said property may be condemned and taken for public use, and the value thereof ascertained and awarded as compensation therefor to the owner of the same in the manner, as near as may be, provided in the general laws of the state for the determination of the damages to be awarded persons aggrieved or damaged by the construction or operation of a street railway, and further provided that the grant of every such special franchise shall contain provisions embodying the foregoing conditions and limitations. Provided, notwithstanding the foregoing, the city council shall not have authority to increase

the level of any franchise fee enacted pursuant hereto without first receiving approval by a majority of the voters present and voting at an annual or special city meeting duly warned for this purpose.

- (41) To prescribe the duties of the inspector of electrical wiring apparatus and the installation and maintenance thereof; to regulate and require licenses for all persons engaged in the business or trade of selling electrical apparatus and supplies and in the business or trade of installing and repairing electrical wiring and apparatus but not including telephone or telegraph wires or apparatus, and to regulate and require licenses for all persons engaged in the business or trade of plumbing or house drainage within the limits of said city and to fix and impose the terms, conditions and fees for all such licenses.
- (42) To purchase, construct and maintain a public wharf.
- (43) Reserved.
- (44) To acquire voting machines, so-called, and prescribe the use thereof in any or all elections held within said city.
- (45) To order any streets or part of a street sprinkled, sprayed or treated with water, tarvia or any other materials when in its judgment the public good requires.
- (46) To enact and enforce rules for its government and for the government of the city council. Notwithstanding 1 V.S.A. § 172, the city council may enact rules providing that as long as a quorum exists, a valid majority for taking action may be a concurrence of a majority of those present and voting.
- (47) To appropriate money in excess of the amount required by law to be raised for highways, which a town may now vote to raise at its annual meeting or at a special meeting duly warned for that purpose, according to the provisions of the laws of the state relating to highways; and to assess upon the grand list of the city a tax sufficient to raise the amount of money so appropriated.
- (48) To regulate the exposing for sale in the city and conveying through the streets of the city of foodstuffs intended for human consumption to prevent contamination thereof.
- (49) To fix, impose and establish the terms, conditions and regulations under which any person or persons may exclusively occupy specified portion of any public street, lane, alley, or other thoroughfare used for public travel, for the storage or sale of oil or other merchandise, or for any other private purpose not affected with a public interest,

to fix and collect a fee for such occupancy, and to prohibit use or occupancy of such specified portion for any other purpose.

(50) To acquire and hold by lease, purchase or gift and to maintain within the limits of said city, or within the limits of an adjoining town, a public aviation field and municipal airport and to properly equip the same for use; to regulate the use of said field and its equipment and to charge, receive, demand and collect from time to time reasonable compensation for use thereof and to manage and control such field and its equipment, appoint proper officers to have charge of the same and to define their duties; to provide for the establishment and maintenance of an airport police force to provide security and law enforcement within the limits of the airport premises and to lease to private parties for aviation purposes such part of said field and buildings as in the judgment of the city council is not for the time being required by the city for the purposes of a public aviation field or municipal airport and for such time as in the judgment of said council the same is not so required.

(51) To acquire and hold by lease, purchase or gift, and to maintain and operate within or without the limits of said city, a stone quarry, a sand and gravel pit, and an asphalt plant, and all lands and interests in lands, required for such purposes, and to properly equip the same for use, and to engage the city in the business of selling stone from such quarry, sand and gravel from such pit, and asphalt from such plant, to persons and corporations both within and without said city and for public or private purposes, said city being hereby authorized to maintain and operate such stone quarry, sand and gravel pit, and asphalt plant, for such purposes.

(52) To regulate and license junk dealers.

(53) To receive and hold grants, gifts, or bequests of money or other property, in trust, the income or interest of which is to be used for the care, improvement, embellishment and repairs of its burial grounds, or of private lots within any such burial ground.

(54) To receive and hold grants, gifts, or bequests in money or other property, in trust, for any governmental purpose, under the charter, and manage and use the same, its income, or interest, in accordance with the terms and conditions of the trust.

(55) To provide for, create, establish, maintain and regulate an insurance sinking or reserve fund to be used for the purpose of compensating the city for any and all losses and damages to city property by reason of fire, tornado, wind, flood or other casualty and for the purpose of paying to city employees, their dependents, executors, administrators and heirs, any and all compensation that may become their due from the city under the provisions of the laws of the state relating to workmen's compensation.

(56) To control and regulate the use of any present or future harbor on Lake Champlain in said city and to make and put into force and effect by proper ordinances all reasonable rules and regulations not in conflict with the jurisdiction of the federal government, governing the use of the waters of Lake Champlain within the city limits and the use of any public pier, wharf or dock within said city, the mooring and anchorage of vessels within said harbors and at piers, docks or wharfs within the city, trespasses and nuisances upon public and privately owned wharfs, docks and piers, and all other proper and reasonable rules and regulations in the premises, tending to promote the public safety, health, morals, convenience, utility and the public welfare, and to fix, determine, collect and enforce reasonable charges for the use of any public wharf, pier or dock owned by the city, and to prescribe and enforce penalties for violation of any and all of such rules and regulations.

(57) To enter into any agreement on behalf of the city with the United States, or any department, subdivision, or agency thereof, to accept grants, loans and assistance from the United States, or any department, subdivision or agency thereof to make public improvements within the city, or upon property of the city outside its corporate limits, and to make appropriations consistent with the provisions of this Charter to accomplish such purpose.

(58) (A) To acquire and hold by lease, purchase, gift, condemnation under the provisions of 24 V.S.A. §§ 2805 through 2812, inclusive of the Vermont Statutes Annotated, as amended, or otherwise, and to maintain and operate within the limits of Chittenden County, a municipal parking lot or lots, a municipal parking garage or garages, and any other municipal parking structure(s), and to alter, improve, extend, add to, construct, and reconstruct such lots or garages, subject, however, to the provisions hereinafter contained in this subdivision. In exercising the foregoing power, and notwithstanding the preceding sentence, the City Council shall not, except pursuant to subdivision (50) of this section and section 276 of this charter, have authority to acquire any property outside the limits of the City of Burlington through the use of the power of eminent domain or condemnation. The City Council shall not be exempt from the responsibility for securing all applicable permits from any community within Chittenden County outside the limits of Burlington in which it desires to construct a parking lot or garage. Any parking lot or garage constructed by the City outside the corporate limits of Burlington shall be subject to the ad valorem property tax of the community in which it is located.

(B) The Board of Public Works Commissioners shall have general control, management, and supervision of all municipal parking lots and garages. The Board shall have power to make regulations with respect to the use of all such municipal parking lots and garages, including reasonable terms, conditions, and charges, and

shall also have the power to regulate the parking, operation, and speed of vehicles and pedestrian and vehicular traffic on the public highways of the City, including such ways, streets, alleys, lanes, or other places as may be open to the public, to erect, maintain, and operate equipment and systems for the regulation of parking of vehicles, to govern and control the erection of guideposts, street signs, and street safety devices on the highways, and to prescribe regulations and penalties for violation of the same in respect to all of the matters and to remove and impound as a public nuisance, at the expense of the owner, any vehicle found parking on a public highway or in a municipal parking lot or garage in violation of any City ordinance or any regulation hereunder, and to prescribe the terms and conditions upon which the owner may redeem such vehicle from the pound, which regulations, when published in the manner provided in section 49 for the publication of ordinances, shall have the force and effect of ordinances of the City, and violations of which shall be subject to the penalties provided in section 50 of this charter. All ordinances of the City, and all regulations of the Board of Parking Commissioners, in effect prior to July 1, 1959, shall remain in full force and effect notwithstanding that the subject matter thereof shall be within the jurisdiction of the Board of Public Works Commissioners, unless and until such Board shall, by regulation duly adopted and published, alter, amend, or repeal the same.

(C) The Board shall also from time to time recommend to the City Council the acquisition or construction of municipal parking lots or garages, and the City Council shall not authorize such acquisition or construction without such recommendation, nor shall the City Council dispose of or lease to others for operation any municipal parking lot or garage without the recommendation of the Board.

(D) All receipts from the operation or lease of municipal parking lots and garages shall be kept by the City Treasurer in a separate fund, to be known as the Parking Facilities Fund and shall be used for the purpose of paying any and all expenses related to operating, maintaining, acquiring, constructing, or expanding the lots and garages, including any payments on any obligation incurred for construction or repair of those lots or garages. Any amounts unused at the end of a fiscal year shall be carried over to the next fiscal year. All revenues generated from on-street parking equipment and systems shall be used by the City Council for traffic regulation and control, including acquisition or maintenance of parking facilities; proper repair or construction of streets, sidewalks, and bridges; traffic or parking demand management facilities, planning, or services; traffic calming measures; and other transportation-related activities. In addition, the City Council may vote to place any such revenues in the Parking Facilities Fund, at its discretion.

(E) If it shall reasonably appear to the Board of Public Works commissioners at any time that the receipts from the existing municipal parking lots or garages are in excess of the amounts required for the purposes enumerated in subdivision (D) of this subdivision (58), and that the acquisition of further lots or garages is not required, they shall cause rates and charges for the use of the lots and garages, or some of them, to be reduced.

(F) If the Board of Public Works commissioners, pursuant to the provisions of subdivision (C) of this subdivision (58), has recommended the acquisition or construction of a new parking lot or garage, the City Council may from time to time pledge, assign, or otherwise hypothecate the net revenues from the lots or garages, after the payment of operating expenses, and may mortgage any part or all of the lots or garages, including personal property located therein, to secure the payment of the cost of purchasing, acquiring, leasing, altering, improving, extending, adding to, constructing, or reconstructing the lots or garages, but the City Council shall not pledge the credit of the City for any of the purposes except in accordance with the provisions of section 62 of this charter.

(59) To fix and establish, and to provide for the collection of, sewer rents and sewage disposal charges, and to alter and amend the same, pursuant to the provisions of the general laws of the state relating thereto. In addition, the city council shall also have the power to fix and establish by ordinance, and to alter and amend from time to time thereafter, reasonable fees to be paid for new or amended uses of lands or buildings which shall require a new or additional allocation of a portion of the city's wastewater collection system capacity, and/or wastewater treatment facilities capacity, such fees to include, but not be limited to, capacity charges, connection fees, impact fees or similar charges related to the sewer system.

(60) To exercise any powers now or hereafter granted to municipalities under the laws of the state, and not inconsistent with the provisions of this Charter; provided, however, that in the event so granted to municipalities, excepting only those powers relating to the amount of taxes which may be assessed upon the grant [grand] list, are more extensive than the powers herein contained, the powers so granted shall control.

(61) To provide by ordinance minimum requirements and standards for the subdivision of lands within the corporate limits of the city, including standards and requirements for streets, services and utilities in such subdivisions; to prescribe penalties for the violation of such standards or requirements; to prohibit such subdivisions, and to prohibit the recording or filing of plans for such subdivisions as do not comply with such standards or requirements; and to designate appropriate city officials to pass upon such compliance; provided, however, that no ordinance shall be

adopted hereunder until after public hearing thereon. The term "subdivision" as used herein shall mean the division of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale or building development, excluding development for agriculture purposes, and shall include resubdivision.

(62) To provide by ordinance a procedure for waiver of process and prosecution by an individual, firm or corporation notified or accused of a violation of a City of Burlington ordinance by payment to the city of an amount fixed by ordinance, in lieu of such process and prosecution.

(63) (A) To establish and maintain a unified Department of Public Works, the superintendent of which will be designated Public Works Director, said Department to be managed and controlled by the Mayor and City Council. The City Council may by resolution delegate any of its powers relating to the Public Works Department to the Board of Public Works commissioners.

(B) The board of public works commissioners shall consist of seven legal voters of the City of Burlington, who shall be appointed by the city council to serve for the term of three years, and until their successors are appointed and qualified, except as herein otherwise provided.

(C) The city council with mayor presiding shall appoint to the public works commission seven legal voters of the City of Burlington. On the first Monday in June, 1988, and every three years thereafter, the city council with mayor presiding shall appoint three commissioners to serve a term of three years. On the first Monday in June [,] 1989, and every three years thereafter, the city council with mayor presiding shall appoint two commissioners to serve a term of three years. On the first Monday in June, 1990, and every three years thereafter, the city council with mayor presiding shall appoint two commissioners to serve a term of three years.

(D) The public works director shall have the special and immediate care and practical supervision of the public works department, its personnel and its facilities and equipment, subject to the authority of the mayor as chief executive officer and the orders and ordinances of the city council.

(E) Unless otherwise determined by resolution of the City Council, the Public Works Department shall, in addition to the Director, consist of a Streets Division, Water Division, Waste/Solid Waste Division, Traffic Division, Finance Division, Equipment Maintenance Division/Engineering Division, and Construction Division, each of which shall include a Manager who shall be hired as a City employee by the Director and shall serve subject to the direction of the Director.

(64) (A) Where there is no written rental agreement and notwithstanding subsection 4467(c) of Title 9, to prohibit by ordinance, a landlord from terminating a tenancy of rental housing within the city for no cause unless the landlord provides to the tenant written notice of at least 90 days when the tenancy has been less than two years and of at least 120 days when the tenancy has been two years or more.

(B) Unless inconsistent with a written rental agreement or otherwise provided by law, and notwithstanding the provisions of subsection 4456(d) of Title 9, to require by ordinance, tenants who wish to terminate a residential tenancy to give actual notice to the landlord at least two rental periods prior to the termination date specified in the notice.

(65) To prohibit increases in rent for rental housing within the city without advanced written notice of at least 90 days.

(66) To regulate thermal energy systems in residential and commercial buildings, including assessing carbon impact or alternative compliance payments, for the purpose of reducing greenhouse gas emissions throughout the City. No assessment of carbon impact or alternative compliance payment shall be imposed unless previously authorized by a majority of the legal voters of the City voting on the question at an annual or special City meeting duly warned for that purpose.

(Act No. M-14, § 1, approved 5-19-2004; Act No. M-4, § 2, approved 4-4-2011; Act No. M-7, § 2, approved 11-8-16; Act No. M-6, § 2, approved 5-23-19; Act No. M-9, § 2, approved 4-20-22; Act No. M-19, § 2, approved 6-7-22)

49 Authority to enact.

The city council may make, alter, amend or repeal any resolutions, by-laws, regulations and ordinances which it may deem necessary and proper for carrying into execution the foregoing powers or for the well-being of said city, and which shall not be repugnant to the constitution or the laws of the state; and to provide penalties for the breach thereof; all of which by-laws, regulations and ordinances shall be duly published in one or more newspapers in said city to be prescribed by the city council, at least twenty days before they shall take effect. In the event the city council shall pass a comprehensive revision to any chapter or chapters of its Code of Ordinances it shall be sufficient if a concise summary of the principal provisions of such revision is published as aforesaid rather than the entire text thereof. Copies of the entire text of such revisions shall be made available upon request at the office of the chief administrative officer. The City of Burlington is hereby authorized and empowered to maintain actions in Chittenden Superior Court to restrain actual or threatened violations of any ordinance of said city.

50 City council to establish penalty.

The city council may provide a penalty for the violation of any ordinance, regulation or by-law not to exceed five hundred dollars (\$500.00). Each day the violation continues shall constitute a separate and distinct offense. If no penalty shall be fixed for the violation of any ordinance, regulation or by-law, the court before which such action is heard shall impose a fine not to exceed five hundred dollars (\$500.00) for each offense.

51 Ordinance enforcement.

- (a) The violation of an ordinance, regulation or by-law adopted by the city, including, without limitation, zoning and subdivision by-laws adopted pursuant to chapter 117 of Title 24 of the Vermont Statutes Annotated, as the same may be amended from time to time, may be prosecuted as a criminal or civil action.
- (b) All penalties collected for the violation of an ordinance, regulation or by-law shall be paid over to the city except for a surcharge that shall be set and retained by the court.
- (c) A superior or district court judge shall have the jurisdiction to enjoin the violation of an ordinance or rule but the election of the city to proceed under this subsection shall not prevent its proceeding under subsection (a) of this section.

52 Court authorized to order abatement.

In any prosecution for a nuisance arising under this Charter or under any lawful ordinance, regulation or by-law resulting in a judgment or conviction, the court before which said judgment or conviction shall be had shall order the nuisance or offense complained of to be removed or abated, and shall determine the expense of removing or abating the same and tax such expense as part of the costs of prosecution.

53 [Reserved].

54 Offenders may be liable in damages.

A person violating any ordinance, regulation or by-law of said city shall be liable in damages to said city or to the person who shall sustain damage as the direct result of said violation;

such damages may be recovered in an action declaring upon such ordinance, regulation or by-law.

55 City council may authorize sale or lease.

The city council shall have the exclusive power to authorize sale or lease of any real or personal estate belonging to said city, and all conveyances, grants or leases of any such real estate shall be signed by the mayor and sealed with the city seal.

56 Council to have powers conferred by statute regarding public burial grounds.

In establishing or enlarging public burial grounds within said city, the city council shall have the same power as is conferred by the general laws of the state upon selectmen, and shall proceed in the same manner, subject to the same right of appeal from its decision.

57 Manner of taking land for reservoirs, aqueducts, water pipes, etc.

In taking lands for the purpose of establishing and maintaining reservoirs, aqueducts, water pipes, hydrants or any other apparatus necessary for such purposes, the city council shall proceed in the same manner in which selectmen of towns are authorized to proceed in the taking of lands for highways, and in performing all acts and doing all business in taking such lands the mayor shall preside over said city council and shall vote as other members thereof. Any person owning or interested in such lands who is dissatisfied with the decision of the city council taking such lands or in awarding him damages therefor, may have the same proceedings in respect thereto which shall be conducted in the same manner and have the same effect, as if such lands were taken by selectmen in any town in the state for the purpose of laying out, altering or resurveying a highway in said town; but if such proceedings are instituted only in respect to the appraisal of damages for land so taken by the city council, such proceedings shall not prevent said city from establishing and maintaining reservoirs, aqueducts, water pipes, hydrants and other apparatus necessary for such purposes upon the lands so taken, as if no such proceedings had been instituted.

58 Council to issue citation that land is to be taken; service.

In giving notice to all persons owning or interested in any lands to be taken for such purposes, the city council shall issue its citation, signed by the mayor or its chief

administrative officer; said citation shall be served in the same manner, and the several officers shall perform the same duties in respect thereto, as provided in this Charter.

59 Refunding bonds; council may authorize issuance of bonds.

The city council may authorize the issuance by said city of refunding bonds for the purpose of paying any of its bonds issued hereunder at maturity or upon acceleration or redemption.

60 Same—Issuance prior to maturity or redemption; amounts; issuance, maturities, security, rights of owners, and rights, duties and obligations of city; general laws relating to refunding of municipal bonds and indebtedness inapplicable.

Any refunding bonds or notes may be issued at such time prior to the maturity or redemption of the refunded bonds or notes as the city council deems to be in the public interest. The refunding bonds or notes may be issued in sufficient amounts to pay or provide the principal of the bonds or notes being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds or notes, the expenses if issue of the refunding bonds or notes, the expenses of redeeming the bonds or notes being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds or notes as may be required by a resolution under which bonds are issued. The issue of refunding bonds or notes, the maturities and other details thereof, the security therefor, the rights of the owners thereof and the rights, duties and obligations of the city with respect thereto shall be governed by the provisions of this city charter relating to the issue of bonds other than refunding bonds insofar as the same may be applicable. None of the provisions of the general laws relating to the refunding of municipal bonds and indebtedness shall apply to such refunding bonds or notes.

61 Bonds to be signed and contain statement that they conform to applicable provisions.

Such notes or bonds so authorized shall be signed by the mayor and countersigned by the treasurer of said city, and if interest coupons are attached thereto, they shall be signed by the treasurer; and such bonds or notes shall contain a statement that they were issued for the purposes mentioned, and in conformity to the provisions of this Charter; and such statement shall be conclusive evidence of the same and of the liability of the city to pay any such notes or bonds, in an action by a person who in good faith holds any such notes or bonds.

62 Council, school board; not to pledge credit of city; exceptions.

(a) Except as otherwise provided, the credit of the city, except by temporary loans not exceeding during any quarter of any fiscal year twenty-five (25) percent of the taxes assessed upon the entire grand list for such fiscal year, and except by emergency loans as hereinafter provided, shall not be pledged by the city council, or by any officer of said city, unless by vote of the legal voters of said city, at a meeting thereof duly called for that purpose; provided, however, that the chief administrative officer, when authorized and directed by resolution of the city council, may pledge the credit of the city by a temporary loan in anticipation of the receipt of revenue from the airport department, or the traffic division or the wastewater or water divisions of the public works department for their ordinary running expenses during times in any fiscal year when there are not sufficient funds on hand to the credit of the airport department or the above-mentioned divisions for the payment of such bills and accounts, or sufficient unappropriated funds in the city treasury from which such accounts may be paid pending the receipt of revenues of the division sufficient to pay such bills and accounts; and provided further, that the chief administrative officer, when authorized by the city council, may pledge the credit of the city by temporary borrowing in anticipation of the receipt of revenue from the electric department not to exceed five million dollars outstanding at any time to provide working capital for the electric department. Temporary notes issued hereunder in anticipation of the receipt of the revenue from the electric department shall mature within two years from the date of issue, and may be renewed or refunded by the issue of other notes maturing within a similar period whenever such action is deemed expedient. Except as above provided, all temporary loans, except loans for the payment of bills and accounts of the water division of the public works department and the electric department and except emergency loans, shall be paid by the chief administrative officer from and out of the receipts from the collection of the installment of property taxes or other taxes next falling due after the making of the loan, and all moneys received from such temporary loans, other than for the water division of the public works department and the electric department and other than from emergency loans, shall be used to pay the current and ordinary expenses of the city, pending the collection of taxes. All such temporary loans made to pay the accounts and bills of the water division of the public works department pending the receipt of revenue shall be paid during said fiscal year from the revenues received by that division. Temporary loans under this paragraph for the water division and electric departments shall be general obligations of the city notwithstanding that they are primarily payable from the revenues or receipts of the respective division and departments.

(b) In case of an emergency demand found and declared to exist by the city council, the city council may pledge the credit of the city by an emergency loan to meet such demand, but such emergency loans shall not exceed in the aggregate during any fiscal year forty cents upon the dollar of the entire grand list of said city. All emergency loans shall be used for the emergency declared to exist by the city council, and shall be paid by taxation the following

fiscal year, the budget for which shall include an appropriation sufficient to pay all such emergency loans.

(c) The city council may, during the first five days of the July following the making of such emergency loans, assess upon the property grand list a tax or taxes, which, together with a tax or taxes of the same rate or rates upon the taxable polls of the city for the fiscal year, will be sufficient to pay such loan, which tax shall be in addition to those provided for in section 99 hereof, and shall not be included within the tax limitation thereby imposed upon taxation for city purposes.

(d) The chief administrative officer, when authorized and directed by resolution of the city council, may pledge the credit of the city by means of temporary loans in anticipation of the sale of bonds authorized by the legal voters of said city for the payment of installments due on the project for which said bonds are to be issued, pending the receipt of revenues from the sale of such bonds; provided, however, that the said temporary loans shall not exceed ninety (90) per cent of the amount so anticipated. Any of such loans shall be immediately repaid upon receipt of the proceeds from the sale of the said bonds.

(e) The chief administrative officer, when authorized and directed by resolution of the city council, may pledge the credit of the city by means of temporary loans for the payment of final bills due on any project approved for school state aid construction, pending receipt by the city of the final state aid payment, but limited to ninety (90) per cent of the amount so anticipated. Any of such loans shall be immediately repaid upon receipt of the state aid construction payment.

(f) (1) The chief administrative officer, when authorized and directed by resolution of the city council, may pledge the credit of the city by issuing negotiable orders, warrants, notes or bonds in an amount not to exceed in the aggregate \$2 million in any fiscal year for the purpose of providing working capital and capital improvements, additions and replacements required for the efficient and economical operation of the city and its departments, other than the electric light department and the water and wastewater divisions of the public works department. If any of such annual borrowing authority is used to provide working capital, notes shall be issued in anticipation of the receipt of city revenue and shall mature within two years from the date of issue, and may be renewed or refunded by the issue of other notes maturing within a similar period whenever such action is deemed expedient. If any of such annual borrowing authority is used to provide capital improvements, additions and replacements, the negotiable orders, warrants, notes or bonds issued for such purposes shall be of such denominations, payable at such time or times, at such rate of interest, and to be sold and registered in such manner and under such terms and conditions as shall be established by resolution of the city council.

(2) Notwithstanding the above, however, five (5) per cent of the qualified voters of the city may petition for referendum review of the action by the city council. Any such request for referendum review shall be in accordance with and governed by the procedures specified in Section 63 of this Charter for borrowing on behalf of Burlington Electric Department.

(3) The chief administrative officer, when authorized and directed by the board of school commissioners and the city council, may pledge the credit of the city by issuing negotiable orders, warrants, notes, or bonds in an amount not to exceed in the aggregate two million dollars (\$2,000,000.00) in any fiscal year for the purpose of providing working capital and capital improvements, additions, and replacements required for the efficient and economical operation of the school department. If any of such annual borrowing authority is used to provide working capital, notes shall be issued in anticipation of the receipt of school revenue and shall mature within two (2) years from the date of issue, and may be renewed or refunded by the issue of other notes maturing within a similar period whenever such action is deemed expedient. If any of such annual borrowing authority is used to provide capital improvements, additions, and replacements, the negotiable orders, warrants, notes, or bonds issued for such purposes shall be of such denominations, payable at such time or times, at such rate of interest, and to be sold and registered in such manner and under such terms and conditions as shall be established by resolution of the city council. The funds raised in any such year from such borrowing shall be used for the capital needs of the school district that qualify for the thirty percent (30%) State of Vermont matching grant. The authorization provided for this addition to the city charter shall be considered the voting of funds by the Burlington School District as required by 16 V.S.A. §3448, as the same may be amended from time to time. The amortization of such borrowed funds shall be by means of an annual tax on the education grand list in an amount sufficient for this purpose, such tax to be in addition to the tax necessary to support the education spending portion of the annual budget of the school department.

(Act No. M-1, Approved 4-5-2005; Act No. M-3, Election of 3-1-2005, § 4, Approved 5-12-2005; Act No. M-11, Approved March 3, 2009; Act No. M-12, § 2, approved 3-6-12)

63 Council may pledge credit of city when authorized by voters to do so.

(a) Whenever the legal voters of said city, by two-thirds vote of all voters present and voting on the question at any special or annual city meeting duly warned for the purpose, or, if the purpose shall be the making of an improvement relating to a public school by a majority vote of all voters present and voting on the question, shall give authority to the city council thereof to pledge the credit of said city for any purpose by issuing its negotiable orders, warrants,

notes, or bonds, or whenever the city council shall determine by resolution, upon prior recommendation of the board of light commissioners, that it is necessary during a fiscal year to pledge the credit of the city by issuing its negotiable orders, warrants, notes, or bonds in an amount not to exceed in the aggregate \$3 million in any such fiscal year for the purpose of providing capital improvements, additions, and replacements required for the efficient and economical operation of the electric light department, said city shall have power and authority to issue its negotiable orders, warrants, notes, or bonds, and to prescribe whether such bonds shall be registered or have interest coupons attached, to the amount, not to exceed the limit prescribed by the general laws of the state, for which authority has been given as aforesaid to so pledge the credit of said city; such notes or bonds to be of such denominations, payable at such time or times; and at such a rate of interest, and to be sold and registered in such manner and under such terms and conditions as shall be established by resolution of said city council.

(b) Notwithstanding subsection (a) of this section, however, a city council resolution authorizing the credit of the city to be pledged in an amount not to exceed \$3 million in a fiscal year for the operation of the electric light department as aforesaid shall not give the city power to so pledge its credit until 44 days have passed following the effective date of such resolution. If during such 44-day period a petition is filed with the chief administrative officer signed by not less than five percent of the qualified voters of the city requesting a referendum vote on whether the credit of the city will be pledged in accordance with the city council resolution, the credit of the city shall not be pledged pursuant thereto unless a majority of the qualified voters of the city present and voting at a duly warned annual or special city meeting vote to affirm such city council resolution. Upon receipt of a proper petition, a special city meeting shall be called by the city council within 60 days from the date such petition is received, or if the next annual city meeting falls within the 60-day period, the city council shall include an article in the warning for such annual city meeting, to determine whether the voters will affirm such resolution. If at such city meeting a majority of the qualified voters voting on the question affirm the action of the city council, the city shall have power to pledge its credit pursuant to the city council resolution as of the day following such city meeting. If the city council resolution is not affirmed by a majority of the qualified voters voting on the question, the city shall not have power to pledge its credit in accordance with such resolution.

(Act No. M-3, Election of 3-1-2005, § 5, Approved 5-12-2005; Act No. M-12, § 2, approved 3-6-12)

64 State law not applicable to section 63.

None of the provisions, restrictions, or limitations of chapter 167 of the Vermont Statutes, Revision of 1947, or of amendments and additions thereto, or of the general laws of the

state, except the bonding limit prescribed by law, shall in any respect affect or apply to bonds issued under the preceding section. Such bonds shall be signed by the mayor and countersigned by the treasurer of said city; and if interest coupons are attached thereto they shall bear the facsimile signature of the treasurer; and such bonds, orders, notes or warrants shall contain a statement that they are issued in conformity to the provisions of this Charter and shall specify the purpose for which they are issued; such statements shall have the same effect as provided in the case of bonds or notes issued to refund outstanding bonds or notes.

64a Council authorized to erect sewage disposal plant and issue bonds therefore.

The city council may authorize the erection of a sewage disposal plant for the treatment of sewage emptying directly into Lake Champlain, including buildings and equipment, laboratory equipment and furniture, necessary interceptor sewers, force mains and pumping station, acquisition of land necessary therefor, and clearing of site, and may authorize the issuance by said city of its bonds to the amount of seven hundred forty-one thousand dollars bearing interest at not to exceed three per cent, for the purpose of paying therefor, which bonds shall not be considered as part of the indebtedness of the city for the purposes of section 3696 of the Vermont Statutes, Revision of 1947. In connection with the erection and operation of said plant, said city council may also exercise all the powers enumerated by Chapter 180 of the Vermont Statutes, Revision of 1947, as amended by No. 86 of the Acts of 1949, without further vote of the legal voters of said city.

64b Revenue bonds authorized.

(a) The following terms when used in this section shall, unless the context otherwise requires, have the following meanings:

(1) The term "*revenue producing facility*" shall mean any building, activity, function or service which any executive officer or department of the city is authorized to construct, operate or carry out and for which the city receives revenue in the form of rent admission or use fees, concession fees or other consideration. Provided, the facilities and activities of the Burlington electric light department, the Burlington water resources department and the airport as herein defined shall be excluded from this definition of revenue producing facility.

(2) The term "*airport*" shall mean the entire airport now owned by the city, including without limitation, runways, hangars, loading facilities, repair shops, terminals, retail stores in such terminals, restaurants, parking areas and other facilities necessary or

convenient for the operation of the airport, together with any improvements thereto hereafter constructed or acquired.

(3) The term "*bonds*" shall mean any bonds, notes or obligations of the city issued pursuant to this section.

(4) The term "*city*" shall mean the city of Burlington.

(5) The term "*improvement*" shall mean any improvement, expansion, betterment, addition, alteration, reconstruction, extraordinary repair, equipping or reequipping of the airport.

(6) The term "*related laws*" shall mean those Acts of the Vermont General Assembly which are specifically applicable to the city of Burlington and are set out in Part I, Subpart B of the Burlington Code of Ordinances but which do not specifically amend sections of the Burlington city charter.

(7) The term "*revenues*" shall mean all rates, fees, charges, rents and other income derived from the ownership or operation of a revenue producing facility or of the airport and may include, without limiting the generality of the foregoing, investment earnings and the proceeds of insurance, condemnation, sale or other disposition of revenue producing facility or airport assets and proceeds of borrowing hereunder.

(b) The city is hereby authorized and empowered to improve its revenue producing facilities and its airport for the purpose of providing expanded service and facilities to the users of such revenue producing facilities and airport.

(c) (1) The city is hereby authorized and empowered to issue bonds, from time to time, for the purpose of financing the costs of any improvement to a revenue producing facility or the airport; provided, however, that no bonds other than refunding bonds shall be issued under this section unless and until a majority of the legal voters of the city present and voting thereon at any annual or special city meeting duly warned for the purpose shall have first voted to authorize the issuance of such bonds. Said bonds and the interest thereon shall be payable solely and exclusively from the revenues of the revenue producing facility and/or the airport as the case may be and shall not constitute general indebtedness of the city nor be an obligation or liability upon the city to pay the same from any funds of the city other than the revenues of said revenue producing facility or airport. No airport revenues may be pledged or payable to support a revenue producing facility, nor may the revenues of a revenue producing facility be pledged or payable to support the airport. No owner or owners of any bonds issued under this section shall ever have the right to compel any exercise of the taxing power of the city to pay said bonds or the interest thereon. Said bonds shall not constitute an indebtedness

within the meaning of any debt limitation or restriction and shall not be within any statutory limitation upon the power of the city to issue bonds. It shall be plainly stated on the face of each bond that it does not constitute an indebtedness of the city but is payable solely from the revenues of the revenue producing facility or of the airport.

(2) Bonds issued under this section may be issued in one or more series, may bear such date or dates, mature at such time or times both exceeding forty (40) years from their respective dates, bear interest at such rate or rates (whether variable or fixed), be in such denominations, be in registered form, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be declared or become due before the maturity date thereof as may be determined or authorized by resolution of the city council. Said bonds may be sold at public or private sale for such price or prices as the city council shall determine.

(3) In case any officer of the city whose signature appears on any bond or coupon shall cease to be such officer before the delivery of such bond, such a signature shall, nevertheless, be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this section shall be deemed to be investment securities under the Uniform Commercial Code. Any bonds issued by the city pursuant to the provisions of this section are declared to be issued for an essential public and governmental purpose and to be public instrumentalities, and, together with interest and income thereon, shall be exempt from taxes. The resolution authorizing the issuance of said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this section, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

(d) In order to secure the payment of any of the bonds issued pursuant to this section, the interest thereon, or in connection with such bonds, the city shall have power as to such bonds, to the extent not inconsistent with the mandatory provisions of this section:

- (1) To pledge all or any part of the revenues derived from the revenue producing facility to secure payment of bonds issued for a revenue producing facility or from the airport to secure payment of bonds issued for the airport;
- (2) To provide for the terms, forms, registration, exchange execution and authentication of such bonds;
- (3) To provide for the replacement of lost, destroyed or mutilated bonds;

- (4) To covenant as to the use and disposition of the proceeds from the sale of such bonds and as to the use and disposition of revenues, including, without limiting the generality of the foregoing, the establishment of reserves for debt service of other capital or current expenses from bond proceeds or revenues or both;
 - (5) To covenant as to the rates, charges and rents of the revenue producing facility or airport, provided that the city shall always collect revenues adequate at all times to provide for the proper operation and maintenance of the revenue producing facility or airport and for the payment of the principal of and interest on all bonds payable from said revenues and all other required payments in connection therewith;
 - (6) To redeem such bonds, and to covenant for their redemption, and to provide the terms and conditions thereof;
 - (7) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default" and the terms and conditions upon which such declaration and its consequences may be waived;
 - (8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, conditions or obligations;
 - (9) To vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the owner or owners of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay the bonds or made in relation to the bonds; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof and describing what occurrences shall constitute "events of default" and prescribing the terms and conditions upon which such trustee or trustees or the owner or owners of bonds of any specified amount of percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.
 - (10) To make covenants other than, and in addition to, the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purposes of this section.
 - (11) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties.
- (e) (1) Any pledge hereunder shall be valid and binding and shall be deemed continuously perfected from time to time when the pledge is made; unless otherwise

provided in the resolution making the pledge, the pledge of revenues shall include any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the city, and the proceeds thereof; the revenues, rights and proceeds so pledged and then held or thereafter acquired by the city shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding as against the city, irrespective of whether such parties have notice thereof. The resolution by which a pledge is made need not be filed or recorded except in the records of the proceedings of the city council and no filing need be made under the Uniform Commercial Code.

(2) A resolution pledging revenues hereunder may provide for priorities among payments to be made from such revenues, whether required by statute, the city charter, such resolution or otherwise. The pledge may include revenues otherwise accruing to particular funds established by statute or the city charter. In the event bonds are issued junior and subordinate to other bonds, revenues remaining from time to time which are permitted by the terms of the senior bonds to be used to pay or secure the junior bonds may be pledged for that purpose by the resolution under which the junior bonds are issued. A pledge of revenues under this section shall constitute a sufficient appropriation thereof for the purpose of any provision for appropriation and such revenues may be applied as required by the pledge without further appropriation.

(f) The city may issue refunding bonds for the purpose of paying any of its bonds issued hereunder at maturity or upon acceleration or redemption. The refunding bonds may be issued at such time prior to the maturity or redemption of the refunded bonds as the city deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a resolution under which bonds are issued. The issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the owners thereof, and the rights, duties and obligations of the city with respect thereto shall be governed by the provisions of this section relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

(g) Unless otherwise provided in the authorizing proceedings, if bonds are authorized under this section, temporary notes may be issued in anticipation thereof. The city council may delegate the sale (but not the authorization) of temporary notes to an officer or officers of the city. The principal of and interest on notes may be renewed or paid from time to time by the issue of other notes. Except as otherwise provided, notes issued under this subsection

shall be governed by the provisions of this section relating to bonds insofar as the same may be applicable.

(h) Except as otherwise permitted by this section, all moneys received from the issue of bonds for improvements to revenue producing facilities or for airport improvements (other than refunding bonds) shall be used solely to defray the cost of improving the revenue producing facility or the airport of the city as the case may be. The cost of improving shall include all costs of improvement, including all preliminary expenses, the cost of acquiring all property, franchises, easements, and rights necessary or convenient therefor, engineering and legal expenses, expenses for estimates of costs and revenues, expenses for plans, specifications and surveys, other expenses incident or necessary to determining the feasibility or practicability of a project, administrative expenses, interest prior to and during the carrying out of any project and for a reasonable period thereafter, such reserves for debt service or other capital or current expenses as may be required by the resolution under which the bonds are issued, and such other expenses as may be incurred in the financing herein authorized, the improvement of the revenue producing facility or the airport, the placing of an improvement in operation, including the creation of cash working funds, and the performance of the things herein required or permitted in connection therewith.

(i) Any owner or owners of bonds, and a trustee or trustees for holders of such bonds shall have the right in addition to all other rights.

(1) By mandamus or other suit, action or proceedings in any court of competent jurisdiction to enforce his or their rights against the city, the city council and any other proper officer, agent or employee of any of them, including, but without limitation, the right to require the city, the city council and any proper officer, agent or employee of any of them, to fix and collect rates, charges and rents adequate to carry out any agreement as to, or pledge of revenues, and to require the city, the city council and any officer, agent or employee of any of them to carry out any other covenants or agreements and to perform its and their duties under this section;

(2) By actions or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such holder of bonds.

(j) The city shall have power by resolution of its city council to confer upon any owner or owners of a specified amount or percentage of bonds, including a trustee or trustees for such owners, the right in the event of an "event of default" as defined in such resolution or as may be defined in any agreement with the owner or owners of such bonds or the trustee or trustees therefor:

(1) By suit, action or proceedings in any court of competent jurisdiction to obtain the appointment of a receiver of the revenue facility or the airport as applicable or any part

or parts thereof If such receiver be appointed he may enter and take possession of such revenue producing facility or airport or any part or parts thereof and operate and maintain the same, and collect and receive all revenues thereafter arising therefrom in the same manner as the city itself might do and shall deposit such moneys in a separate account or accounts and apply the same in accordance with the obligations of the city as the court shall direct.

(2) By suit, action or proceeding in any court of competent jurisdiction to require the city to account as if it were the trustee of an express trust. Any such resolution shall constitute a contract between the city and the owners of bonds of such issue.

(k) The powers conferred by this section shall be in addition and supplemental to the power conferred by any other law or by any other section of this city charter or the related laws of the city. Bonds may be issued hereunder for the improvement of a revenue producing facility and/or the airport notwithstanding that any other law may provide for the issuance of bonds for the like purpose and without regard to the requirements, restrictions or procedural provisions contained in any other law. Nothing in this section shall be construed to preclude the city from issuing general obligation bonds or notes in accordance with applicable law to finance improvements to a revenue producing facility or to the airport. Such financing shall not be governed by the provisions of this section. It shall not be necessary for the city proceeding under this Charter to obtain a certificate of convenience or necessity, franchise, license, permit or other authorization or approval from any bureau, board, commission or other instrumentality of the state of Vermont or the city for the issuance of bonds hereunder except as expressly provided in this section.

(l) This section is remedial in nature and the powers hereby granted shall be liberally construed to effectuate the purposes hereof, and to this and the city shall have power to do all things necessary or convenient to carry out the purposes hereof in addition to the powers expressly conferred in this section.

(m) It is hereby declared that the subsections, clauses, sentences and parts of this section are severable, are not matters of mutual essential inducement, and any of them shall be excised if this section would otherwise be unconstitutional or ineffective; it is the intention to confer upon the city the whole or any part of the powers in this Charter provided for, and if any one or more subsections clauses, sentences and parts of this section shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of such subsection, clause, sentence or part of this section in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

(n) The powers granted to the city hereunder shall be exercised by its city council. No provisions hereof shall be deemed to permit the exercise or any power in violation of the rights of bonds or note owners.

65 Source of funds for appropriations; operating expenses for departments; creation of special funds.

(a) All money received from taxation, assessments, fines and other lawful sources, except revenues and income of the water, waste water/solid waste and traffic divisions of the public works department and of the electric light department, shall constitute the entire sum from which appropriations and payments are to be made by and under the authority of the city council. The necessary operating expenses and the cost of repairs, improvements and additions to the property and equipment of such divisions and of the light department shall be paid from the receipts of said divisions and department, respectively.

(1) The electric light department, the water division and the waste water division shall every fiscal year make a contribution to the city in lieu of taxes in the form of a cash payment or the equivalent in free services and municipal rate benefits, or a combination of cash and free services, in an amount equaling the amount of money that would be received by the city in ad valorem real estate taxes and personal property inventory taxes were such divisions and department privately owned utilities.

(A) In order to determine the amount of contribution in lieu of taxes to be received from each such division and department, the city assessor shall annually make an assessment of their respective properties in the same manner as and at the same time that assessments of taxable properties are made. Each division and department shall likewise file with the city assessor inventory forms at the time and in the manner required by state law of taxable persons.

(B) Each division and department shall have the same right of grievance and appeal as is afforded to taxpayers except that the determination of the board of civil authority shall be final.

(C) The specific level of the contribution shall be fixed in the same manner as the amount of tax on taxable properties and inventories are determined, immediately upon the setting of the annual tax rate by the city council.

(2) The city council, with the prior approval of the board of light commissioners or the board of public works commissioners, as applicable, shall have authority to create and establish, maintain, build up and increase from year to year from the earnings of such department and divisions, special reserve funds for such department and divisions, to

be kept by the city treasurer in a separate bank deposit and in a separate account for each department and division and to be used only to pay for such expenses as the electric light or public works departments may recommend and the city council may approve and authorize.

- (A) Appropriations and payments from the earnings of said department and divisions to said reserve funds may be made at any time but must be authorized by separate resolution of the city council for each department and division.
 - (B) The total amount of such reserve funds may be limited to such sum as the city council may by resolution from time to time determine and prescribe.
 - (3) All portions of all appropriations remaining unexpended at the close of the fiscal year, except in the case of appropriations to the school department and the streets division of the public works department, shall then become part of the general fund, unless the city council provides otherwise by resolution.
- (b) In addition to the reserve funds for the electric light department and for such divisions of the public works department authorized in subsection (a) of this section, the city council may by resolution create and establish reserve funds to pay for public improvements, replacement of equipment, capital expenses, and planned or unplanned operating expenditures of any city department(s) or division(s) thereof.
- (1) Once established, the city council may maintain, build up and increase a fund from year to year by depositing in the fund any monies the city council may deem advisable, to the extent not prohibited by any other law or regulation.
 - (2) Monies deposited in and expended from a reserve fund shall be identified in the city budget as it may be amended from time to time.
 - (3) Reserve funds shall be kept in separate accounts and invested in the same manner as other public funds.
 - (4) The city council may expend monies from a reserve fund for any legal purpose for which that fund was established. (Act No. M-7, § 2, approved 3-3-15)

66 Annual school appropriations.

The city council shall annually appropriate for the use of schools such sum as shall be recommended by the board of school commissioners within the limitations of section 102 of this Charter. In addition, the city council shall also annually appropriate for the use of schools one-half of the cash payments to be received by the city in lieu of taxes from the electric light

and water resources departments and from any other source. In computing the schools' entitlement under the preceding sentence, only cash payments shall be considered, and any contributions to the city in the form of free services or municipal rate benefits shall not be deducted from the city's one-half share of the cash payments to be received. The school commissioners shall be responsible for allocating annually sufficient funds for the payment of any principal and interest due or coming due on city bonds issued for school purposes. The city may reduce the schools' share of such cash payments in lieu of taxes to the extent necessary to meet payments on bonds issued for school purposes not otherwise provided for by the school commissioners.

67 Appropriations for park and recreation purposes.

The city council shall annually appropriate a reasonable amount of money, not less than two cents on each dollar of the grand list, to be expended for the purpose of providing necessary funds for the care and improvement of park property and for the city recreational program, and meeting the expenses of the park and recreation department.

68 Authorized expenditures.

No money shall be paid out of the city treasury unless an approved budgetary authorization for such expenditure exists, sufficient unexpended funds remain in such budgetary line item and a properly executed voucher requesting such expenditure is in the possession of the chief administrative officer's office for the proper spending authority.

69 Fiscal year, reports required.

(a)(1) The fiscal year of the city shall begin on the first day of July in one year and end on the thirtieth day of June in the next year. A full record of the revenues and expenditures of all city departments shall be kept; and a clear statement of the affairs of the city generally, including all receipts and disbursements of city monies shall be published online and available for inspection upon request.

(2) The name and amount of salary paid to every city employee shall be published in the city's annual report. The name and amount of compensation paid to any other individual to the extent required to be reported to the IRS on a 1099 form or otherwise shall be published online and available for inspection upon request prior to the annual meeting.

- (3) The annual audit of the city's financial records shall be finalized at least thirty (30) days before the annual meeting or as the city council may by resolution prescribe. The annual report of the city shall include a summary of the audit and a copy of the management letter, and full copies of each annual audit shall be published online and available upon request.
- (b) Each city department that has a commission shall consult with and seek the recommendation of its commission prior to submission of its annual budget to the mayor.

(Act No. M-18, § 2, approved 3-1-16)

70 Excess expenditures prohibited; assessments for street improvements credited to streets division of the public works department.

- (a) No superintendent, board or commission member or corresponding executive officer of any city department, with the exception of the health, police and fire departments, and then only in case of an emergency, shall expend any money or incur any obligation, unless there is an available appropriation from which the same may be paid and to which it may be charged, and shall not at any time expend any money or incur any obligation in excess of such appropriation. In case any such superintendent, board or commission member or corresponding executive officer of any city department violates this provision, the city chief administrative officer shall report such occurrence to the mayor and to the city council. The mayor shall advise the city council as to whether there was appropriate justification for such violation and if the mayor and city council agree that such violation was unjustified, the mayor may recommend and the city council may determine that the office shall thereupon become vacant and shall be forthwith filled for the unexpired term by the officials authorized to make the original appointment in such case. Nothing in this section shall be construed to authorize the city council to remove a duly-elected school commissioner or the superintendent of schools.
- (b) Except as otherwise provided by resolution of the city council, all assessments for street improvements shall be credited to the streets division of the public works department and be available to said division as an appropriation for its use only when and as collected and paid to the chief administrative officer.

71 Approval of property owners required.

The established name of any street in the city shall not be changed by the city council except upon the approval in writing of the owners of the greater part of all property fronting on such

street.

TITLE IV. TAXATION

72—80 [Reserved.]

81 Tax classification; repeal of inventory tax.

(a) Except for the property of utilities subject to the provisions of 30 V.S.A. chapter 3, all personal and real property set out in the grand list which is not used as residential property, farmland, and vacant land zoned "recreation, conservation and open space (RCO)", shall be classified as nonresidential property and shall be assessed at 120 percent of fair market value; and further provided that inventories and personal property belonging to an owner whose total personal property does not exceed the fair market value of \$45,000.00 shall no longer be set out in the grand list of the City as taxable personal estate. Additionally, every owner whose total personal property does exceed the fair market value of \$45,000.00 shall be taxed only on the amount of that property that exceeds \$45,000.00. The amount of the exemption may be increased by the City Council prior to approval of the next fiscal year's budget. Properties upon which in-lieu-of-tax payments are made shall be likewise classified and assessed for the purposes of such payments. The tax on nonresidential personal property shall be eliminated effective July 1, 2026, or sooner by resolution of the City Council.

(b) For the purposes of this section, "residential property" is hereby defined to include all property used for dwelling purposes including accessory property which is subordinate to or customarily incidental to the main residential use such as garages and outbuildings. Where a property is used for both residential and nonresidential purposes, then it shall be apportioned according to such uses and then classified and assessed as herein provided. Notwithstanding the foregoing, for the sole purpose of calculating the educational grand list and for the assessment of property taxes for education purposes under Act 60, so-called, as the same may be amended from time to time, all nonresidential properties as above defined shall be assessed at one hundred (100%) percent of fair market value.

(Act No. M-12, § 2, approved 3-6-12; Act No. M-6, § 2, approved 5-23-19)

82 [Reserved.]

83 Preparation; contents.

(a) Assessors shall set all taxable real estate in the property grand list only to the last owner thereof, of record, on the first day of April in each year, as shown by an instrument of conveyance recorded in the land records of the city or left and filed for record in the office of the chief administrative officer, as the actual owner of such real estate, and where there is more than one such owner of record, such real estate may be so set in the list to any one or more of them. Any tax assessed on said grand list against such real estate shall be a legal and valid tax against such real estate and shall constitute a good and valid tax lien against the same underlying all other liens and may be enforced as such lien against the property itself by sale on the constable's warrant of so much of said property as may be necessary to satisfy the tax with all legal' charges, additions and expenses or, in a proper case, by a proceeding in equity, by giving notice, as required in tax sales of real estate under the provisions of the laws of the state to all parties owning any interest in such real estate. In case the assessors find that real estate standing in the name of such last owner of record has been omitted from any grand list because exempt from taxation in the hands of such owner, but on the first day of April in the year of such grand list was last actually owned by one in whose hands said property was not exempt, they may amend and correct the grand list at any time while the warrant for the collection of taxes assessed thereon is outstanding and in force, by setting such real estate in said grand list to such owner of record as taxable at the valuation of said property in the city wide reappraisal next preceding such omission and thereupon all taxes therefore assessed on said grand list shall apply to such additional item and a tax bill shall be made up and issued thereon and collection of the same enforced under said warrant as such tax lien against said property in the same manner and to the same extent as though no such omission had been made. The provisions of 32 V.S.A. §§ 3652, 3653 and 3654, as the same may be amended from time to time, shall not apply to the City of Burlington.

(b) The property grand list in said city, when completed, shall contain the following:

- (1) The name of each such last owner of record, of taxable real estate, with residence or business address, if known, as the actual owner, and the name of each person, partnership or corporation taxable for personal estate with residence or business address, if known.
- (2) A description of all real estate appearing in the land records of the city or by instrument of conveyance so left and filed for record, to be owned by such last owners of record; but such real estate need not be classified as provided in the general laws of the state.
- (3) The value of each separate piece or parcel of real estate in said city not exempt from taxation.
- (4) The total value of all such real estate not exempt from taxation.

- (5) The value of taxable personal estate of each person, partnership or corporation, in said city, taxable for the same, after making deductions for debts owing and other exemptions allowed by law.
- (6) The sum obtained by taking one percent of the value of the taxable real and personal estate set to each person, partnership or corporation.

84 Composition of books.

The books provided for such property grand list shall contain in addition to the columns necessary to contain the particulars mentioned in the preceding section, two other columns, which shall be designated in said books by the words "Corrected Valuation" at the head thereof. One of said columns marked "Corrected Valuation" shall follow the column in which the value of each separate piece or parcel of real estate not exempt from taxation shall appear in said grand list; the second of said columns so designated shall follow the column in which the valuation of all taxable personal estate shall appear in said grand list. No columns other than those required by this and the preceding section shall be required in such books.

85 Arrangement of information in books.

The assessors shall arrange in alphabetical order in the books provided and to be used for such property grand list and containing the two columns marked "Corrected Valuation" as hereinbefore provided, the names of all taxpayers of said city; the street and residence number or business address of each taxpayer, if known; a description and the appraisal of each separate piece or parcel of real estate not exempt and the taxable value of the taxable personal estate in said city of each person, partnership and corporation. The appraisal of each of the above named classes of property shall first be set in the columns marked "Valuation," and if corrected, shall then be set in the columns marked "Corrected Valuation."

86 Summary of assessed valuations to be made and constitute an abstract.

The assessors shall endorse on each individual list, a summary of the assessed valuation of the real estate and of the assessed valuation of the personal property specified in the list, after appraising all additions to such list and making all deductions therefrom required by law, and a statement of the total amount at which all of such property, after appraising all additions and making all deductions, will be placed in the property grand list. Such summary and real estate valuation record shall constitute and serve as an abstract of that list and no other or further abstract or abstracts of individual lists shall be required. Upon the

completion of all such abstracts, said assessors shall make and sign and place on file, in their office, a certificate that according to their best information and belief, all real estate situate in said city and not exempt from taxation has been set down in the individual lists of taxpayers; that they have appraised all additions thereto and made all deductions therefrom required by law; that according to their best information and belief, the amount of all taxable personal estate of each person, partnership, or corporation named in the individual lists has been set down therein and that said assessors have completed the abstracts of individual lists and filed the same in their office.

87 Notice that abstract completed to be given; meetings of assessors.

Said assessors shall, at the same time, sign and file in their office, a notice that the abstracts of individual lists are completed and filed in their office and that the property grand list of said city and of each person, partnership and corporation named in the individual lists on file in their office, will be made from said individual lists and said abstracts will become final, unless cause to the contrary is shown to said assessors on or before the twenty-fifth day of May in said year and that said assessors will meet at their office in said city from day to day from the twentieth day of May to the twenty-fifth day of May, inclusive, to hear all grievances and make corrections in said lists and abstracts and that no hearing will be had before them later than said twenty-fifth day of May.

88 Abstracts and certificate to be completed by may fifth.

Said abstracts of individual lists and said certificate and notice shall be completed and lodged in the office of said assessors on or before the fifth day of May in each year.

89 Notice of changes and that abstracts and lists are open for inspection to be filed.

Notice signed by said assessors shall be posted in one public place in each ward in said city on or before the fifth day of May in each year and published three times in one or more daily newspapers in said city, stating that said abstracts shall be open for inspection by any taxpayer in said assessors' office from the twentieth day to the twenty-fifth day of May, inclusive, and that during that time said assessors will hear all persons aggrieved who desire to be heard by them and make all necessary changes in said abstracts. Additionally, personal notice meeting the requirements of 32 V.S.A. § 4111(e) as the same may be amended from time to time shall be mailed to all persons listed as property owners in the grand list book of any change in the appraised value of such property. It shall be presumed, in the case of any controversy, that the personal notices were mailed as required without using registered or

certified mail or obtaining an official certificate of mailing from the post office, notwithstanding anything to the contrary in 32 V.S.A. § 4111(e). The notice shall also inform such persons of the amount of such change and of the time and place fixed for hearing persons aggrieved.

90 Aggrieved persons permitted to appear before assessors; preliminary review.

Any person who feels aggrieved by the action of said assessors, and that desires to be heard by them shall appear before them within the time hereinbefore prescribed for said hearing. The assessors shall give written notice by first class mail, postage prepaid, to all aggrieved taxpayers concerning the results of their grievance hearing. The notice shall also inform the taxpayer that he or she may appeal from this decision to the board of tax appeals by lodging a written appeal with the chief administrative officer. The city assessor shall also be authorized to conduct preliminary review meetings with taxpayers to discuss the valuation of their property. The meeting shall be conducted in an informal manner and no taxpayer shall be obligated to attend such a preliminary review meeting.

91 Appeal of assessors decision.

A person aggrieved by the decision of the assessors may appeal to the board of tax appeals on or before the nineteenth day of June or within fourteen (14) days after the date of mailing of notice, under section 90 of this Charter, by filing with the chief administrative officer of said city a written notice of appeal. The grounds upon which such appeal is based shall therein be briefly set forth; such person shall also notify said assessors in writing of the appeal. The board of tax appeals shall consist of seven (7) residents of the City of Burlington, two (2) of whom shall be real estate professionals and five (5) of whom shall not be required to be real estate professionals. The city council shall also appoint three (3) of its members to serve as additional members of the board of tax appeals for the purpose of hearing and deciding appeals which arise immediately following implementation of a citywide reappraisal.

92 Board of tax appeals to hear appeals; deadline for hearings; manner of conducting; possible board of civil authority review.

(a) The Board of Tax Appeals shall meet, hear, and determine all appeals in the manner set forth in this section, notwithstanding 32 V.S.A. § 4404. All such appeals shall be heard and determined no later than December 31 of that year. Hearings and inspections of the property shall be conducted by the entire panel as described in this section.

(b)(1) The City Assessor shall have the right to request and the Board shall have the right to issue a subpoena for all records of the taxpayer that are material to a determination of the appeal.

(2) Such records shall be regarded as confidential, shall not be further distributed, and shall be utilized only for the purpose of deciding the appeal; provided that no subpoena shall issue unless and until a taxpayer has appealed to the Board of Tax Appeals.

(3) If the taxpayer fails to provide requested records in response to a subpoena properly issued hereunder or refuses to allow an inspection of his or her property, the appeal shall be deemed withdrawn or dismissed and no further appeal shall be available to such taxpayer.

(c) The Board shall hear and decide appeals by three member hearing panels, the membership of such panels to be rotated on a periodic basis. All three members must be present and voting, and at least two of the three members of the hearing panel must join in the decision in order for it to be valid.

(d) Either a taxpayer or the City Assessor aggrieved by the decision of the Board of Tax Appeals may file an appeal of a decision of the Board of Tax Appeals directly with the Director of the Division of Property Valuation and Review of the Vermont Department of Taxes or the Superior Court pursuant to 32 V.S.A. § 4461 within 30 days of the mailing of the Board of Tax Appeals' decision to the taxpayer.

(e) The decision of the Board of Tax Appeals, if not further appealed, shall become the basis for the grand list of the taxpayer for the year in question plus the next two years unless new information of a material nature about the property is discovered, the property is materially changed, or the City undertakes a rolling or complete reevaluation of real estate that includes the property in question.

(Act No. M-7, Election of 11-7-2006, § 2, approved 4-17-2007; Act No. M-9, § 2, approved 3-7-17)

93 Alterations in valuation to be entered in "corrected valuation" column.

No alteration shall be made by the assessors, board of tax appeals or board of civil authority in the figures opposite each taxpayer's name in the columns marked "Valuation" except by inserting in the proper columns marked "Corrected Valuation" the valuations finally determined upon in all cases where the first valuation is changed.

94 Completion of grand list; collection.

As soon as practicable after the twenty-fifth day of May, the assessors shall carry out the proper amounts in the columns provided in the books for said property grand list, the figures in the columns marked "Valuation," where the same are not changed, to be the basis for computing the property grand list for such items without repeating said figures in the columns marked "Corrected Valuation," and the figures in the columns marked "Corrected Valuations" to be the basis for computing the property grand list for such items, and complete the lists of all taxpayers who have not appeared before said board to be heard upon any grievance as hereinbefore provided; and shall also, as soon as practicable after the nineteenth day of June, so carry out and complete in said books all lists of persons who have been heard on any grievance by said assessors, board of tax appeals or the board of civil authority. They shall make oath to said lists so completed in book form, as provided in the general laws of this state for grand lists and file the same in the chief administrative officer's office on or before the fifteenth day of July; and said lists so completed in book form, together with all legal additions afterwards made thereto, shall be the property grand list of said city, shall constitute the entire grand list of said city upon which shall be assessed and raised, except as herein otherwise provided, all taxes in said city prior to the thirtieth day of June in the year next ensuing. Said assessors shall have the same power as listers in towns to add to said property grand list on proper certificate on or before the first day of the following December real estate or personal estate that has been omitted from the property grand list by mistake, and may supply such omissions, correct such grand list in such respects and make a certificate thereon of the fact. The assessors shall furnish to the chief administrative officer a certificate of such omissions from said property grand list of real and personal estate and of their additions of the same to such grand list on or before said first day of December, and the chief administrative officer shall record such certificate in the property grand list book. Upon the filing of any certificate of additions, all taxes therefore assessed upon the property grand list shall become effective as legal assessments upon such additions, and the chief administrative officer shall furnish forthwith to the chief administrative officer, a tax levy and tax bill for all of such additions, and the chief administrative officer on receipt of such tax levy and bills for said additions shall forthwith notify by mail each person whose name appears in such levy and bills, of the amount of such tax and how the same must be paid to him or her at his or her office as hereinafter provided. All parts of such tax bills not paid to the chief administrative officer as hereinafter provided shall be turned over by him/her to the city constable for collection, with the addition of five per cent, and ten cents for the insertion of the name in the warrant, and said constable shall have power to collect the same under his/her original warrant. Said assessors shall have the same power and authority in all cases, not inconsistent with the provisions of this Charter, as is given by the general laws of the state to listers in towns to legalize defective or invalid abstracts and grand lists. Whenever an act under this subchapter is required to be done on or before a date which falls on Sunday, such act shall be valid, if done on the following Monday.

95 Abstracts sufficient for returns to secretary of state.

In making returns of the abstract of said grand list to the secretary of state, no further abstract of the individual lists of the taxpayers in said city than that hereinbefore provided for shall be required.

96 Board of tax appeals and board of civil authority to transmit certified copy of appeal proceedings to assessors.

Said board of tax appeals and board of civil authority shall transmit to said board of assessors a certified copy of their proceedings in such appeal, and said copy shall be recorded at length in the book containing said grand list, and the valuations and lists shall be made in compliance with such copy of proceedings.

97 Forms for books may be altered as directed by state tax commissioners; extension of time.

The forms hereinbefore provided for the books for the property grand list shall be altered or changed by the board of assessors in accordance with any direction which may be given therefor by the commissioner of taxes of the state. Extensions of time under the provision of 32 V.S.A. §§ 4341 and 4342, as the same may be amended from time to time, may be granted upon written application therefor made by the assessors.

98 Council to assess.

(a) The city council, at the same meeting and immediately after it gives final approval to the annual city budget, shall assess on the property grand list of said city a tax or taxes which will be sufficient to pay all state and county, and other taxes required by laws of the state and the provisions of this Charter and for such other purposes as are herein provided.

(b) The city council shall appropriate in the annual budget for each fiscal year to the payment of state and county taxes, and for the several purposes of other taxes required by law to be assessed upon the property grand list such sum as will be raised by the required tax on the property grand list of which such tax is assessable.

98a A tax ceiling reduction after reappraisal.

(a) Whenever the city conducts a general reappraisal which results in an increase in the valuation of the taxable grand list, the property tax rate limits as specified for the city tax in section 99 of this Charter, the school tax in section 102 of this Charter, the police tax in section 102a of this Charter, and the street tax in section 102b of this Charter shall each be automatically reduced in a proportion corresponding to the increase in the valuation of the taxable grand list due to said reappraisal. When calculating this proportional reduction the valuation of the grand list after reappraisal shall be discounted to account for real growth in the taxable grand list by dividing the reappraised valuation of the taxable grand list by the sum of one hundred percent (100%) plus the annual rate of real growth in the taxable grand list for the year:

Discounted Grand List = Reappraised Taxable Grand List

Divided by

100% plus the annual percent real growth rate in the taxable
grand list for the year.

(b) The respective tax rate limits shall thereafter be permanently increased only when authorized by the voters at an annual or special city meeting duly warned for such purpose.

99 Additional assessment; amount.

The city council, in addition to the taxes required by the general laws of the state, and required or permitted by the provisions of this Charter, to be raised upon the property grand list and not included in the tax authorized by this section for city purposes may also annually at the same meeting and immediately after it gives final approval to the annual city budget, assess upon the property grand list for city purposes during the fiscal year, a tax which shall not exceed fifty-two and 76/100 cents upon the dollar thereof and may assess a larger tax when authorized to do so by the legal voters of said city at a meeting duly warned for that purpose.

100 Annual assessment for redemption of bonds authorized.

Said city council shall annually assess upon the property grand list of said city, for the fiscal year, a tax of one and 23/100 cents upon the dollar thereof, the proceeds of which tax shall be applied to the redemption of the bonded debt of the city, and shall annually appropriate for that purpose a sum which in the judgment of the city council would be raised by a tax of the same rate on said property grand list. Such tax shall not be included within the limitation of amount of tax for city purposes prescribed by section 99 of this Charter.

101 Annual assessment to pay bond interest authorized.

The city council shall at the same meeting and immediately after it gives final approval to the annual city budget, assess upon the property grand list of said city for the fiscal year a tax which will be sufficient to pay the interest due and to become due in such fiscal year on all outstanding bonds of the city so far as such interest payments are not otherwise provided for, and also sufficient to pay the principal of all such bonds matured and maturing during such fiscal year, so far as such principal payments are not otherwise provided for, including provision therefor by refunding, and shall appropriate in the annual budget for the fiscal year in which such tax is assessed for the payment of such bond interest and principal such sum as may be required for that purpose. Such tax shall not be included within the limitations of amount of tax for city purposes prescribed by section 99 of this Charter.

102 Annual local education spending.

The city council and the city chief administrative officer shall comply with the requirements of section 168 of this Charter and the Equal Educational Opportunity Act of 1997, including specifically the requirements of 16 V.S.A. § 428, as the same has been and may be amended, with respect to billing property taxpayers following the adoption of a budget for "Local Education Spending" as defined in 16 V.S.A. § 11(a)(29) and the calculation of the equalized yield amount pursuant to such act.

102a Annual assessment for fire and police departments use authorized.

The city council shall annually assess upon the property grand list of the city to meet the appropriation made for the use of the police department a tax which will, in the judgment of the city council, be sufficient to meet such appropriation; but the rate of said property tax shall not exceed seven and forty-two one-hundredths cents upon the dollar of said property grand list, except when a larger rate shall be authorized by the legal voters of said city. The city council shall annually assess upon the property grand list of the city to assist in meeting the appropriation made for the use of the fire and police departments a tax rate not to exceed five cents upon the dollar of the property grand list, except when a larger rate shall be authorized by the legal voters of the city of Burlington. Such taxes shall not be included within the limitation of the amount of tax for city purposes prescribed by section 99 of this Charter.

102b Annual assessment for streets use authorized.

The city council shall annually assess upon the property grand list of the city to assist in meeting the appropriation made for the use of the streets division of the public works department, a tax which will, in the judgment of the city council, be sufficient to assist in meeting such appropriation but the rate shall not exceed three and eighty-seven hundredths cents upon the dollar of said property grand list, except when a larger rate shall be authorized by the legal voters of said city. Such tax shall not be included within the limitation of the amount of tax for city purposes prescribed in section 99 of this Charter.

102c Annual assessment for library use authorized.

The city council shall annually assess upon the property grand list of the city to assist in meeting the appropriation made for the use of purchasing books and other media for the library department, a tax which will, in the judgment of the city council, be sufficient to assist in meeting such appropriation, but the rate shall not exceed one-half cent upon the dollar of said property grand list, except when a larger rate shall be authorized by the legal voters of said city. Such tax shall not be included within the limitations of the amount of tax for city purposes prescribed in section 99 of this Charter.

102d [Repealed].

102e Annual assessment for park use authorized.

The city council shall annually assess upon the property grand list of the city to assist in meeting the appropriation made for the use of capital improvement needs of city parks and community gardens a tax that will, in the judgment of the city council, be sufficient to assist in meeting such appropriation, but the rate shall not exceed one cent upon the dollar of the property grand list, except when a larger rate shall be authorized by the legal voters of the city. The tax shall not be included within the limitations of the amount of tax for city purposes prescribed in section 99 of this chapter.

(Act No. M-1, Approved Nov. 4, 2008)

102f. Annual assessment for housing trust fund use authorized.

The City Council shall annually assess upon the property grand list of the City to assist in meeting the appropriation made for distributions and uses of the Housing Trust Fund as set forth in Article 18-404 of the Code of Ordinances a tax that will, in the judgment of the City

Council, be sufficient to assist in meeting the appropriation, but the rate shall not exceed one cent upon the dollar of the property grand list, except when a larger rate shall be authorized by the legal voters of the City. The tax shall not be included within the limitations of the amount of tax for City purposes prescribed in section 99 of this chapter.

(Act. No. M-12, § 2, approved 3-3-2020)

103 Taxes to be paid in money.

All taxes assessed upon the grand list of said city shall be paid in money.

104 Taxes to be paid in installments.

Except when otherwise provided, whenever any tax shall be assessed on the property grand list by the city council, the tax bill shall be delivered to the chief administrative officer, to whom the taxes so assessed shall be paid, one-quarter of such tax shall be paid to said chief administrative officer within fifteen days from the time the tax bill for the same is delivered to him or her; one-quarter of such tax shall be paid to said treasurer within three months and fifteen days from the date when said tax bill is delivered to him or her; and one-quarter of such tax shall be paid to the chief administrative officer within seven months and fifteen days from the date when said tax bill is delivered to him or her; and one-quarter of such tax shall be paid to the chief administrative officer within ten months and fifteen days from the date when said tax bill is delivered to said chief administrative officer. All installments of said taxes as received by said chief administrative officer shall be applied by him/her first to payment of any personal property tax and next to payment of any real estate tax. Notwithstanding the foregoing, the board of finance may establish and amend from time to time a discount which shall be available to a taxpayer who pays the entirety of the real estate taxes due on a particular piece of property on or before the payment due date for the first installment of such real estate taxes, provided, however, that any such discount shall not affect the city's liability to the State for education property taxes.

105 Chief administrative officer to give notice upon receipt of tax bills.

The chief administrative officer, upon the delivery of a tax bill to him or her, shall forthwith give notice thereof, and of the place where and times when and in what proportions such tax is payable to him or her, the time when all unpaid taxes on such tax bill will be placed in the hands of the constable for collection as herein provided, by publication and by posting such notice in each ward.

106 Delinquency assessments.

Except when otherwise provided, if at the expiration of the time within which any installment of such tax is to be paid to the chief administrative officer under the preceding section, any person against whom such tax has been so assessed shall be delinquent in the payment of such installment thereof, the amount due from him/her on such installment shall thereafter be deemed to be the amount of such installment increased by a penalty of one percent for a period of seven days and thereafter by a penalty of five percent thereon. If such installment increased by five percent is not paid by the 12th day of the month after the date upon which it became delinquent, the chief administrative officer shall increase the amount due by an additional one percent of the original installment. On the 12th day of every month thereafter that the tax or any part thereof remains due, the chief administrative officer shall add to the total amount due an additional amount equal to one percent of the original installment, or any portion thereof, remaining unpaid. The chief administrative officer shall apply such penalty to each installment that is delinquent. If at the expiration of ten months and twenty-five days from the time said tax bill shall be delivered to said chief administrative officer, any person against whom a tax has been so assessed shall then be delinquent in the payment of any installment or portion thereof, the amount due from him/her on such installment or portion on which he or she is so delinquent, shall thereafter be deemed to be the amount of such installment or delinquent portion of such original tax increased by all penalties and interest accruing thereon to date and one dollar for the insertion of his/her name in the warrant hereinafter mentioned, and also twelve percent interest, compounded annually on all of such delinquent tax and any penalties and interest added thereto, from the date of such warrant.

107 When treasurer to issue warrant against delinquent persons.

Except when otherwise provided, after the expiration of ten months and twenty-five days from the time of the delivery of a tax bill to the clerk/treasurer, he shall thereupon issue his warrant against such delinquent person for the collection from them of the amount so due and determined and said interest thereon, which shall be returnable to such clerk/treasurer in ninety days from its date, and shall be addressed and delivered to the first constable of said city.

108 Chief administrative officer to collect delinquent taxes.

It shall be the duty of the chief administrative officer to collect all legal taxes contained in such tax bill, the amount thereof being determined as hereinbefore provided on or before

the time when such warrant is returnable, subject to such abatement of taxes as may be made by the board for the abatement of taxes.

109 Collection after time warrant returnable permitted.

The chief administrative officer, or any successor to whom such original warrant may, under the provisions of the general laws of the state, be delivered for execution, may collect on such warrant after the expiration of the time in which the same is returnable any such taxes then contained therein and by the same methods and during the same period or periods authorized by the general laws of this state in regard to collection of taxes by constables and collectors of taxes in towns.

110 Chief administrative officer to proceed in manner prescribed by law.

Such chief administrative officer shall proceed in the same manner, perform the same duties, be subject to the same liabilities, have the same power, authority and privileges touching the collection of all taxes for the collection of which he or she holds a warrant, as prescribed by the general laws of this state in regard to the collection of taxes by constables or collectors of taxes in towns.

111 Fees for collection of delinquent taxes.

The chief administrative officer shall be entitled to collect from delinquent taxpayers the same fees for collection of all taxes for which a warrant has been issued as are allowed by the laws of this state to collectors of taxes in towns, such fees to be paid over to the city rather than being retained by the chief administrative officer.

112 Failure of owners to pay assessments; warrant to be issued; chief administrative officer to collect.

If the owner or owners of any land or buildings assessed under any provisions of this Charter shall neglect or refuse to pay any such assessment or any installment thereof with interest as hereinafter provided, to the chief administrative officer or the holder of assessment certificates hereinafter mentioned, within the time prescribed for such payment, the chief administrative officer shall issue his or her warrant for the collection thereof, and such chief administrative officer shall proceed to collect the same, in the manner hereinafter prescribed

for the collection and enforcement of assessments made in laying out or altering streets or highways.

113 Assessments may be collected by suit.

Such assessments and installments may also be collected by an action at law in the name of the holder of such assessment certificates or in the name of the City of Burlington. A declaration setting forth in substance that the action is brought to recover certain assessments or installments and describing the nature of the same, with the date at which they were made and describing in a general way the premises against which the same are assessed, shall be sufficient.

114 Council to establish and prescribe nature of connections.

The city council shall establish rates to be paid for the use of water supplied by the city water works which shall be called "service rates." Such service rates and the rates for electricity supplied at retail by the electric light plant shall be and hereby are made a lien in the nature of a tax upon the real estate so supplied with water and electricity and shall be collected and enforced under such regulations and ordinances as the city council shall prescribe. The city council may by ordinance prescribe the nature and character of connections between the water mains and lands and buildings to be supplied with water and what lands and buildings shall be so connected and when, under what circumstances, and in what manner, and that the connections and all repairs to the same shall be made by the city at the expense of the owner of the property, and that the cost of all materials and labor for the same may be charged against the owner of the property served, and shall be a lien in the nature of a tax upon the real estate so supplied with water, and may likewise prescribe the means of collecting and enforcing such lien and payment of all such charges.

115 Descriptions recorded in chief administrative officer's office sufficient for assessment purposes.

Whenever a description of lands or buildings is required for purposes of making assessments under the provisions of this Charter, reference to the conveyance to the owner, giving the name of the person from whom acquired and the volumes and pages of the land records in the chief administrative officer's office in which the same is recorded, shall be sufficient.

TITLE V. OFFICERS

116 Duties generally.

The Mayor shall be the Chief Executive Officer of the City. The Mayor shall use his or her best efforts to see that the laws and City ordinances are enforced and that the duties of all subordinate officers are faithfully performed. The Mayor shall take care that the funds of the City are properly expended, and shall recommend to the consideration of the City Council whatever measures the Mayor may deem necessary for the prudent and efficient management of the affairs of the City. The Mayor shall also be the Chief Conservator of the Peace and Safety of the City and as such is empowered to control and direct the police force, in case of riot, insurrection or other emergency, when the Mayor may take command of the whole police force, including the Chief Executive thereof, and may for the occasion appoint and commission as many special policemen as the Mayor may deem necessary, who shall have all the powers of regular members of the police force. Any emergency as provided for in this section shall not be construed to be the operation of the police force in its routine duty. The Mayor shall serve as a voting member of the Local Control Commissioners. The Mayor shall have those powers of a justice of the peace in the State of Vermont with respect to the performance of marriage and/or civil unions. The Mayor, commencing on the first Monday in June 2002, shall appoint all City department heads who were heretofore appointed by City commissions, with the exception of the Superintendent of Schools, who shall continue to be appointed by the Board of School Commissioners. Such appointments shall be subject to confirmation by a majority of the membership of the City Council. The appointment by the Mayor to the position of City officer or department head shall be on the basis of professional competency and/or meritorious performance relating to the duties of the position. In making department head appointments and in evaluating their performance, the Mayor shall consult with the applicable City commission. At least two applicable commissioners chosen by the chair shall be invited to participate in interviews for department head selection. The full applicable commission shall formally participate in the annual evaluation of a department head; and shall make a formal recommendation to the Mayor concerning the reappointment of a department head. Department heads shall have such administrative, personnel and managerial authority as shall be delegated to them by the Mayor.

(Approved March 2, 2010, § 6; Act No. M-6, § 2, approved 5-23-19)

117 Order of succession; mayor to notify chief administrative officer of his intended absence.

In case of a temporary absence of the mayor from the city or the mayor's temporary inability to serve, the president of the city council shall act as mayor. It shall be the duty of the mayor to give the chief administrative officer due notice of the temporary absence of the mayor from the city and of his or her return, and said chief administrative officer shall duly notify

the president of the city council thereof. In case of the temporary absence from the city or temporary inability to serve of the president of the city council, the city attorney shall act as mayor.

118 Mayor to administer oaths.

The mayor shall have power to administer oaths in all cases proper for the administration of an oath before the city council, and official oaths to the several officers of said city, when such oaths are required by law; and the president of the city council shall have the like power, in all cases proper for the administration of an oath before the city council.

119 Remission of fines authorized.

The mayor, with the consent of the city council, shall have power to remit fines and costs, in whole or in part, in cases where the same are payable into the city treasury, and shall cause the reasons for such remissions to be entered on the city records.

120 Enumerated.

There shall be maintained in said City a Board of Assessors consisting of the City Assessor and two legal voters of said City; a Board of Tax Appeals normally consisting of seven legal voters of said City; a Board of Public Works Commissioners consisting of seven legal voters of said City; a Board of Cemetery Commissioners, a Board of Light Commissioners, a Board of Fire Commissioners, and a Board of Health, each consisting of five legal voters of said City; a Board of Airport Commissioners consisting of five legal voters of the City of Burlington, one legal voter of the City of South Burlington, and one legal voter of the City of Winooski; a Board of Police Commissioners, consisting of seven legal voters of said City; a Board of Park and Recreation Commissioners, consisting of seven legal voters of said City; a Board of Library Commissioners consisting of 10 members; a Board of Planning Commissioners, the members of such boards to be appointed by the City Council with Mayor presiding; a Board of School Commissioners consisting of 12 legal voters of said City and of the respective wards in which they are elected; and a Board of Finance to be constituted as hereinafter provided.

(Act No. M-15, § 2, approved 3-4-14; Act No. M-18, § 2, approved 3-1-16; Act No. M-7, § 2, approved 2-14-22)

120a Merger of boards.

Notwithstanding section 120 of this Charter, the mayor shall have power and authority, when authorized by resolution of the city council, to effect a merger of any one or more of the boards of commissioners enumerated in section 120, or of any other city board or department now existing or hereafter created, except the board of school commissioners, when, in the judgement of such mayor and city council more efficient and effective delivery of municipal services would result therefrom. The name of any department created by merger, the size of its board of commissioners, and then the scope of its jurisdiction shall be set forth in the resolution approving such merger.

121 [Repealed.]

122 Enumerated.

(a) On the first Monday in June 1998, the Mayor shall appoint a City Assessor and a Director of the Human Resources Department for a one-year term commencing July 1, 1998. Commencing on the first Monday in June 1999, and biannually thereafter, the Mayor shall appoint such City Assessor and Human Resources Director for a term of two years commencing on the first day of July following the appointment, and until their successors have been appointed and qualified. The Mayor shall appoint on the first Monday of June, 1998 and annually thereafter, and whenever a vacancy occurs, a Chief Administrative Officer, a City Attorney and one or more assistant City attorneys, a City Constable and a Second, Third and Fourth Constable, a City Engineer and Surveyor, a City Grand Juror and Assistant City Grand Juror, a Harbor Master, a Poundkeeper or a firm or corporation to provide the services of such, a Director of the Community and Economic Development Office, a Director of Burlington City Arts, and Civil Defense Director. All of the above-referenced appointments shall require the approval of a majority of the City Council. Additionally, commencing on the first Monday in June 2002, and whenever a vacancy occurs, the Mayor shall appoint a Director of Aviation, a Cemetery Superintendent, an Executive Director of the Church Street Marketplace District, a General Manager/Superintendent of the Electric Department, a Chief Engineer of the Fire Department, a librarian(s) of the Fletcher Free Library, a Superintendent of the Parks and Recreation Department, a Police Chief, and a Super-

intendent/Director of the Public Works Department. The Mayor shall also appoint a Director of Permitting and Inspections, a Zoning Administrative Officer, and a Director of Planning. The first two appointments of an individual to serve in any such position shall be for one-year terms. After an individual has served in a position for two successive years, the Mayor may thereafter appoint such person to serve terms of not more than three years, except that in no case shall an appointment be valid for more than 15 months following the election of a new Mayor. In all cases, such appointments shall continue until their successors have been

appointed and qualified. The Mayor shall also have the authority to appoint the superintendent/director of any City department which may hereafter be created by the City Council.

(b) The appointments described in subsection (a) of this section shall require the approval of a majority of the whole number of the city council. In cases where the mayor appoints an individual for a term longer than one year, the city council must also approve the duration of such term.

(Act No. M-6, § 2, approved 5-23-19)

123 [Repealed.]

124 Chairman; clerk, records.

Each of the boards and commissions named in section 120 of this Charter shall organize by the election of a chair and by the appointment of a clerk and, with the exception of the board of assessors and the board of tax appeals, the clerk shall keep a written record of the proceedings of his respective board, such records to be the property of the city. The clerk need not be a member of the board or commission.

125 Mayor and city councilors.

(a) Term of Mayor. On the first Tuesday in March 2003 and triennially thereafter, the legal voters of the City shall, from among the legal voters thereof, elect a Mayor who shall hold office for the term of three years from the first Monday in April next following such election.

(b) Term of City Councilors.

(1) On the first Tuesday in March 2015 and biennially thereafter, the legal voters of each of the South, Central, East, and North City Districts shall, from among the legal voters of their respective district, elect a City councilor for a two-year term.

(2) (A) On the first Tuesday in March 2015, the legal voters of each of Wards One, Two, Three, Four, Five, Six, Seven, and Eight shall, from among the legal voters of their respective ward, elect a City councilor for a three-year term.

(B) On the first Tuesday in March 2018 and biennially thereafter, the legal voters of each ward shall elect a City councilor for a two-year term.

- (3) The term of each City councilor shall begin on the first Monday in April following his or her election.

(Act No. M-15, § 2, approved 3-4-14)

126 Commissioners and board of tax appeals.

- (a) Except as specified in section 179 of this chapter with respect to the library commissioner elected from the library staff, each public works commissioner, cemetery commissioner, police commissioner, fire commissioner, light commissioner, park and recreation commissioner, airport commissioner, planning commissioner, library commissioner, member of the board of health and member of the board of tax appeals shall hold office for the term of three years, from the first day of July following his or her appointment or until their successors are appointed and qualified.
- (b) Each assessor, except the city assessor, shall hold office for the term of three years from the first day of April following the appointment and until his or her successor is appointed and has qualified. (Act No. M-7, § 2, approved 3-3-15)

127 Department heads and other officers.

All officers whose terms of office are not herein or by general law otherwise specified, shall, except as herein otherwise provided, hold their offices for the specified terms from the first day of July following their appointment, and until their successors are appointed and have qualified.

(Approved March 2, 2010, § 6)

128 Manner of filling.

- (a) In case of a vacancy in the Office of Mayor, occasioned by death, resignation, removal from said City, permanent inability to serve, failure to elect, or disqualification of the person chosen, the President of the City Council shall act as Mayor until such successor is elected and has qualified.

- (b)(1) In case of any vacancy in the City Council from any of the causes described in subsection (a) of this section, the same shall be filled by a new election in the proper ward or City district.

(2) If any City councilor shall remove out of the ward or City district for which he may have been elected or no longer reside in such ward or City district as a result of reapportionment, his or her office shall thereupon become vacant and the same shall be filled by a new election in the proper ward or City district.

(c)(1) In case there shall arise an occasion for any such new election as a result of a vacancy in the Office of Mayor or City councilor for any of the causes described in this section, the same shall be held within 90 days of the date of such vacancy, provided such vacancy shall occur before the first day in October in any year, unless a citywide election has been prescheduled to occur between the 90th and the 120th day of the date of such vacancy, in which case the same shall be held on such prescheduled election date; otherwise it shall be filled at the next annual City election.

(2) In every case, the person so elected shall serve for the remainder of the official term.

(3) In the case of reapportionment, such election shall be held at the next ensuing annual City meeting and the term of the City councilor who no longer resides in the ward or City district as a result of reapportionment shall continue until the newly elected City councilor assumes office on the first Monday in April.

(Act No. M-14, § 2, approved 5-19-2004; Act No. M-15, § 2, approved 3-4-14)

129 Appointing body or person has power to remove.

The city council with mayor presiding shall have power, for such causes of incapacity, negligence or bad conduct as to it shall seem sufficient, to suspend or remove from any office any city officer who may be appointed by the city council with mayor presiding and to fill all vacancies in any such office from whatever cause arising. The mayor and each board shall have like power of removal in respect to any officers who may be appointed by them, except as herein otherwise provided, and provided that in case the appointment of such officer is made subject to the approval of the city council or city council with mayor presiding, the removal of such officer shall likewise be made subject to the approval of the city council or city council with mayor presiding, as such appointment was made. Additionally, the city council may, on the initiative of the mayor, by an affirmative vote of at least two-thirds of its entire number, remove at any time at its pleasure any city officer or department head it should determine is no longer effectively serving the city, and all city officers and department heads shall take and hold office subject to this authority.

130 Manner of filling vacancy and residency requirement.

(a) In case of a vacancy for any cause in any office referred to in the preceding section, such vacancy shall be filled in the manner herein provided for appointment thereto, but only for the remaining months of the then current fiscal year, plus one additional year, or for the balance of the unexpired term, whichever is the shorter.

(b)(1) Any individual elected to the position of Mayor must be a legal voter of the City as of the date the written consent required by 17 V.S.A. § 2681(a) is filed and at all times during his or her term of office.

(2) Any individual elected to the position of City councilor or school commissioner must be a legal voter of the City and of the ward or City district he or she proposes to represent as of the date the written consent required by 17 V.S.A. § 2681(a) is filed and at all times during his or her term of office.

(3) Any person appointed to serve as a member of any City commission must, except as otherwise specifically provided for herein, be a legal voter of the City at all times during his or her term of office.

(c) Except as provided below, any person appointed by the Mayor and approved by the City Council for the position of City Assessor, City Attorney, Chief Administrative Officer, City Constable, Civil Defense Director, Director of the Office of Community and Economic Development, Harbor Master, Director of Planning, Director of Permitting and Inspections, or Human Resources Director, and any person appointed to be the superintendent or corresponding Chief Executive Officer of the Cemetery, Electric Light, Fire, Parks and Recreation, Police, Public Works or School Departments shall, in order to be legally eligible to serve, either be a legal voter of the City as of the date his or her term of office commences and at all times thereafter or, if not a legal voter as of the date his or her term of office commences, shall become a legal voter within the City within one year from the date such term of office commences and maintain such status at all times thereafter. In case of personal hardship found and declared to exist by the City Council with Mayor presiding, the time limit for an individual to become a legal voter of the City may be extended for a set period of time beyond one year.

(d) The above subsections hereof shall not be considered applicable to an incumbent in the above listed positions so long as such incumbent remains in the position which he or she holds as of March 1, 1994. Nor shall the above subsections be regarded as applicable to any city position which is not listed above or to the appointed assistants in any position listed above.

(e) In case any person holding any elective or appointive office in the city shall at any time for any reason become legally disqualified to hold such office, such office shall thereupon

become vacant and shall be filled for the unexpired term in which such vacancy occurs and in the manner herein provided for filling such vacancy.

(Act No. M-15, § 2, approved 3-4-14; Act No. M-6, § 2, approved 5-23-19)

131 Dual positions prohibited.

No city councilor may serve as a city employee or as a commissioner of a city department. However, a city councilor may be appointed to serve as a member of a regional board such as, without limitation, the Chittenden County Regional Planning Commission, the Chittenden Solid Waste Management District or other similar board. No member of a commission provided for in this Charter shall be eligible to serve as a member of any other such commission, except that a planning commissioner may be a member of a development review board. No city employee may be a member of any commission having jurisdiction over the department in which he or she is employed, provided membership on the retirement board is permissible, should such employee be elected thereto. The mayor may not be employed in any other city position, but may serve in all capacities specifically authorized by this Charter. Provided further, this section shall not be read to preclude continued service, including reappointment, of any incumbent commissioner.

132 Mayor, city council, and other city officials.

(a)(1) The Mayor shall receive such annual compensation as shall be voted by the City Council, but the same shall not be less than \$12,000.00 per year.

(2) Each member of the City Council, beginning on July 1, 2017 and thereafter with the first Monday of April 2018 shall receive the annual sum of \$5,000.00.

(3) Compensation shall be prorated according to actual months of service.

(b) A member of the City Council shall receive proper reimbursement for any expenses necessarily incurred in fulfilling the duties of the member's office. Regulations for determining eligibility for necessary expense reimbursement may be promulgated by the Board of Finance. The City Council shall fix the compensation of all other City officers, except as herein otherwise provided.

(Act No. M-9, § 2, approved 3-7-17)

133 Conflicts of interest.

(a) No city officer shall participate in any fashion or cast a vote on any matter in which either a direct or indirect conflict of interest is present. Nor shall a city officer participate or vote on any question in which such participation or vote would reasonably create in the mind of an objective person the appearance of a direct or indirect conflict of interest. The presence of a circumstance as above enumerated shall be regarded as a conflict of interest situation. In the event a conflict of interest situation arises, the affected city officer shall at the first opportunity formally declare the existence of the conflict of interest situation. Thereafter, such officer shall not participate in any fashion at any level, formally or informally, in the discussion of the matter, nor cast a vote of any kind at any level with respect to the matter to which the conflict of interest situation applies. For the purposes of this section, the following definitions shall be applicable:

(1) *Direct Conflict of Interest* shall mean a situation in which the city officer has a direct and immediate financial interest in a matter which is officially before such officer or before a board of which such officer is a member. Such financial interest shall be regarded as present if the city officer is either the self-proprietor of the organization seeking to do business with the city or an officer, partner, professional associate, shareholder holding at least five (5) percent of the outstanding shares of any particular class of shares, director or managerial employee of such organization. It shall also be regarded as present if the city officer serves as legal counsel, accountant, architect or consulting engineer, or has another such professional relationship with such organization. For purposes of this subsection, doing business with the city shall mean contracting within the city, seeking or opposing a permit or similar permission for a particular activity, seeking or opposing a legal enactment or some amendment thereof, soliciting employment with the city or otherwise requesting some status, right or benefit from the city that has a financial value. Doing business with the city shall not include supporting or opposing the passage of a legislative measure unless such measure relates substantially to the city officer's business or business organization rather than to a broad scope of private and public interests which may include the private financial interests of the city officer.

(2) *Indirect Conflict of Interest* shall mean a situation in which the city officer is a spouse, parent, child, brother, sister, grandparent or grandchild, uncle, aunt, niece, nephew or first or second cousin of an individual who would have a Direct Conflict of Interest were such city officer involved in the situation.

(3) *City Officer* shall mean the mayor, a member of the city council, a member of the board of school commissioners, a commissioner appointed by the city council, with mayor presiding, a superintendent or corresponding department head of a city department or any city official who is appointed by the mayor subject to the approval of the city council.

(b) The proscribed appearance of a conflict of interest shall be deemed to be present when either the city officer formally announces the existence of such or two-thirds of the whole number of the city council, or in the case of a city officer in the school department two-thirds of the whole number of the board of school commissioners, shall vote in a particular situation that such a conflict of interest situation exists for a particular city officer. In such a proceeding, the mayor shall preside and vote as a member of the city council, but no city council or school board member shall participate or vote if such officer is the subject of the discussion as to whether a conflict of interest situation exists.

(c) Any city officer who violates the provisions of this section shall be regarded as guilty of bad conduct. City officers other than the mayor, members of the city council, and members of the board of school commissioners shall be subject to removal or suspension in accordance with the procedures set out in this city charter and applicable state statutes. The mayor or a member of the city council shall be subject to official censure upon affirmative vote of two-thirds of the whole number of the city council with the mayor presiding and voting as a member thereof. A member of the board of school commissioners shall be subject to official censure upon the affirmative vote of two-thirds of the whole number of such board. Provided, neither the mayor, a member of the city council nor a member of the board of school commissioners shall participate in such discussion and vote if such individual is the subject of the discussion.

(d) While not proscribed by the precise requirements of this section, a city officer is also requested to consider declaring a conflict of interest situation and not participating in any matter where as a result of close personal friendship with an applicant or for any other reason unrelated to the merits of the matter, the city officer is not able to consider the matter at issue without being influenced and guided by such friendship or other reason unrelated to the merits of the matter. Further, a city officer who holds less than five (5) percent of the shares of any particular class of shares in any organization seeking to do business with the city is also requested to declare his or her ownership of such shares when voting on a matter in which he or she would have a conflict of interest if the percentage of ownership were five (5) percent or greater.

134 Required of treasurer and other officers handling city funds.

The treasurer and all other city officers who receive or disburse any of the funds of the city shall annually, before entering upon the duties of their office, give bonds to the city in amount satisfactory to the city council for the faithful discharge of their respective duties.

135 City council to approve surety company; costs to be paid by city.

All city officers from whom bonds are required shall furnish bonds of a surety company satisfactory to the city council. The chief administrative officer shall pay the cost of such bonds from the money appropriated for incidental expenses.

136 Officer to be removed from neglect to give bond after notice.

In case of the neglect of any officer to give bonds as above specified after ten days' notice from the city council that he is required so to do, his office shall thereupon become vacant and the vacancy shall be filled as hereinbefore provided.

137 Form.

All officers of the city shall, before assuming office, take, subscribe and file with the city clerk the following oath:

"I solemnly swear that I will faithfully execute the office (duty or trust), of _____ of the City of Burlington to the best of my judgment and abilities, according to law, so help me God."

138 Duties of chief administrative officer generally.

(a) The chief administrative officer shall, subject to the authority of the mayor as chief executive officer, have direct responsibility for those administrative, financial and record keeping responsibilities which are not assigned by this Charter to another city entity. The chief administrative officer shall have supervisory responsibility for those functions, herein outlined, which were formerly the responsibility of the city clerk and city treasurer.

(b)(1)(A) The Chief Administrative Officer shall perform for the City the same duties devolving by the law of the State upon town clerks, except insofar as those duties are changed or modified by the provisions of this charter and shall receive and collect for and on behalf of the City to be used for City purposes all and the same fees to be paid to town clerks for the performance of those duties under the general laws of the State.

(B) The Chief Administrative Officer shall keep a full and complete record and account of all fees as received and as paid to the Chief Administrative Officer in a form and manner as the Board of Finance and the City Auditor may prescribe, and shall give a proper receipt for every fee collected.

(2) The Chief Administrative Officer shall receive only an annual salary or other compensation as shall be determined by the City Council.

(3) The Chief Administrative Officer shall be ex officio Clerk of the City Council with Mayor presiding, City Council, Board of Civil Authority, Board for the Abatement of Taxes, and Liquor Control Commissioners.

(4) The Chief Administrative Officer shall have exclusive charge and custody of the public records of the City and of all records, papers, and documents belonging to the Town of Burlington at the time the City of Burlington was organized.

(5) (A) The Chief Administrative Officer shall be the presiding officer for ward, City district, City, and legislative district elections.

(B) An assistant within the Chief Administrator's office may be designated by the Chief Administrative Officer to be the presiding officer for ward, City district, City, and legislative district elections.

(c) The chief administrative officer shall have the same powers and be subject to the same liabilities as are prescribed by the laws of this state for town treasurers, shall perform all of the duties relating to the issuing and paying of school bonds, and bonds to retire outstanding indebtedness and such other duties as are herein specified. In the absence or inability of the chief administrative officer to perform his or her duties, the next ranking employee within the chief administrative officer's office (first assistant city treasurer) shall have the same powers, be subject to the same liabilities, and perform the same duties as devolve upon the chief administrative officer.

(d) The chief administrative officer shall be responsible to employ such other employees as may be approved by the city council.

(e) The chief administrative officer shall be authorized to perform other administrative and executive functions and responsibilities as assigned by the mayor. It shall also be the responsibility of the chief administrative officer to provide adequate staff resources for the city council, provided such resources are approved as a portion of the annual city budget.

(Act No. M-11, Approved March 3, 2009; Act No. M-15, § 2, approved 3-4-14)

139 Public records to remain in chief administrative officer's office; council may regulate removal.

Such records shall not be taken out of or away from said chief administrative officer's office except upon the order or process of a court of competent jurisdiction; but said city council may, by ordinance or by-law, regulate the removal from said office of all papers and documents belonging to said city and in the custody of said chief administrative officer as aforesaid.

140 Certified copies of records to be made.

Said chief administrative officer shall, on being tendered therefor the fees allowed town clerks under the law of this state for similar services, and to be accounted for and paid to the treasury for city purposes, as provided in the second preceding section, make duly certified copies of said records, papers and documents, and such copies so certified shall be legal evidence, of the same validity and effect as those of town clerks, in all courts and for all purposes.

141 Certification that notices, ordinances, etc., have been posted required.

Whenever any notice signed by the mayor, city council or any city officer or officers, or any advertisement, ordinance, resolution or by-law shall have been published in some newspaper or newspapers or publicly posted under the provisions of the general law, this Charter or the ordinances thereby authorized, the chief administrative officer shall examine and ascertain whether such notice, advertisement or ordinance has been duly published or posted, and if such be the fact chief administrative officer shall so certify upon the proper city record; and such record or a duly certified copy thereof shall be treated as *prima facie* evidence of the facts so certified.

142 Assistants.

An assistant may be designated by the chief administrative officer to make duly certified copies of any records, papers, or documents in the same manner as the chief administrative officer, without regard to the absence or disability of the chief administrative officer, and such copies, so certified, shall be legal evidence, of the same validity and effect as those of town clerks, in all courts and for all purposes.

143 [Reserved].

144 Chief administrative officer to keep record of notes and bonds issued.

The chief administrative officer shall keep a record of every note or bond issued under the provisions of this Charter, therein stating the number and the denomination of each note or bond, when and where payable, to whom issued, and the rate of interest thereon; and shall

also keep a record of payments thereon of principal and interest; and if coupons are taken up, shall cancel and preserve the same.

145 Record of school bonds to be kept.

The chief administrative officer shall keep a record of all school bonds, the issuance, payment and discharge thereof, as hereinbefore provided for other bonds issued by said city.

146 Redeemed bonds, notes and interest coupons to be kept.

When old notes or bonds and any interest coupons are taken up by payment thereof, by exchange or by sale of the new notes or bonds, the chief administrative officer shall keep a record of the same and such old notes or bonds and interest coupons shall be cancelled and kept on file in the chief administrative officer's office for a period of fourteen years from the date when the note or bond is taken up and cancelled and after such period of fourteen years such cancelled notes or bonds and interest coupons thereof may be destroyed.

147 Chief administrative officer to keep separate account of school appropriations.

The chief administrative officer shall keep a separate account of all moneys appropriated for the use of schools, which money shall consist of the income accruing in every legal way for the use and maintenance of schools in said city, and of all money appropriated by the city council for that purpose; and the chief administrative officer shall pay out of any moneys mentioned in this section all warrants drawn by the board of school commissioners for the use of schools.

148 Duties.

The city attorney shall be corporation counsel and shall prosecute and defend in behalf of said city all suits in which said city is interested and shall prosecute all violations of the city ordinances and by-laws except when absent from city or disqualified or unable to serve. The assistant city attorneys shall have all the powers and perform all of the duties of the city attorney as may be the city attorney be delegated to them and shall receive for the performance of their duties such compensation as the city council may vote.

149 Subject to same penalties as state's attorneys.

The city attorney and assistant city attorney shall be subject to all and the same penalties imposed by the law of this state upon state's attorneys for any neglect or violation of official duty.

150 Duties; liabilities; etc.

The board of assessors shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers, except as herein otherwise provided. They shall also be members of the board for the abatement of taxes. The city assessor shall be a member of and serve as chair of the board of assessors and may also appoint, and remove, at his/her pleasure a deputy assessor, who may serve as an assessor in the absence, inability to serve, or disqualification of the city assessor, and who shall, in addition, have such clerical and administrative duties as said city assessor shall assign.

151 Powers; duties; liabilities; etc.

The city grand juror shall have the same powers, perform the same duties and incur the same liabilities, as grand jurors in towns, and shall be entitled to such salary as the city council may vote, and as the city attorney may request, a city grand juror may prosecute before the applicable Vermont courts violations of the ordinances, regulations and by-laws of said city. The second city grand juror in case the city grand juror is absent from the city or is disqualified or unable to serve, shall have the same powers, perform the same duties and incur the same liabilities as the city grand juror, and shall receive for his services such compensation as the city council may provide.

152 Powers and duties.

The city constable shall have the same powers, perform the same duties and be under the same liabilities as are prescribed by the laws of this state for constables of towns, and the said constable shall have the same powers as sheriffs in suppressing riots and all unlawful assemblages and of arresting without warrant all persons disturbing the peace and may forthwith bring them before the Chittenden municipal court, or a justice of the peace, or detain them in custody until such court can be held. The second, third and fourth constables, in case such are appointed, shall have the same powers, and perform the same duties and be under the same liabilities as the city constable except that neither the second, third nor fourth constable shall have the power or perform the duties of collector of taxes.

153 Duties.

The city engineer and surveyor shall be assigned to the public works department. He or she shall make all public surveys of the streets and public grounds of said city, and shall perform such other services as may be required by the director of public works.

TITLE VI. EXECUTIVE DEPARTMENTS

154 Composition.

The board of finance shall be constituted as follows: The mayor shall, ex officio, be chairman of said board and together with the president of the city council and three additional members of the city council who shall be elected at the first meeting of the city council in April of each year and who shall serve a term of one year from the date of their election shall constitute said board of finance. In addition, the chief administrative officer shall serve as a nonvoting member of said board. All of the additional three members elected from the city council may not be members of the same political party. The members of said board shall be trustees of public moneys for the city and shall have the powers and perform all the duties of similar officers in towns of this state; provided, however, that they shall make no investment or reinvestment of any of the cemetery endowment funds of the city without first obtaining the written approval thereof by a majority of the board of cemetery commissioners. The clerk/treasurer's office shall provide staff assistance for said board. In the absence or disability of the mayor, the chief administrative officer shall sit as a voting member.

(Act No. M-4, § 2, approved 4-4-2011)

155 Board to act as board of audit; uniform system to be adopted.

The board of finance shall act as a board of audit. They shall establish, and each department shall adopt, such systems of accounting and auditing for each department of the city government, as will give uniform and reliable methods for transacting the business of the city.

156 Monthly reports; annual audit.

The board of finance shall provide for regular monthly reports to be made by each department to the city council; they shall also provide for the annual auditing of the books of

each department, by a competent professional auditor, and may also provide for such further auditing as shall to said board seem advisable.

157 Preparation and submission of budget.

The mayor shall, with the assistance of the other members of the board of finance, annually prepare an estimate of the necessary appropriations to cover the expenses of each department and branch of the city government for the next fiscal year, to be known as the "budget," and shall submit said "budget" to the city council for its guidance and action in making the annual appropriations and the tax levy for such next fiscal year. The mayor shall submit the "budget" to the city council on or before June 15 of each year and the city council shall make the annual appropriations and the tax levy no later than June 30 of each year. The city council may reduce the items of such budget, but shall not increase them except by two-thirds vote of said city council. Wherever any appropriation, annual or otherwise, shall be made to any department or branch of the city government, for any specified purpose, no part of such appropriation shall be expended for any purpose other than the one specified, unless authorized by resolution of the city council or by written permission of the board of finance. Nothing herein contained shall authorize the board of finance to transfer any appropriation, or any part of any appropriation, from one department or branch of the city government to another.

158 Sinking fund established.

The general sinking fund of the city, so-called, is hereby abolished and all moneys or funds currently deposited in such sinking fund shall be appropriated in accordance with the requirements of sections 65 and 157 of this Charter.

159 Selection of official depositary.

The board of finance shall, in the month of June, 1994, and not less frequently than once every three years thereafter, procure from chartered banks of known reliability and sufficient capital their offers to act as depositary for the city moneys, or for specified portions thereof, and the terms upon which they will receive such moneys, and also the terms upon which they will furnish money upon such temporary and emergency loans to the city, or specified portions thereof, as the city council from time to time may authorize. They shall by vote determine which of said offers, if any, they accept, and appoint such bank or banks whose offer or offers are accepted, as depositary or depositaries of such moneys, or any portion

thereof, to which any offer relates, as to them shall appear to be for the best interests of the city.

160 Care and control of public buildings.

The board of finance shall also have the care and control of all public buildings not specifically in charge of any other department of the city under this chapter or ordinance or resolution of the city council. They shall appoint or employ such persons as may be required for the proper care of the buildings, and may prescribe their salaries and fix their duties.

161 Repairs to public buildings.

The board of finance may cause such repairs or enlargements to be made to said buildings from time to time as the interests of the city may require; provided, however, that when the estimated cost of any such repairs or enlargements exceeds the amount of money appropriated by the city council to the public buildings account in any fiscal year, they shall make report thereon to the city council for their approval before any expenditure shall be made for such purpose, and shall in April and October of each year report the condition of said buildings to the city council.

162 Board authorized to rent portions of public buildings.

The board of finance may rent such portion of the public buildings to such public officers or private persons as to them shall seem for the best interests of the city; provided, however, that rentals for a period of more than one week shall require the approval of the city council.

163 Composition.

(a) The Board of School Commissioners of said City shall be composed of 12 school commissioners. One commissioner from Ward One through Eight inclusive and one commissioner from each of the four districts shall be elected as hereinbefore and hereinafter provided.

(b) Anything contained herein or in the general statutes to the contrary notwithstanding, all candidates for the Board of School Commissioners shall be elected on a nonpartisan basis. No reference shall be made on an election ballot to a candidate's political affiliation or to the endorsement of any such candidate by political party or parties.

164 Terms; elections.

- (a) On the first Tuesday in March 2015 and biennially thereafter, the legal voters of each of the South, Central, East, and North City districts shall, from among the legal voters of their respective districts, elect a school commissioner for a two-year term.
- (b)(1) On the first Tuesday in March 2015, the legal voters from each of Wards One, Two, Three, Four, Five, Six, Seven, and Eight shall, from among the legal voters of their respective ward, elect a school commissioner for a three-year term.
- (2) On the first Tuesday in March 2018 and biennially thereafter, the legal voters of each ward shall elect a school commissioner for a two-year term.
- (c) The term of each school commissioner shall begin on the first Monday in April following his or her election.

(Act No. M-15, § 2, approved 3-4-14)

165 Manner of filling vacancies.

In case of a vacancy in the office of school commissioner, occasioned by death, resignation, removal from the ward or as a result of such school commissioner no longer residing in such ward as a result of reapportionment or other causes, the same shall be filled by a new election in the proper ward; and in case there shall arise an occasion for any such new election, for any of the above mentioned causes, the same shall be held within ninety days of the date of such vacancy, provided such vacancy shall occur before the first day in October in any year; otherwise it shall be filled at the next annual city election. In the case of reapportionment, such election shall be held at the next ensuing annual city meeting and the term of the school commissioner who no longer resides in the ward as a result of reapportionment shall continue until the newly elected school commissioner assumes office on the first Monday in April.

166 Meetings.

Said board shall, by general regulations, provide for the holding of regular meetings. The clerk shall call special meetings whenever a majority of the commissioners concur in requesting him so to do. All meetings of the board of school commissioners shall be open to the public except when an executive session is deemed advisable by a majority of the board for discussion of appointments, disciplinary action or termination of contracts of school

personnel, and except when an executive session is deemed advisable by a majority of the board for consultation with the board's attorney on legal matters or for communication of collective bargaining instructions to the duly appointed negotiator for the board.

167 Duties.

Said board shall have the care and custody of all property belonging to or used for the several public schools of said city and such care shall include authority to make ordinary repairs on school property and finish any unfinished apartments and make such alterations in any school building, as said board shall deem best; shall employ teachers and fix their compensation; have the management and control of all the public schools of said city; establish and maintain an adequate system of financial disbursement, accounting, control and reporting procedures that ensures that all payments are lawful and in accordance with a budget adopted or amended by the board.

168 Adoption of budget.

(a) Said board shall annually be responsible for the preparation and adoption of a budget which shall include a detailed estimate of revenues and expenditures for the ensuing July 1 to June 30 fiscal year. The budget shall be formally adopted no later than January 20 of the fiscal year prior to its applicability, but it may be amended by the board from time to time thereafter.

The board shall, not earlier than 21 days prior to its formal action to adopt a budget, make a formal presentation to the city council, at a city council meeting to be called for this purpose, concerning its proposed budget. At such meeting, the city council will also allocate time to receive public commentary on the proposed budget. The board shall also present information concerning its proposed budget, the status of the current fiscal year to date, its educational goals and outcomes, its strategies for improvement and other pertinent information.

(b) (1) Annually, immediately following the formal adoption of its budget, the board shall pass a resolution placing before the voters at the annual city meeting the question of whether the Education Spending portion of the board-adopted budget will be approved. The city's chief administrative officer shall place such budget approval question upon the ballot of the annual city meeting.

(2) Should a majority of the voters present and voting approve the presented Education Spending portion of the budget, it shall be considered approved. If such portion of the board-adopted budget is not approved at the annual city meeting, the

board may make alterations thereto which it deems appropriate, if any, and thereafter resubmit such portion of the budget to the voters at a special city meeting to be arranged for such purpose by the chief administrative officer. This sequence may be repeated until the voters approve the Education Spending portion of the budget presented to them or until July 1 of any year, whichever sooner occurs. Should such portion of the budget not be approved by the voters by July 1 of any year, the board shall amend its budget and may permit Education Spending for that fiscal year in an amount which does not exceed the Education Spending last duly approved by the legal voters adjusted by the total dollar amount charge in the base education payment for the budget year multiplied by the equalized pupil count for the budget year. No question which is submitted to the voters on or after May 20 of any year shall be subject to a petition for reconsideration or rescission under any provision of this Charter or under Chapter 55 of Title 17.

(c) Repealed.

(Act No. M-14, §§ 3, 9, approved 5-19-2004)

169 Powers generally; authority to establish graded schools.

Said board shall have in general all the powers and authority, and perform all the duties, pertaining to school officers in towns of this state, not inconsistent with the provisions of this Charter. It may establish graded schools and provide for instruction in the sciences and in the higher branches of a thorough education.

170 Authority to establish by-laws and regulations.

Said board may establish such by-laws and regulations for carrying out the powers herein granted, as are consistent with the provisions of this Charter and the general law of this state.

171 Appointment; compensation; removal; term.

Said commissioners shall, if applicable under the circumstances, during the second week in April, appoint the superintendent of schools and/or fix his compensation, which shall be paid by the school commissioners in the same manner as other expenses for the support of schools; and for causes of incapacity, negligence or misconduct they may remove such superintendent of schools from office and they shall by appointment fill all vacancies in such office arising from any cause. Such superintendent shall be appointed to serve a term, the length of which shall not be for less than one year nor more than three (3) years which term

shall commence on the first day of July following such appointment. The superintendent shall hold his office for his full appointed term unless excused therefrom by the school commissioners or unless sooner removed as hereinbefore provided.

172 Duties of superintendent; commissioners to file monthly report.

The superintendent of schools shall perform such duties in connection with the public schools of said city as shall be assigned him or her by the board of school commissioners. The superintendent shall annually report to the city council such statistics as are required by the law of this state, and such other information as the superintendent shall deem proper or the school commissioners shall direct, or the city council shall request. The board of school commissioners shall make a monthly report in writing and file the same with the chief administrative officer on the first day of each calendar month, showing the repairs on public school buildings and grounds in connection therewith for the month previous and shall give such other information as the city council shall request with reference to the administration of the school department.

173 Appointment; duties.

Said board shall appoint truant officers for said city, as provided by general law. Said truant officers shall have the same powers and perform the same duties as prescribed by the general law of this state for truant officers in towns and cities, and shall have such further powers and perform such further duties as shall be prescribed by said board or by any ordinance, regulation, or by-law of said city.

174 City to provide, equip and maintain.

It shall be the duty of said city to provide, equip and maintain suitable schoolhouses for the accommodation of all the public schools of, or required by, said city.

175 Commissioners to control location, construction, sale and purchase.

The location and construction of the schoolhouses, and the management, sale and purchase of school property, shall be under the control of the school commissioners, subject to the limitations herein provided, and the limitation upon their power of incurring liabilities in behalf of said city.

176 Statement showing necessity for construction or purchase required.

Before the school commissioners shall purchase any real estate for school purposes, or enter into any contract for the construction of any school building, other than repairs of and additions to existing school buildings deemed necessary by said school commissioners, they shall file with the chief administrative officer of the city council a statement showing the necessity of such purchase of real estate, or of the construction of such building, together with an estimate of the cost of such real estate, or of the construction of such building, and the amount of money necessary for such repairs.

177 Council to approve purchase or construction.

They shall not purchase any real estate, nor enter into any contract for the construction of any school building, until such action has been approved, and the funds for the same provided, by the city council.

178 Funds for construction or purchase to be provided by tax levy.

Upon the approval by the city council of such proposed purchase of real estate for school purposes, or such proposed construction of a school building, said city council shall provide the necessary money for such purpose by levying a tax sufficient to meet the whole or any part of the expense of such purchase or construction, or by the issuance of bonds authorized by the legal voters of the city pursuant to the provisions of section 63 of this Charter.

179 Composition.

The board of library commissioners shall consist of ten members. Six of such members shall be designated the public commissioners and four of such members shall be designated the trustee commissioners.

- (1) Four of such public commissioners shall be appointed by the city council with mayor presiding. One public commissioner shall be the mayor or his/her designee and one public commissioner shall be an employee of the library elected by the employees thereof.
- (2) The four trustee commissioners will be appointed on a self-perpetuating basis by the trustee commissioners.

(3) The term of all voting commissioners other than the mayor and library staff shall be three years. The mayor's or his or her designee's term shall coincide with the mayor's term of office. The public commissioner elected from the library staff shall be elected for a one-year term.

(4) The initial terms of the commissioners shall be staggered. During the first week in June 1991, two trustee commissioners shall be appointed by the present trustees of the Fletcher Free Library for a term of three years, one for a term of two years, and one for a term of one year. Thereafter, all such appointments shall be for a term of three years commencing the first day of July following their appointment and continuing until their successors have been appointed and qualified.

(5) The four public commissioners appointed by the city council with mayor presiding must at all times be residents of the city. Neither the public commissioner elected by the library staff nor the trustee commissioners must reside in the city, but all trustee commissioners must reside within Chittenden County.

(6) In addition, the board of library commissioners may appoint not more than two additional nonvoting advisory members of the board to serve for terms that the board shall deem appropriate.

(7) A chair of the board of library commissioners and a clerk of the board shall be appointed at the first meeting in July. The clerk need not be a member of the board. (Act No. M-7, § 2, approved 3-3-15)

180 Duties.

The city council may make and establish all proper and necessary rules and regulations for the management and guidance of the library department. The librarians shall have charge of the library building and the grounds and shall appoint such employees as may be authorized by the city council. The city council shall have responsibility for the entirety of the collection of books, pictures, materials and articles of historic, educational or artistic interest except for those articles which have been acquired with the funds available under the deed of gift from Mrs. and Miss Fletcher, which property shall be under the control of the trust. The city council shall see to it that all lands and buildings used for library purposes by the city are kept in good condition and repair. Except for the revenues produced by the deed of gift from Mrs. and Miss Fletcher, the library department shall have no power to expend any money or incur any debt beyond the amount of the appropriations made by the city council. Section 133 of this Charter relating to conflicts of interest shall not apply to the library staff member who is elected a public commissioner, but such commissioner shall not participate in any fashion at any board of commissioners' level, formally or informally, in the discussion of the matter, nor

cast a vote of any kind at any commission level with respect to a matter involving grievances, arbitrations or other personnel matters which may properly be discussed in executive session. The board of library commissioners shall have such authority and responsibility relating to the management of library facilities and services referenced herein as may be delegated from time to time by resolution of the city council. The appointed librarian(s) shall be subject to the authority of the mayor as chief executive officer.

181 Liabilities to be approved and budget preparation.

All bills, accounts and claims on account of the library and its maintenance, except such as are incurred by the trustee commissioners on account of funds under their control, shall be approved by the city council or, if such authority has been delegated to it, by six or more members of the board of library commissioners and the mayor's warrant shall be drawn upon the chief administrative officer for the payment of such bills, accounts and claims. By such date requested annually by the mayor, the library staff shall prepare and the board of library commissioners shall approve a recommended library budget for the ensuing fiscal year. Such proposed budget after being presented to the mayor may be revised as he or she believes appropriate and ultimately submitted to the city council for its approval in accordance with the procedures set forth in section 157 of this Charter.

182 [Reserved.]

183 Board of police commissioners; composition; terms.

The board of police commissioners shall consist of seven (7) legal voters of said city, to be appointed by the city council with mayor presiding to serve for three (3) years and until their successors are appointed and qualified.

(Act No. M-18, § 2, approved 3-1-16)

184 Same-powers and duties.

The city council shall make rules and regulations for the government of the entire police force and shall fix the qualifications of applicants for positions and service on said force and the chief of police shall furnish the city council with any information they may require concerning the finances of the police department. The chief of police shall be responsible for all expenditures made by the police department and no expenditures shall be made by the department except in conformity with the standards promulgated by the city council. The

board of police commissioners shall have such authority and responsibility relating to the management of the police department, its services and facilities, as may be delegated from time to time by resolution of the city council. Said board shall notify the mayor and the chief administrative officer, in writing, of any and all changes, modifications or additions to the rules and regulations of the department.

185 Officers of police force designated.

(a) The direction and control of the entire police force, except as herein otherwise provided, shall be vested in a police officer who shall be called the chief of police, and such other ranking police officers as the city council shall authorize. The order of rank and succession within the police department shall be as designated by the city council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

186 Manner of filling vacancies.

Whenever a vacancy occurs in any other position, the chief may appoint a successor.

(Act No. M-14, § 4, approved 5-19-2004)

187 Force to be maintained; selection of members.

A regular police force for said city shall be maintained in the city. No applicant shall be deemed qualified for employment on said force until he or she has been approved by the chief of police. The process for determining the qualifications of and employing police officers shall fully comply with the city's comprehensive personnel policy manual as the same may be amended from time to time.

(Act No. M-14, § 5, approved 5-19-2004)

188 Manner of appointment.

The chief shall, from time to time, as the needs of the city may require, appoint from the approved applicants. If the name of the applicant has been on the approved list for more than six months, the applicant shall take and pass a new examination by the board of medical examiners before being appointed.

189 Members of force to be retained as long as they remain competent.

The members of said regular police force now serving, or who shall hereafter be appointed thereto, shall, after the expiration of the one-year probationary period above provided, and so long as they shall remain competent, efficient and capable in the performance of their respective duties be retained as such, subject to the rules and regulations adopted under Section 184 of this Charter and provided that any member may be removed for cause as hereinafter provided.

190 Chief may remove member for cause; hearing.

(a) Whenever it shall appear to the chief that any member of said force has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the chief by a responsible person against such member, the chief may investigate and, after appropriate notice an hearing, dismiss such member from the force, order a reduction in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the chief's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the charges being considered. In connection therewith, the chief shall have the power to subpoena witnesses and to administer the oath to such witnesses. The board of police commissioners shall hear any appeal filed in a timely manner with respect to such actions of the police chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such board of regulation. Following its consideration of any such appeal, the board may affirm, modify, or vacate the decision made by the police chief.

(b) Whenever it shall appear to the mayor that the chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the mayor by a responsible person, the mayor may suspend the chief from duty pending a hearing thereon by the city council. The city council shall forth with notify the chief of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the chief reasonable

notice of the same, not less than 48 hours, and the city council shall have the power to subpoena witnesses and to administer the oath to such witnesses.

(c) If, upon hearing, the city council shall find such complaints or charges to be well founded, it may dismiss the chief from the force, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this Charter as pertains to the removal of the chief.

(d) The chief may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the police department that may seem to the chief sufficient, suspend from duty without pay any member of the police force for a period not to exceed 14 days.

(Act No. M-14, § 7, approved 5-19-2004)

191 Political activity restricted.

No person while an officer or other member of the regular police force of the City shall publicly endorse any candidate for political office, serve as a campaign assistant on behalf of any candidate for political office or perform any public campaign activity on behalf of any candidate for public office for which Burlington voters are casting ballots. The foregoing shall not prohibit a police officer from voting in any election; or from expressing his or her views concerning any referendum question being considered; and shall not prevent a collective bargaining unit which represents police officers from endorsing candidates in elections, provided that no bargaining unit representative announcing such endorsement may do so while wearing a police uniform. No person shall be appointed to or retained in the department as a reward for political service rendered, nor in any manner be discriminated against because of his failure to render such service.

192 Authority to appoint; defined; powers.

(a) In addition to the regular police force hereinbefore provided for, the chief, with the approval of the board of police commissioners, may appoint for a term not to exceed one year, such limited and special police officers as he or she may consider desirable. Such appointments shall be revocable by the chief, without cause, with the approval of said board.

(b) The term "limited police officer" shall be construed to mean police officers appointed upon request for the protection of private property, and their appointment shall restrict their powers to a jurisdiction described as on or about designated premises. Limited police officers

shall receive no pay from the city. The term "special police officer" shall be construed to mean police officers appointed for special public service. A special police officer shall have the same general powers and authority as a regular police officer, and may receive pay from the city according to the service performed by him or her, except that he or she shall not receive pay for more than ninety days' service during any one fiscal year of the city unless he shall have been subject to the same conditions of appointment as are herein provided for regular police officers, or unless there shall exist a shortage of regular members of the police force and a lack of qualified applicants for appointment thereto.

193 Service and process; fees allowed.

All police officers shall have authority to serve anywhere within the state and return process in criminal causes returnable within the city; and for such duties there shall be taxed and allowed the fees provided by law for a sheriff, for similar services, which fees shall belong to the city, to be paid into the city treasury whenever such policeman shall be under pay from the city.

194 Police to have same powers as constables; jurisdiction limited.

The said police officers shall have the power of constables in all matters arising under the criminal and police laws of the state and the ordinances and police regulations of the city, except that the jurisdiction of the limited police officer shall be restricted as set forth in section 192 of this Charter.

195 Compensation to be set by council.

The compensation of all police officers, including that of the chief of police, shall be fixed by the city council, and all fees accruing to them under the laws of the state or the provisions of this Charter shall belong to said city and shall be paid into the city treasury.

195a Authority of University of Vermont Police Officers.

University of Vermont Police Officers are hereby empowered to enforce City of Burlington municipal ordinances and to issue citations for the violation thereof.

(Act No. M-14, § 8, approved 5-19-2004)

196 Composition.

- (a) The board of fire commissioners shall consist of five legal voters of the city, to be appointed by the city council with mayor presiding to serve for three years and until their successors are appointed and qualified, except as herein otherwise provided.
- (b) The city council with mayor presiding shall also at the time of the commission appointments appoint up to five fire wardens. (Act No. M-7, § 2, approved 3-3-15)

197 Authority to establish rules and regulations for fire department.

The city council may make and establish all proper and necessary rules and regulations for the management and guidance of the fire department and for the control and regulation of the fire protection of the city.

198 Fire department; created; members; appointment.

There shall be a paid fire department for said city, which shall consist of the following members, to wit: One chief engineer, and such subordinate positions as the city council may authorize from time to time. The members of said fire department shall be employed by the chief engineer.

199 Department to be under supervision of chief engineer.

Said department shall be at all times under special and immediate care and practical supervision of the chief engineer, subject to the authority of the mayor as chief executive officer and the ordinances and orders of the city council.

200 Powers of fire commissioners.

The board of fire commissioners may exercise such of the referenced powers relating to the fire department as may be delegated from time to time by resolution of the city council.

201 Powers relating to fire department.

The city council shall have full power to try and determine all complaints against any member of said department, and to remove them, or any of them summarily, or on conviction of insubordination, neglect of duty, incompetency or violation of the rules, regulations or ordinances governing said department. The city council shall also have the power, upon the

recommendation of the chief engineer, to make such changes in the positions held by any member of the department, either to remove him or her or place him or her in a subordinate position, as they may deem for the best interests of the department.

202 Political activity restricted.

No person, while an officer or other member of the fire department of the City, shall publicly endorse any candidate for political office, serve as a campaign assistant on behalf of any candidate for political office or perform any public campaign activity on behalf of any candidate for public office for which Burlington voters are casting ballots. The foregoing shall not prohibit a fire officer from voting in any election; or from expressing his or her views concerning any referendum question being considered; and shall not prevent a collective bargaining unit which represents fire officers from endorsing candidates in elections, provided that no bargaining unit representative announcing such endorsement may do so while wearing a fire uniform. No person shall be appointed to or retained in the department as a reward for political service rendered, nor in any manner be discriminated against because of his failure to render such service.

203 Commissioners to manage parks; composition of board.

The public parks of the City of Burlington now in existence, and those which may hereafter be established, together with all park property which may be acquired and all public recreational activities hereafter sponsored by the city, shall be under the management, care and control of the city council. The parks and recreation department may likewise co-sponsor recreational activities with other public and/or private agencies. The city council may by resolution delegate any of the powers relating to parks and recreation to the board of parks and recreation commissioners. The board of parks and recreation commissioners shall consist of seven (7) legal voters of said city, to be appointed as hereinbefore provided.

(Act No. M-18, § 2, approved 3-1-16)

204 Records to be kept; annual reports to city council required.

The parks and recreation department shall keep an accurate record and books of account, and shall annually transmit to the city council a full and detailed report and statement of all its acts and doings, together with a complete and itemized account of all receipts and disbursements. The books of account and records of the department shall, at all times, be open to inspection and subject to an annual audit by the proper municipal officer.

205 Parks and recreation department; appointment of superintendent and engineer.

The superintendent shall prescribe and assign the respective duties, powers and authority, and shall, subject to the approval of the city council, fix and regulate the compensation to be paid to the several persons so employed. The superintendent shall have the special and immediate care and practical supervision of the parks and recreation department, subject to the authority of the mayor as chief executive officer and the orders and ordinances of the city council.

206 Establishment and maintenance of athletic activities authorized; charging admission fees permitted.

Said department may establish, manage and promote athletic and recreational activities in the parks and other appropriate buildings and places; and in the management and promotion thereof, said department may, subject to the approval of the city council, charge admission and/or user fees, which fees shall be used by the department first, in defraying the expenses of such activities, and any excess in the amount of such fee after such expenses are paid shall be used by the department in the maintenance and improvements of the city parks and recreational program.

207 Authorization to establish and alter rules for park operation.

The city council shall have power to make and alter from time to time, all needful rules and regulations for the maintenance of order, safety, and decency in said parks and for said recreational program and to fix penalties for disobedience thereof; which rules and regulations shall have the force of ordinances of the City of Burlington; provided, that no such rule or regulation shall be of any effect unless it shall have been first published in full in one or more of the daily newspapers published in Burlington, and also printed and made available for inspection at the office of the superintendent. Any member of the police department may arrest, without warrant, in any such park or places, any person who has broken any park or recreational rule or committed any other offense in a park or place of public recreational activity.

208 Determination of location of sewers, water pipes, wires, etc.

The city council shall have sole power to determine the places in said parks where sewers, gas and water pipes shall be laid; and no trench, for these purposes, shall be opened until the city council has designated the location of the same and given permission in writing. No telegraph, telephone, or electric light wires, or other wires, or posts or supports therefor, shall be erected in, upon, through, or over said parks without the consent in writing of the city council, who shall designate the place and manner of maintaining the same, to be altered at such time and in such manner and under such conditions as the city council shall deem best.

209 Regulation of planting and care of trees in parks.

The city council shall have authority to direct and regulate the planting and preservation of shade and ornamental trees and shrubbery, in the streets, and in the public grounds of said city; and to appoint a city forester to superintend and regulate the planting and culture of such trees and shrubbery in said streets and public grounds, and to perform such other similar duties as may be prescribed. The city council is also authorized to enact such rules and regulations as it may deem proper to carry out the purposes of this article. It shall have general care of all shade and ornamental trees and the shrubbery growing in the streets and public grounds of said city, and may direct the removal of any that it may deem detrimental or undesirable. No shade or ornamental trees growing in the streets and public grounds of said city, shall be destroyed or removed except by leave in writing, first obtained from the city council.

210 Direction that trees be planted along public grounds and assess abutting land.

The city council may in its discretion, cause suitable shade trees to be planted along and upon any street or any portion thereof, and upon any public grounds in said city; and may cause to be assessed upon the piece or parcel of land abutting upon such street or public grounds, and benefited by such improvement, the cost of purchasing and planting such trees. The sum so assessed shall not be greater than the amount actually expended for the purchase of such trees and the expense of planting, with an additional sum of twenty percent of that amount; and any trees that may die within three years after having been so planted, shall be replaced by the city council without additional assessment. The city council shall by resolution direct the amount to be assessed against each piece or parcel of land; and such assessment shall be collected and the payment thereof enforced, with, and in like manner as state, county, and other taxes are collected, and the payment thereof enforced, and such assessments when collected by the chief administrative officer, shall be placed in the park fund.

211 Authority to regulate parking.

The city council shall have control of the parkings upon each street of said city, including the right to permit, regulate or prohibit the placing of signs within and upon said parkings. Said parkings shall be understood and held to be the space between the curb or gutter and the street line on each side of the street, except so much thereof as may be occupied by publicly owned and maintained sidewalks. The city council shall also have control of these areas in the center of streets not used for traffic. In case said parkings are not properly cared for by the owners of the property abutting thereon, the city council may, in its discretion, and shall, upon petition of the majority owners of the abutting property on such street or any block or blocks upon such street, cause such parkings to be properly cared for, the grass cut, weeds destroyed, and such work done as they deem necessary; and the cost of doing such work shall be assessed upon abutting property, as provided in the preceding Section. Provided, however, that nothing in this Section shall interfere with the necessary work of the city in its work on the streets, curbing, sidewalks or in making sewer connections in any such streets, or of the city in making or repairing water connections.

212 Authority to declare weeds, underbrush, etc., a nuisance and direct removal.

The city council shall have the power and authority to declare weeds, underbrush, or any unsightly or detrimental growth on any lot of land adjacent to any park or street in said city, a nuisance. It may notify the owner or owners of such land to remove or abate such nuisance; and if, upon reasonable due notice, such owner or owners fail to remove or abate such nuisance, then the city council shall have the right and authority by its superintendent and employees to enter upon such land and remove or abate such nuisance; and the city council shall have authority to assess the cost of so doing upon the owner or owners of said land, and such assessment may be collected and enforced as provided in the second preceding section of this Charter.

213 Issuance of bonds to provide funds for parks authorized.

For the purpose of providing necessary funds for the purchase or improvement of lands for park and recreational property, the City of Burlington is hereby authorized and empowered to issue its bonds in such manner and form as shall be determined by the city council of said city. On request of the board of park and recreation commissioners, duly made in writing, the mayor of said city shall call a meeting of the qualified voters of the city and submit to them the proposition to issue bonds of the city, the proceeds of the sale of which shall be

exclusively applied, under the direction and at the discretion of the board of park and recreation commissioners, to the acquisition and improvement of land and facilities for public parks and recreational programs, but the said board shall make no contract of expenditure thereof involving liability to the City of Burlington exceeding the amount of the bonds thus issued. Such meeting shall be conducted, and the result determined, as in other city meetings.

214 Bills and expenses to be approved.

All bills and expenses for parks and recreation purposes shall be approved by the city council and the mayor's warrant drawn upon the chief administrative officer for the payment of the same.

215 Definition of "park property".

The term "park property" includes all parks, squares, and areas of land within the management of said board; and all buildings, improvements, walks, drives, trees, plants, flowers and other things thereon, and enclosures of the same; and all shade trees, shrubs or plants on streets or thoroughfares; resting places, public grounds or the like; and all birds, animals or curiosities, or objects of interest or instruction; all tools or implements placed in or on any such enclosure.

216 [Reserved.]

217 Condemnation of land for park and/or recreational purposes authorized.

The city council, on behalf of the City of Burlington, shall have power to take by condemnation land for park and/or recreational purposes; and if the city council cannot for any cause agree with the owner or owners of any land, which it shall decide to take for public park and/or recreational purposes, as to the necessity of taking such land, the damages sustained by the owner, or the compensation to be paid therefor, the same proceeding shall be taken as required by law for establishing highways.

218 Composition; appointment; terms.

The board of cemetery commissioners shall consist of five legal voters of said city, who shall be appointed by the city council with mayor presiding to serve for the term of three years and until their successors are appointed and qualified, except as herein otherwise provided.

219 Duties.

The city council shall have such authority and responsibility relating to the management of the cemetery department, its services and facilities, as provided by the general law of this state respecting cemeteries. The city council may by resolution delegate all or a portion of such authority and responsibility to the board of cemetery commissioners. The superintendent of the cemetery department shall have the practical care and immediate supervision of the cemetery department, but shall be subject to the authority of the mayor as chief executive officer and to the orders and ordinances of the city council.

220 By-laws and regulations of board to have force of ordinances.

The by-laws and regulations made by said board as provided by law shall, when approved by the city council, and published as herein provided for ordinances, have the force of ordinances of said city.

221 [Reserved].

222 Duties.

The director of public works shall have general management and control of the city water works, water pollution control plants, and solid waste disposal facilities as assigned by the mayor or by resolution of the city council, subject to any limitation and restriction contained in this Charter.

223, 224 [Reserved].

225 Powers of board.

- (a) The city council shall, in addition to the other powers granted to it under this Charter, have power to make all necessary repairs, extensions or improvements to said works, and to provide new supply pipes within the city.

(b) The city council may pledge the credit of the city and incur obligations to be paid in installments over a period of years and only from revenues of the water division of the public works department to pay the cost of such improvements and additions to the property and equipment of the water division of the public works department as, in the judgment of the city council, the interests of the city require to be made and, for the purpose of paying such costs, may pledge, assign, or otherwise hypothecate such portion of the net earnings or profits of the water division of the public works department from year to year as may be required to pay such installments, and the city council shall authorize and direct the execution and issuance of such contracts and evidences of indebtedness as may be necessary to so pledge the credit of the city for the payment of such obligations in such installments from the net earnings of the water division of the public works department, such contracts and evidences of indebtedness to be in such form and to contain such provisions and to be executed by such officers as the city council may by resolution provide, provided, however, that all such obligations and all installments thereof shall be payable only from the net earnings or profits of the water division of the public works department and shall not constitute an indebtedness of the city or impose an obligation or liability upon the city to pay the same from any funds of the city other than such net earnings or profits, and in case revenue bonds of the city are issued for such obligations, the same shall not be subject to the bonding limit provided by law.

(c) The city council shall also have all the powers and duties of sewage disposal commissioners under the provisions of Chapter 101 of 24 V.S.A.

226 Composition; appointment; term.

The board of light commissioners, which board may also be properly referred to as the board of electric commissioners, shall consist of five legal voters of said city, who shall be appointed by the city council with mayor presiding to serve for the term of three years, and until their successors are appointed and qualified, except as herein otherwise provided.

227 Superintendent/general manager; duties.

The superintendent/general manager shall have the special and immediate care and practical supervision of the said electric light plant and city property in connection therewith, but shall at all times be subject in respect thereto, to the authority of the mayor as chief executive officer and to the orders and ordinances of the city council. Subject to the foregoing, the superintendent/general manager may execute and issue on behalf of the city and the electric light department drafts, checks and/or other negotiable orders for the payment of the bills

and charges of the department provided that any such payment shall be made exclusively from the revenues of such department.

228 Powers of city.

(a) The city shall have power to purchase, hire, construct or otherwise acquire, or acquire an interest in, to maintain, operate, and to sell, lease or otherwise dispose of any plant or system, located within or outside the state, for the production, distribution, purchase or sale of electricity, to extend, enlarge or improve the same and for that purpose to purchase, hire, construct or otherwise acquire any real or personal property. These powers may be exercised through a taking by eminent domain in the manner prescribed by law except that the city shall have no power to acquire timberlands or other fuel sources by eminent domain. The city shall also have the power to purchase, sell and otherwise acquire and dispose of electricity including sale to electric distribution companies, cooperative, municipal and privately owned, within or without the state and to make all agreements, conveyances and regulations necessary or convenient in connection therewith; all of the foregoing powers to be in addition to and not in substitution for or in limitation of any other power conferred by law. Such plant or system may include facilities described in No. 298 of the Acts of 1953 as amended.

(b) The city council shall exercise the powers of the city with respect to its electric plant. The city council may by resolution delegate any of its powers relating to the electric plant, improvements thereto or electric service to the board of light commissioners.

229 Authority to create; powers and duties.

The City Council may by ordinance provide for the creation and maintenance of a Harbor Commission or a single Harbor Commissioner, and for the appointment of a Superintendent of Harbors, and define and prescribe their powers and duties in regard to the supervision, control, and regulation, within the jurisdiction of the City, of harbors, public and private wharfs, docks, and piers, and the waterfront within the City on Lake Champlain, under any and all lawful regulations and ordinances that may be made and enacted, and may fix the time of the appointment of such officers and their terms of office, and such officers shall receive such compensation as may be voted them by the City Council.

(Act No. M-15, § 2, approved 3-4-14)

230 [Reserved].

231 Power and duties.

The city council shall have the exclusive general management and control of the work on the city streets, sidewalks, sewers and bridges and shall see that the same are properly constructed and kept in repair, and shall have the same powers in respect to repairs of streets and highways as road commissioners in towns; the city council shall, when the public good requires, cause all streets and highways to be worked and graded the entire width thereof and made in such a manner as will in the judgment of the city council best accommodate the public; and shall be subject in all respects to any limitations or restrictions contained in the ordinances, regulations and orders of the city council; but shall have no power to spend any money or incur any debt beyond the amount of the appropriations made by the city council.

232, 233 [Reserved].

234 Power to lay out, alter, discontinue, etc.

The city council, except as herein otherwise provided, shall have the same power to lay out, alter, resurvey and discontinue streets and highways as is vested by law in selectmen of towns; and all proceedings in respect to laying out, altering, resurveying and discontinuing streets and highways in said city shall be had in the same manner as provided by the law of this state in respect to such matters in towns.

235 Council may lay out certain streets; owners' petition.

Streets and highways in said city of less than three rods in width may be laid out, opened, accepted, established and maintained whenever the city council shall so provide by resolution or ordinance; provided the owners of a majority of the frontage on such street or highway shall file their petition therefor in writing with the chief administrative officer of said city.

236 Prior actions regarding streets ratified.

All streets or highways in said city of less than three rods in width heretofore deeded or dedicated to said city for public highways and heretofore accepted; and all such streets or highways laid out or opened by it, are hereby declared to be legal streets and highways; and

all acts, votes and resolutions of said city in respect thereto are hereby declared to be legal and valid.

237 Rights of property owners.

If any person owning or interested in lands through which a street or highway in said city is laid out, altered, or resurveyed by said city council, is dissatisfied with the laying out, altering or resurveying of said street or highway, or with the compensation awarded for his damages, or in case no damages are awarded him, he may have the same proceedings in respect thereto, as if such street or highway were laid out, altered or resurveyed in any town in this state; and such proceedings shall be conducted in the same manner and shall have the same effect as provided by law in case a highway is laid out, altered or resurveyed in any town in this state; except that no person by reason of being a resident or taxpayer in said city shall be disqualified to act in such proceedings as a commissioner appointed by the county court.

238 Rights of property owners when street discontinued.

In ease the city council shall decide to discontinue any street or highway in said city, any person owning or interested in the lands abutting said street who is dissatisfied with such decision may, within sixty days thereafter, institute proceedings which shall have the same effect, be conducted in the same manner and subject to the same conditions and provisions as if such person were dissatisfied with the laying out, altering, or resurveying of any street or highway in said city.

239 Power granted.

Said city council in laying out or altering streets and highways shall have power, on giving twelve days' notice of the time and place of hearing to the parties interested, to assess the owners of lands adjoining such street or highway so much of the expense of opening, making or altering such highway, including land damages as the city council shall adjudge such lands will be benefited thereby.

240 Estimation of probable expenses authorized.

If the street or highway shall not have been at the time of making such assessment actually opened, made or altered, as the case may be, the city council shall estimate the probable expense of such opening, making or altering, and make the aforesaid assessment upon such estimate.

241 Decisions regarding assessments to be recorded.

In making assessments as aforesaid, the city council shall set forth in its decision touching the laying out, altering or resurveying of any street or highway in said city a full description of all assessments by it made and of the lands so assessed, and shall cause such decision to be recorded in full by the chief administrative officer in the records of streets and highways in the chief administrative officer's office; when said decision is so recorded, the amount so assessed shall be and remain a lien in the nature of a tax upon the lands assessed, until the same shall be paid, or said lien is otherwise discharged by operation of law.

242 Proceedings for objections to assessment.

In case the city council shall assess any lands through which a street or highway shall be by it laid out, altered, or resurveyed as provided in the preceding sections, any person owning or interested in such lands who is dissatisfied with the amount of assessment so made against said lands, may have the same proceedings for relief in respect to such assessment as if such person were dissatisfied with an award of damages in the case of laying out, altering or resurveying a street or highway in said city.

243 Assessment lien suspended until final determination.

The pendency of such proceedings shall not vacate the lien created upon the lands assessed as aforesaid by city council, but shall suspend the same until the final determination of such proceedings.

244 Petition for relief not to delay opening or altering of street.

When the petition in such proceedings shall only pray for relief in the matter of such assessment, the opening, making or altering of any street or highway shall not be thereby delayed.

245 Copy of final determination to be recorded; assessment to become lien.

When the proceedings instituted as aforesaid by any person dissatisfied with such assessment shall be finally determined, a duly certified copy thereof shall be duly recorded by the chief administrative officer in the records of streets and highways in said chief

administrative officer's office, within twenty days after the final determination of such proceedings. The amount assessed in such proceedings shall be and remain a lien in the nature of a tax upon the lands so assessed until such assessments are fully paid to the chief administrative officer of said city. In case no assessment shall be made in such proceedings, such records shall discharge said lands from all liens created by the assessments thereon made by the city council as aforesaid.

246 Warrant to be issued upon failure to pay assessment; collection.

If the owner of any lands assessed as hereinbefore provided shall neglect to pay to the chief administrative officer the amount of any such assessment for ninety days after the final record in the matter of making such assessment shall have been made in the records of said streets and highways in the chief administrative officer's office, the chief administrative officer shall issue his or her warrant to the constable of said city for the collection thereof; and said constable shall have power on such warrant to distrain and sell at public auction so much of the goods and chattels of such owner, and for want thereof so much of said lands so assessed as will satisfy said assessment and all legal fees and shall be entitled to the same fees on such warrant as collectors of town taxes on tax warrants, and the chief administrative officer shall proceed in the same manner as collectors of town taxes are required by law to proceed in selling goods and chattels or real estate at auction for the collection of taxes, except that the chief administrative officer shall have no right on such warrant for want of goods and chattels of such owner to arrest the owner and commit him or her to jail.

247 Court to have jurisdiction to determine questioned assessments.

In all cases in which proceedings are instituted in the county court within and for the County of Chittenden by any person who is dissatisfied with the laying out, altering, or resurveying of any street or highway in said city, the question of assessment upon the owners of adjoining lands shall also pass to the county court, and shall be referred to and reported upon, by the commissioners thereby appointed; and said question of assessment shall be determined by said court.

248 Establishment and maintenance authorized; assessments.

The city council is authorized, to establish, construct and maintain public sewers in said city; and it may assess the owners of land or buildings adjoining or abutting said streets or any portion thereof, in which such sewers may be established, so much of the expense of constructing such sewers as it shall adjudge such land or buildings to be benefited thereby;

but in no case shall the expense of construction of any such sewer be assessed against the abutting owner on either side of any such street or any portion thereof in excess of one-fourth of such expense and the city shall pay one-half of such expense; provided that all sewer assessments heretofore made shall remain in full force and effect until paid or abated.

249 Establishment and construction through private lands authorized.

The city council is also authorized and empowered to establish, construct and maintain public sewers in and through the lands of individuals and corporations, on making compensation for lands taken therefor, in the same manner as provided by law in the laying out and establishing of highways.

250 Assessment of landowners authorized.

The city council may assess the owners of lands through which such sewers may be established and constructed, in the same manner and to the same extent as hereinbefore provided in respect to public sewers established and constructed in the streets of said city.

251 Assessment proceedings and rights.

The same proceedings shall be had in respect to such assessments, and the same rights shall exist, as in case of the laying out and establishing of streets and highways; and the same lien shall attach and be enforced in the same manner as provided in this Charter in respect to assessments upon adjoining landowners in case of laying out or making streets and highways.

252 Required; contents.

Whenever, under the provisions of this Charter, the city council is required to give notice of the time and place of any examination or hearing before it, touching the laying out, altering, or discontinuing of any street or public highway in said city, or the award of any damages or the making of any assessment therefor, and in all cases of assessments for sewers, curbing and sidewalks in said city, a citation shall be issued, signed by the city council and containing the names of all persons to whom notice is to be given.

253 When given.

Such citation shall be made at least twelve days prior to the time appointed for such examination or hearing, except when otherwise specially provided in this Charter.

254 Acceptance of service.

Service of such citation may be accepted by any or all persons therein named, by endorsing their acceptance in writing thereon.

255 Manner of serving.

Such citation may be served by any sheriff or constable in this state upon any person therein named residing or being in this state, in the same manner as an ordinary writ of summons.

256 Service on nonresidents.

Such citation may be served by such sheriff or constable upon a person not an inhabitant of this state by leaving a true and attested copy of said citation with his or her return thereon endorsed, with, or at the residence of, his or her known agent or attorney, if he or she has one in this state; and if not, with, or at the residence of, the occupant of the land to which such hearing may appertain. If there is no such occupant, then such copy of said citation shall be by said sheriff or constable left at the office of the chief administrative officer of said city for such persons so owning or interested in such land.

257 Chief administrative officer to mail copy of citation to last known address of nonresident.

Said chief administrative officer shall mail to the last known post office address of such person, in a registered package, a true and attested transcript of such copy so left with him or her, which shall be certified by him or her under the seal of said city. Said chief administrative officer shall certify under the seal of said city all the chief administrative officer's doings touching said copy so left with the chief administrative officer by said sheriff or constable and shall attach to said certificate all registry receipts pertaining to such copy received by the chief administrative officer.

258 Return of citation prima facie evidence of service.

The return of such sheriff or constable upon the original citation, and the certificate of such chief administrative officer and said receipts, shall be *prima facie* evidence of the service of said citation as herein provided. Said citation and return thereon, with said certificate of said chief administrative officer and said receipts, shall be made a part of the record of said proceedings and shall be filed in the office of said chief administrative officer.

259 Proceedings to be postponed until all interested parties notified.

If at any stage of the proceedings before the city council, or in any proceedings subsequent thereto, it shall appear that any person owning or interested in such lands shall not have been duly notified, the city council shall cause a citation to be served upon said persons not notified as herein provided, and shall cause said proceedings to be postponed to such time as will permit such citation so issued to be served in the manner provided herein for the service of original citations in such matters. Commissioners appointed by the county court or by a justice of the peace or agreed upon between the parties shall have the same power to issue citations that the city council has, which citation shall be served in the same manner as reissued by the city council.

260 Manner of giving notice to additional interested parties.

Said city council or tribunal before which such proceedings are pending may cause such further notice to be given by citation, publication, or in any other manner prescribed by it in an order for that purpose. A copy of such order, citation, notice of publication or other notice which shall have been delivered to such landowner in person and verified by the affidavit of the person delivering the same, shall be *prima facie* evidence of such further notice.

261 Proceedings not to be voided for failure to give notice.

No proceedings instituted by the city council under said citation, nor any proceedings subsequent and pertaining thereto, shall be void on account of any failure to give notice to any person or persons interested therein or shall for that reason be dismissed, but such proceedings shall be suspended till such person or persons are duly notified; whereupon the same proceedings shall be had in the same manner and with the same effect as if such person had been duly notified by the original citation. If the person so notified shall appear, he or she may be heard upon all matters therein pending in which he or she is interested.

262 City council may order improvements upon petition of owners.

Whenever the owners of the greater part of the lands or buildings abutting upon any street, lane or alley, or part thereof in said city, shall present their petition in writing to the city council, praying that such street, land or alley, or part thereof as specified be graded, paved, or macadamized, curbed and guttered, and that a sidewalk or the sidewalks thereof be constructed or repaired, or paved or laid with flagging or such other material as may be ordered by the city council, or that either one or more of such improvements be made, the city council may order and direct that such improvements be made.

263 Authorization to make improvements without petition; assessment of costs.

The city council shall have power, without such petition, to make one or more of the improvements above specified, and to assess against the owner or owners of the lands or buildings abutting upon such street, lane or alley, and adjoining the part where such improvements shall be made, whether made upon petition or otherwise, so much of the cost and expense of making such improvements as it shall judge such lands or buildings to be benefited thereby; but in no case shall the cost and expense of making such improvements be assessed against the abutting owner on either side of any such street or portion thereof in excess of one-half of such cost and expense in the construction of sidewalks, or in excess of one-fourth of such cost and expense in the making of any of the other improvements specified in the preceding section and the city shall pay one-half of the cost and expense of all improvements therein mentioned; provided that all assessments for street improvements heretofore made shall remain in full force and effect until paid or abated.

264 Notice of hearing.

Said assessments shall be made upon giving to the parties interested twelve days' notice of the time and place of hearing, in the manner herein provided in respect to laying out or altering highways.

265 Statement to be made.

The city council shall make a statement of all assessments, describing the lands or buildings assessed and forthwith cause the same to be recorded in the chief administrative officer's office, and when so recorded such assessments shall be and remain a lien in the nature of a tax upon the lands or buildings so assessed until the same shall be paid, and shall have precedence over all other liens except ordinary taxes.

266 Chief administrative officer to record assessments; notification of owners.

It shall be the duty of the chief administrative officer to collect such assessments, as soon as may be after he shall have recorded the same. The chief administrative officer shall thereupon forthwith notify in writing the owner or owners of lands or buildings so assessed, their agents or attorneys, stating therein the amount of such assessments.

267 Deadline for paying.

All such assessments shall be paid to the chief administrative officer within ninety days after the same shall have been filed for record in the chief administrative officer's office.

268—275 [Reserved.]

276 Composition; terms; powers; airport management.

(a)(1)(A) The Board of Airport Commissioners of the City of Burlington shall consist of five legal voters of said City to be appointed by the City Council with Mayor presiding to serve for three years and until their successors are appointed and qualified.

(B) In addition, so long as the public aviation field and municipal airport is located within the limits of the City of South Burlington, the Board of Airport Commissioners shall likewise consist of one legal voter of said City of South Burlington to be appointed by the governing body thereof to serve for three years and until a successor is appointed and qualified.

(C) In addition, the Board of Airport Commissioners shall likewise include one legal voter of the City of Winooski to be appointed by the governing body to serve for three years and until a successor is appointed and qualified.

(2) The city council shall have the exclusive general management and control of all lands owned or leased and used by the city for the purpose of a municipal airport, and of all buildings, property and equipment of the city thereon, and shall see that the same are kept in good condition and repair.

(3) The city council may by resolution delegate any of its powers relating to the airport to the board of airport commissioners.

(b) The city council shall have power to make and alter from time to time, all needful rules and regulations for the maintenance of order, safety, and decency within the boundaries of said airport and to fix penalties for disobedience thereof; which rules and regulations shall have the force of ordinances of the City of Burlington; provided, that no such rule or regulation shall be of any effect unless it shall have been published in full in one or more of the daily newspapers published in Burlington, and also printed and posted in conspicuous places within the limits of the property to which such regulation is intended to apply.

(c) The director of aviation shall have special and immediate care and practical supervision of the airport department subject to the authority of the mayor as chief executive officer and to the orders and ordinances of the city. (Act No. M-7, § 2, approved 3-3-15; Act No. M-7, § 2, approved 2-14-22)

277 Composition.

The board of health shall consist of five legal voters of the city, one of whom shall be a health practitioner who is either a physician, a physician's assistant, or a registered nurse.

(Act No. M-11, Approved March 3, 2009)

278 Adoption of by-laws authorized; meetings.

The board may adopt such by-laws as they may deem wise for the regulation of the work of the board. They shall hold regular meetings at such times as they may determine. Special meetings may be called by the chairman or the clerk.

279 Local board to be in lieu of statutory board; general powers.

The board of health created in section 277 of this chapter shall be for the city in lieu of the local board of health provided for by the general laws of this state, and the board shall have the powers conferred by those laws, subject to the orders and ordinances of the city council.

(Act No. M-11, Approved March 3, 2009)

280 Designated.

The board of health shall, between the twenty-fifth day of June and the first day of July, 1949, and annually thereafter, with the approval of the city council, appoint a milk and food

inspector and an inspector of meat, whose terms of office shall begin on the first day of July and continue one year and until their successors are appointed and have qualified.

281 Board of health authorized to make rules and regulations.

The board shall make rules and regulations for the conduct of each of the above officers, and may prescribe rules and regulations for the sale of milk and cream, food and meat and for the installation and maintenance of plumbing equipment within the limits of said city, not inconsistent with law, and all such rules and regulations of said board, when the same are approved by the city council and duly published as herein prescribed for ordinances, shall have all the force and effect of ordinances of said city, with penalties for violation thereof as is hereinbefore provided.

282 Powers and duties of health officer.

The health officer shall have all the powers and perform all the duties conferred or imposed upon health officers under the general laws of this state, and such other powers and duties as may be presented by said board of health or by any ordinance or by-laws of said city.

283 Generally.

- (a) The board of health is hereby authorized to regulate and grant licenses for the selling or supplying of milk and cream within the City of Burlington, and no person shall sell or supply milk or cream within said city to be used by the inhabitants thereof unless he shall first have procured a license therefor from said board of health.
- (b) Before granting such license, said board of health shall make or cause to be made proper inspection of the cows producing said milk or cream, and of the barns and premises used in connection therewith, and of the places where said milk or cream is stored or kept for sale.
- (c) Each license shall state the dairies from which the licensee is authorized to sell or supply milk or cream under this section, and no licensee shall sell or supply milk or cream within the City of Burlington produced from any other dairy not specified in his license.
- (d) The board of health may issue from time to time to any licensee an additional license to sell or supply milk or cream from any dairy not specified in his license upon the terms and conditions hereinbefore prescribed.

- (e) No license tax shall be required of a person selling or supplying milk or cream in said city to licensed milk dealers who sell the same at retail.
- (f) A person who violates any provision of this section shall be subject to the penalties hereinbefore prescribed for a violation of a city ordinance.

TITLE VII. PENSIONS

284 Maintenance of retirement fund; retiring board; sources of retirement fund.

- (a) The retirement fund heretofore established shall hold the assets of the retirement system. From the same there shall be available pensions to employees, appointive officers and the mayor of the city, upon the terms and conditions prescribed in the Ordinance. The city council is hereby given authority and power to provide in the annual budget an appropriation to the fund, as may be necessary to meet the required demands thereunder. The retirement board shall consist of two (2) members appointed by the city council, one (1) class A member of the system elected by the class A membership, one (1) class B member of the system elected by the class B membership and the chief administrative officer as an ex officio member.
- (b) This fund shall be created from the following sources:
 - (1) The accumulated contributions deducted from the compensation of class A members as well as those contributions deducted from the compensation of class B members when class B membership contributions were required.
 - (2) The contributions of the city for benefits under the retirement system shall consist of a percentage of the earned compensation of members to be known as the "normal contribution" and an additional dollar amount to be known as the "accrued liability contribution."
 - (3) All interest and dividends earned on the fund.

285 Trustees of fund designated; powers; officers.

- (a) The members of the retirement board shall be the trustees of the fund, and may invest and reinvest the same in such securities and upon such terms and conditions as said board shall determine.

(b) The retirement board shall annually elect a chair from its members. All warrants on said fund shall be approved by said board, or a majority thereof, and signed by the chair and secretary of the retirement board.

286 Board of medical examiners-created; duties; composition; terms; compensation.

(a) There shall be maintained in said city a board of medical examiners of three members who shall perform such duties as may be required of them by the city council and retirement board.

(b) The city council shall appoint the members of the board of medical examiners. The services and expenses of said medical examiners shall be paid as directed by the city council.

287 Retirement generally.

(a) The retirement board may permanently retire any employee, appointive officer and the mayor who has reached age fifty-five with at least three years of service or who has become disabled. In the police and fire departments, the requisite age for retirement shall be forty-five with at least three years of service.

(b) Upon the retirement of any person, he or she shall be entitled to receive from the retirement fund an amount based upon the provisions found in the Retirement Ordinance. Any such pension may be increased by cost of living increases as provided for by the Ordinance.

288 Reexamination of person on retired list; reappointment, etc.

(a) Once each year during the first seven (7) years following disability retirement the retirement board may require any disability beneficiary who has not yet attained normal retirement age to undergo a medical examination by the board of medical examiners. Based upon the health status, training, education, background and job availability, the retirement board may reduce the disability benefit or stop it entirely.

(b) No disability pension shall be granted hereunder, in any case, without a report from the board of medical examiners.

289 Record of proceedings to be kept; report to city council required.

The secretary to the retirement board shall record the minutes of all retirement board meetings and furnish copies of these minutes to the city council. The financial information on the fund shall be published in the annual city report.

TITLE VIII. GENERAL PROVISIONS

290—297 [Transitional provisions. Not reproduced.]

298 [Reserved.]

299 Rights, duties and liabilities of city to remain as existing at time of organization.

The rights, duties and liabilities of the City of Burlington and of the Town of South Burlington, by reason of the conversion of the Town of Burlington into said two municipalities, shall remain as provided by section 31 of this Charter entitled "An act to incorporate the city of Burlington," approved November 22, 1864, and the agreement said city and town made by virtue of such section on the fifteenth day of March, 1865. All the books of record, papers and documents belonging to the Town of Burlington at the time the City of Burlington was organized shall continue to be deposited and kept in the office of the chief administrative officer of said city, copies of which, duly certified by said chief administrative officer, shall be legal evidence for all purposes for which they would have been evidence if said city had not been created, and they had been duly certified by the clerk of the Town of Burlington.

300 Copy of charter to be kept in office of chief administrative officer.

A copy of this Charter shall be kept in the office of the chief administrative officer of the City of Burlington to which shall be affixed a certificate under the hand of the secretary of state and the seal of the State of Vermont, that the laws therein contained are statute laws of the State of Vermont, and such certified copy shall be an authentic record of such laws.

301 Designation of chapter.

This chapter shall be designated as the charter of the City of Burlington.

302 [Repealed.]

303 Alteration, amendment or repeal of charter.

This charter may be altered, amended or repealed by the general assembly whenever the public good shall require.

304 Approval of section 102 by vote required.

The maximum school tax rate of one hundred twenty cents upon the dollar of the property grand list of the city, as provided for in section 102 of this Charter, shall, notwithstanding the provisions of section 102, be one hundred cents upon the dollar of said list, unless a majority of the legal voters of said city, present and voting thereon at the annual city meeting to be held on the first Tuesday in March, 1950, shall vote favorably upon the following question to be voted upon by ballot: "Shall the provisions of section 102 of the city charter providing for a maximum school tax of one hundred twenty cents upon the dollar of the property grand list of the city be approved?"

305 Approval of section 99 by vote required.

The limitation upon the tax provided by section 99 of this Charter for city purposes shall be two hundred cents upon the dollar of the property grand list, in the event that a majority of the legal voters of the City of Burlington present and voting thereon at the annual city meeting to be held on the first Tuesday in March, 1950, shall vote favorably upon the following question: "Shall the city council be authorized to assess annually upon the property grand list for city purposes a tax which shall not exceed two hundred cents upon the dollar thereof?"

306 Reserve fund of light department not to be increased without vote.

Notwithstanding the provisions of section 65 of this Charter, the special reserve fund of the light department therein provided for shall not be increased in any one year by more than ten percent of the net earnings of said department for the previous year, unless a majority of the legal voters of the city present and voting thereon at the annual city meeting to be held on the first Tuesday in March, 1950, shall vote favorably upon the following question, to be voted upon by ballot: "Shall the city council, with the approval of the board of light

commissioners, be authorized to increase the reserve fund of the light department by such part of the department earnings as it may deem advisable?"

307—320 [Reserved.]

321 Creation of downtown improvement district, church street marketplace district and marketplace.

(a) There is hereby created in the City of Burlington a special district to be known as the downtown improvement district, such district to be bounded by the shoreline of Lake Champlain on the west, the north property lines of properties fronting on Pearl Street on the north, the east property lines of properties fronting on South Winooski Avenue on the east, and the south property lines of properties fronting on Main Street to the intersection of Battery Street and then extending southerly to include properties fronting on Maple Street, on the south. The Church Street Marketplace District defined below shall also be included within the downtown improvement district.

(b) There is hereby created in the City of Burlington and within the downtown improvement district a special district to be known as the Church Street Marketplace District (district) which includes all of Church Street and the properties which have frontage thereon bounded on the north by the northernmost property line of properties bounded by Church and Pearl Streets, and bounded on the south by the southernmost property lines of properties at the northern corners of the Church and Main Street intersection, and more precisely shown on a plan entitled "Church Street Marketplace District" recorded with the chief administrative officer of the City of Burlington on June 27, 1979.

(c) The Church Street Marketplace (marketplace) shall be that section of the district now or hereafter under the direct control of the City of Burlington including but not limited to the Church Street right-of-way and adjacent sidewalks.

322 Establishment of commission.

There shall be maintained in the City of Burlington a Church Street Marketplace Commission consisting of nine legal voters of the State of Vermont, no fewer than five of whom must be legal voters of the city, who shall be appointed by the city council. On the first Monday in June, 1993, the city council shall appoint four commissioners, three for a three-year term and one for a four-year term.

- (1) On the first Monday in June, 1994, the city council shall appoint one commissioner for a three-year term and on the first Monday in June, 1995, the city council shall appoint two commissioners for three-year terms. On the first Monday in June, 1999, the city council shall appoint two commissioners for a two-year term. Thereafter, all appointments shall be for three-year terms and commissioners shall serve from the first day of July following their appointment and until their successors are duly appointed and have qualified.
- (2) Two members at all times shall be proprietors or managers of retail businesses which are within the Church Street Marketplace District and such members need not be residents of Burlington. Two members at all times shall be proprietors or managers of retail businesses which are within the downtown improvement district, with one of such members being located within the downtown improvement district but outside the boundaries of the Church Street Marketplace and such members need not be residents of Burlington.
- (3) The commission shall organize by the election of a chair and vice-chair and by the appointment of a clerk and a treasurer. The clerk shall keep a written record of the proceedings of the commission, such record to be the property of the city. The clerk need not be a member of the commission.
- (4) The manner of removal of commissioners and filling of vacancies shall be as provided in sections 129 and 130 of this chapter, and the commissioners shall, except as otherwise herein expressly provided, be subject to all other provisions of this chapter relating to public officers. (Act No. M-7, § 2, approved 3-3-15)

323 Expansion of church street marketplace district and/or marketplace.

- (a) Upon recommendation of a majority of the commission to the city council, the boundaries of the Church Street Marketplace district may be expanded. Said boundaries may be expanded only if all the following conditions are met:
 - (1) Notification of the consideration of the expansion is given in writing to all persons owning property in the contemplated area of expansion;
 - (2) A legally warned public hearing on the question is conducted;
 - (3) Two-thirds of the membership of the city council present and voting approve the extension; and

- (4) The expanded boundaries do not extend beyond the boundaries of the downtown improvement district above defined.
- (b) Upon advice of the commission to the city council, that section of the district now or hereafter defined as the marketplace may be expanded or not within the downtown improvement district, subject to the same restrictions listed under (a) above.

324 Purposes and powers.

- (a) The city council shall have authority and responsibility for the management of the Church Street marketplace district, its services and facilities. The city council shall have the responsibility to establish, improve and maintain a marketplace within the district.
- (b) In furtherance of its purpose, the city council shall have the following rights, powers and duties:
 - (1) To exercise the powers set forth in the first paragraph of section 231 of this Charter with respect to the marketplace; provided that, in relation to the electric light department, the commission shall have the same status as a private user;
 - (2) To acquire on behalf of the city by gift, purchase, exercise of the power of eminent domain, or otherwise, all types of interests in real property and rights-of-way which will become part of the marketplace to be used in connection therewith;
 - (3) To construct or contract for the construction of improvements of any kind or nature necessary or convenient for the establishment or operation of the marketplace;
 - (4) To pay, from the funds provided for herein, the whole or any portion of the cost of constructing and maintaining such improvements, including the cost of preliminary planning for the marketplace;
 - (5) To prohibit in whole or in part vehicular traffic, other than motor vehicle traffic on the marketplace, and to recommend to the public works commission the prohibition or regulation of motor vehicle traffic within the downtown improvement district;
 - (6) To recommend to the planning commission the imposition of restrictions on the height, use and exterior appearance, including restrictions on the use of signs, for buildings fronting on the marketplace; such restrictions to be imposed only after notice and public hearings and, except for the use of signs, such restrictions to be prospective in nature;

- (7) To make such improvements within the Church Street Marketplace district as are necessary or convenient to the operation of the marketplace;
 - (8) To enter into contracts in the name of and on behalf of the city with state or federal agencies, including without limitation the Chittenden County Transportation Administration, as may be necessary or convenient to carry out the purpose of this article;
 - (9) To lease space, including air rights, in, below and above the marketplace but only in compliance with section 55 of this Charter;
 - (10) To appoint such employees and agents as it may deem necessary or expedient for the operation of the marketplace. The director shall be appointed by the mayor in accordance with the requirements of section 127 of this Charter. The director shall have the special and immediate care and practical supervision of the marketplace, subject to the authority of the mayor as chief executive officer and the orders and ordinances of the city council;
 - (11) To enter into management and maintenance contracts to facilitate the carrying out of any of its powers and duties enumerated herein, such contracts to be, where the commission deems it appropriate and practicable, with operating departments of the city;
 - (12) To issue permits for various uses in the marketplace, and to adopt regulations and charge fees for such issuance;
 - (13) To charge rentals and fees for its services and for use of space in the marketplace;
 - (14) To receive and expend voluntary contributions for the carrying out of its purposes;
 - (15) To advertise and promote the marketplace and its activities pursuant to this section when the commission determines that such advertisement and promotion will promote the prosperity and general welfare of the citizens of the City of Burlington and of the state;
 - (16) To do all other things necessary or convenient to carrying out the purposes of this article. Nothing herein shall be construed to mean that the city council may interfere with or regulate the internal management of properties within the district.
- (c) The city council may by resolution delegate any of the powers relating to the downtown improvement district and the Church Street marketplace district to the Church Street marketplace commission.

325 Annual taxation for downtown improvement district; free parking for two hours in public lots and garages; annual budget of church street marketplace district.

- (a) The Church Street Marketplace commission shall annually recommend and the city council shall annually assess upon nonresidential properties (as defined in Sec. 81 hereof) located within the downtown improvement district a tax upon the dollar of the property grand list to be used for the herein enumerated purposes of the downtown improvement district, which tax shall not exceed \$0.12 unless a larger amount has been authorized by the city council upon affirmative recommendation of the Church Street Marketplace commission. The revenues from such tax will be utilized for the purpose of providing a parking program which shall include not less than two free hours of parking for anyone parking in any designated municipally or privately owned or operated parking garage or parking lot located within the downtown improvement district pursuant to regulations to be established by the public works commission.
- (b) Annual budget. The commission shall prepare a proposed budget for each fiscal year showing the proposed expenditures and anticipated receipts of such year. The estimated net cost of operation of the marketplace, after taking account of all anticipated receipts available to meet such cost, shall, on or before the fifteenth day of April, 1980, and annually thereafter, be reported to the mayor to be incorporated, with such changes as he or she deems expedient, into the annual budget to be submitted to the city council for the next fiscal year. In adopting an appropriation for operation of the marketplace, the city council shall not determine that any portion thereof be raised by the city tax levy.

326 Common area fees.

- (a) Common area fees are charges levied upon the owners of taxable properties located in the district which shall be used to defray the expenses incurred by the city in connection with the operation, maintenance and repair of the marketplace.
- (b) Any amount appropriated under section 325 of this Charter which is not anticipated from gifts, grants, voluntary contributions, and rentals and fees other than common area fees shall be raised by common area fees. The city council after not less than one duly warned public hearing shall propose standards to aid in the determination of the benefit described herein. The city council after public hearing and after considering the advice of the commission shall establish standards to aid in the determination of the benefits described herein and shall levy such common area fees upon such properties in the proportion that it judges such properties to be benefited by the construction and/or operation of the marketplace. An important but not necessarily exclusive factor in determining the extent to

which the fair market value of such property has been enhanced by virtue of the construction and/or operation of the marketplace. The amount raised by such assessments shall be appropriated to the Church Street marketplace district.

(c) The city council shall set such common area fees for the ensuing fiscal year no later than June 15 of each year, and in doing so shall have given twelve days' notice of the time and place of hearing to the parties interested and shall set forth in its notice a complete schedule of all common area fees set by it and of the properties so assessed. During the twelve days' notice period all parties so assessed, if aggrieved, may appeal, in writing, the assessment to the city council. The city council, immediately following termination of the twelve days' notice period and after soliciting the advice of the commission, shall make final determination of common fees and shall cause such decision to be recorded in full by the chief administrative officer; and when such decision is so recorded, the amount so assessed shall be and remain a lien in the nature of a tax upon the properties so assessed, until the same shall be paid, or such lien is otherwise discharged by operation of law. The city assessor, at the expense of the district, shall thereupon forthwith notify in writing the owner or owners of record as of April 1 of each year of properties so assessed, their agents or attorneys, stating therein the amount of such fees, and such fees shall be due and payable to the chief administrative officer in four installments, on the fifteenth day of August, November, March and June following the making thereof. Notice shall be deemed adequate if made by publication of notice not less than three times not less than five days nor more than twelve days preceding each installment date. Such notice may also be given by including such common area fees upon the property tax bill mailed to the owners of taxable properties within the district.

(d) [Reserved.]

(e) Any person owning or interested in properties so assessed who is dissatisfied with the amount of such fee shall have the right to judicial review of the city council's decision. Such review shall be initiated by first paying the first installment of the fee so assessed under protest and by filing a notice of appeal in the Chittenden Superior Court within twenty days following August 12 of each year. Notwithstanding the filing of a notice of appeal, all subsequent installments of such fee must also be paid under protest before the court shall have subject matter jurisdiction to render a judgment affecting any such installment. A copy of such notice of appeal shall be served upon the Burlington chief administrative officer. The proceeding before the superior court shall be de novo and the appellant may demand trial by jury. An appeal from the determination of the superior court may be taken to the Vermont Supreme Court, pursuant to the Vermont Rules of Civil and Appellate Procedure. The pendency of such proceedings shall not vacate the lien created upon the properties assessed. Should the court find that a common area fee assessed against an appellant to have been excessive, it shall order the excess payment to be refunded together with such interest thereon that it shall deem appropriate. When such proceedings shall be finally determined, a

duly certified copy thereof shall be duly recorded by the chief administrative officer in the records of streets and highways in said chief administrative officer's office, within twenty days after the final determination of such proceedings. The amount assessed in such proceedings shall be and remain a lien in the nature of a tax upon the properties so assessed until such assessments are fully paid to the chief administrative officer of the city. In case no assessment shall be made in such proceedings, such records shall discharge said properties from all liens created by the assessments thereon made by the city council as aforesaid.

(f) If the owner or owners of any property so assessed shall neglect to pay to the chief administrative officer any quarterly installment of such fee on the date such installment is due and payable, the amount of such installment shall be increased by a penalty of five percent. If such installment increased by the five percent penalty is not paid by the 15th day of the month after the date upon which it became due and payable, it shall be delinquent and the chief administrative officer shall increase the amount due by an additional one percent of the original installment. On the 15th day of every month thereafter that the installment or any part thereof remains due, the chief administrative officer shall add to the total amount due an additional amount equal to one percent of the original installment, or any portion thereof, remaining unpaid. The chief administrative officer shall issue a warrant for the collection thereof. The amount due from any person against whom a common area fee has been assessed shall thereafter be deemed to be the amount of any such installment or delinquent portion of such original common area fee increased by all penalties and interest accruing thereon to date and also twelve percent interest, compounded annually on all of such delinquent amounts and any penalties and interest added thereto, from the date of such warrant. The city shall proceed to collect the same in the manner prescribed in this Charter for the collection and enforcement of assessments made in laying out or altering streets and highways.

(g) The mayor, two members of the city council and two members of the commission, on appointment of the city council, shall constitute a board for the abatement of assessments whenever the same are illegal or in the judgment of the board cannot be collected or are manifestly unjust.

(h) Meetings of such board shall be convened in the manner herein prescribed for calling special meetings of the city council; and notice thereof signed by the mayor or chief administrative officer, and shall be given to all persons paying common area fees by the publication of notices for two days in all the daily newspapers printed in the city, the first of which publication shall be not more than ten days, and the last not less than three days prior to said meeting. Whenever any common area fee, or any part thereof, is abated, the chief administrative officer shall make a minute of such abatement on the original assessment on file in his or her office on the margin of the record thereof.

327 Powers supplemental; construction.

- (a) The powers conferred by sections 321 through 326 hereof are supplemental and alternative to other powers conferred by law, and these sections are intended as an independent and comprehensive conferral of powers to accomplish the purpose set forth herein.
- (b) The provisions of these sections shall be liberally construed in order to effect their purpose.
- (c) If any provision of these sections shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.
- (d) These sections shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of these sections, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

328—329 [Reserved.]

330 Board of tax appeals.

A board of tax appeals, constituted in the manner set forth in section 91 of this Charter, is created. The board shall have the same duties and proceed in the same manner to hear and determine tax appeals as a board of civil authority under subchapter 1 of Title 32 of Vermont Statutes Annotated except as otherwise provided in this Charter. Appeals from decisions of the board of tax appeals or from the board of civil authority as referenced in section 92 of this Charter shall be controlled by subchapter 2 of Title 32 of Vermont Statutes Annotated, except that the city assessor may appeal subject to the approval of the city board of finance. The board shall organize each year by the election of a chair, vice-chair and clerk. The manner of removal of board members and filling of vacancies shall be as provided in sections 129 and 130 of this Charter and the board members shall, except as otherwise herein expressly provided, be subject to all other provisions of this Charter relating to public officers.

331 Creation of community and economic development office.

There is hereby created in the City of Burlington a community and economic development office.

332 Purposes and powers.

- (a) Subject to the orders and ordinances of the city council, the community and economic development office shall develop and implement a comprehensive community and economic development strategy.
- (b) In furtherance of its purpose, the community and economic development office shall, subject to the orders and ordinances of the city council, have the following rights, powers and duties:
 - (1) To work on behalf of the City to stimulate investment, and to attract, retain, and encourage the development of both existing and new economic enterprises.
 - (2) To develop, coordinate, implement, and administer economic and community development strategies and projects for the City.
 - (3) To develop, coordinate, implement, and administer a comprehensive program to address the City's housing needs.
 - (4) To develop, coordinate, implement, and administer waterfront development activities other than those activities which the Planning Commission and the city council must exercise under the Vermont Planning and Development Act.
 - (5) To recommend to the city council, and to solicit on behalf of the city council, grants-in-aid funds for the City.
 - (6) To administer Community Development Block Grants and Urban Development Action grants and to manage such grants-in-aid programs in accordance with the laws and regulations pertaining thereto.
 - (7) To coordinate and facilitate citizen participation in economic and community development with community organizations, City commissions, and the Neighborhood Planning Assemblies.
 - (8) To do all other things necessary or convenient to carry out its purposes in accordance with Vermont Statutes Annotated.

333 Department to be under supervision of director.

The management, direction and control of the community and economic development office shall be vested in the director, subject to the orders and ordinances of the city council.

334—350 [Reserved.]**351 Creation of Burlington City Arts.**

There is hereby created in the City of Burlington a Burlington City arts office.

352 Purposes and powers.

- (a) Subject to the orders and ordinances of the city council, Burlington city arts shall develop and implement a strategy to enhance the cultural enrichment of the people of the greater Burlington area.
- (b) In furtherance of its purpose, Burlington city arts shall, subject to the order and ordinances of the city council, have the following rights, powers and duties:
 - (1) To plan, develop, coordinate, implement and administer a broad spectrum of high quality arts programming and services that is accessible to all sectors of the community regardless of economic, social or physical constraints.
 - (2) To support Vermont artists and nurture native talent by making available performance, gallery and rehearsal space; providing technical assistance and awarding grants and prizes.
 - (3) To foster partnerships in the arts, education, human service and business communities for the production of cultural events.
 - (4) To receive and spend voluntary contributions for the carrying out of its purposes.
 - (5) To do all other things necessary or convenient to carrying out its purposes in accordance with Vermont Statutes Annotated.

353 Department to be under supervision of director.

The management, direction and control of Burlington city arts shall be vested in the director, subject to the orders and ordinances of the city council.

354—360 [Reserved.]

361 Creation of human resources department.

There is hereby created in the City of Burlington a human resources department.

362 Purposes and powers.

- (a) Subject to the orders and ordinances of the city council, the human resources department shall be responsible for the administration of human resources policies and services.
- (b) In furtherance of its purpose, the human resources department shall, subject to the orders and ordinances of the city council, have the following rights, powers and duties:
 - (1) To develop and administer position classification and salary plans.
 - (2) To prepare, recommend and implement policies and procedures for human resources administration.
 - (3) To assist in the recruitment, testing, selection and hiring of employees.
 - (4) To direct employee orientation, training, counseling and career development in conjunction with department heads.
 - (5) To review performance evaluations.
 - (6) To administer, in conjunction with the treasurer's office, the city health insurance and life insurance programs and workers' compensation plans.
 - (7) To administer in conjunction with the chief labor negotiator, the terms and conditions of the collective bargaining plans.
 - (8) To assist in the administration of the employee grievance procedures.
 - (9) To do all other things necessary or convenient to carry out its purposes in accordance with Vermont Statutes Annotated.

363 Department to be under supervision of director.

The management, direction and control of the human resources department shall be vested in the director, subject to the orders and ordinances of the city council.

364—369 [Reserved].**370 Creation of department of permitting and inspections.**

There is hereby created in the City of Burlington the Department of Permitting and Inspections that shall combine the permitting and inspection functions of the previously existing Planning and Zoning Department, Inspection Services Division of the Department of Public Works, and Code Enforcement Office.

(Act No. M-6, § 2, approved 5-23-19)

371 Purposes and powers.

(a) Subject to the orders and ordinances of the City Council, the Department of Permitting and Inspections shall provide a single location to obtain permits and inspection services for all zoning, building, plumbing, electrical wiring, and minimum housing and rental unit matters.

(b) In furtherance of its purpose, the Department of Permitting and Inspections shall, subject to the orders and ordinances of the City Council, have the following rights, powers, and duties:

(1) to review development projects and ensure compliance with the City's building codes, land use bylaws, historic preservation guidelines, design, and subdivision standards;

(2) to issue permits, as provided in State law and local ordinances, for building, zoning, and related matters;

(3) to conduct inspections, as provided in State law and local ordinances, of buildings, plumbing systems, electrical wiring, and related matters;

(4) to conduct inspections to ensure compliance with zoning requirements and zoning, building, or related permits;

(5) to conduct inspections of rental housing units to ensure compliance with the Minimum Housing Code or other housing codes;

(6) to notice and enforce violations of building, zoning, minimum housing, and other laws, regulations, codes, or ordinances, as provided therein; and

- (7) to carry out the orders of the Board of Health.

(Act No. M-6, § 2, approved 5-23-19)

372 Department to be under supervision of director.

The management, direction, and control of the Department of Permitting and Inspections shall be vested in the Director, subject to the orders and ordinances of the City Council.

(Act No. M-6, § 2, approved 5-23-19)

373 Powers, duties, and responsibilities of zoning administrative officer.

- (a) The Zoning Administrative Officer shall have all of the powers, duties, and responsibilities as are provided in the Vermont Planning and Development Act to an administrative officer. The Director of Permitting and Inspections may also serve as the Zoning Administrative Officer.
- (b) The Zoning Administrative Officer may delegate any or all of the Officer's authority under the Vermont Planning and Development Act to one or more assistant administrative officers as are qualified. Any such delegation must be made in writing and posted in the department offices.

(Act No. M-6, § 2, approved 5-23-19)

374—400 [Reserved].

TITLE IX. RELATED LAWS

401 Revisions effective without publication.

The ordinances contained in any general revision of the ordinances of the City of Burlington shall take effect upon the passage of said ordinances by the city council of said city, without publication in a newspaper.

402—404 [Reserved.]

405 Authority to establish system.

The city council of the City of Burlington is hereby authorized to establish and create a fund or funds for the purpose of providing, either for city employees or appointive officers of said city, or both, in lieu of all existing provisions of the charter of said city relating to the retirement of city employees and pension funds, one or more of the following:

- (1) Retirement benefits on account of age,
- (2) Retirement benefits prior to retirement age on account of accident incurred in the line of duty, and
- (3) Death benefits.

Said fund or funds shall be available for benefits to such employees and appointive officers of the City of Burlington as the city council may hereafter from time to time designate by ordinance.

406 Authority to appoint boards and officers, appropriate funds, provide rate of contributions and designate sums payable.

The city council of said city is hereby authorized by ordinance to appoint and employ such boards and officers as may be necessary to administer, control and make expenditures from such fund or funds; to appropriate by ordinance or resolution funds from which such benefits and expenses incidental to the administration thereof may be paid; to provide by ordinance the rate of contributions, if any, to such fund or funds to be required of employees and appointive officers to be eligible to benefits therefrom; to designate by ordinance a retirement age for city employees and appointive officers beyond which age such employees may be removed from office and permanently retired; to establish by ordinance conditions and regulations under which such city employees and appointive officers may or shall be removed from office and retired; to designate and establish by ordinance the sums which may be paid to such city employees as benefits and the conditions of payment thereof, and to make, amend or repeal such ordinances as may be convenient or necessary to create, manage and operate a fund or funds for the payment to city employees and appointive officers of retirement, disability and death benefits, or any one or more of them.

407 Direction to budget funds for system.

The city council of said city shall provide in the annual budget, beginning with the annual budget next following the due enactment and publication of an ordinance providing for such retirement benefits, disability benefits and death benefits, or any one or more of them, for

city employees and appointive officers, or for either class, and for necessary boards and officers to administer and control such retirement fund or funds and the terms and conditions under which such employees and officers, or either of said classes, may be retired and receive said benefits, an appropriation to any one or more of said funds as may be necessary to meet the required demands thereunder that are not otherwise provided for, and said city council shall annually, assess, beginning with the annual property and poll tax assessments next following the first such appropriation made, a special tax on both the property grand list and the taxable polls to provide the funds required for such appropriation.

408 Existing provisions to remain valid until new provisions adopted.

The existing retirement and pension provisions of the city charter of said city shall remain in force and effect until the powers granted by this article are exercised by the city council by the due enactment of an ordinance for that purpose, and such existing retirement and pension provisions of said charter shall, upon the due enactment of such ordinance, be void and of no force and effect, except as to persons theretofore duly retired and pensioned under said provisions, and as to such persons, said existing charter provisions shall remain in force.

409—414 [Reserved.]

415 Authority to construct and maintain an electric plant.

(a) The City of Burlington is hereby authorized and empowered to construct and maintain an electric plant for the purpose of lighting the streets, walks, public grounds and public buildings of the city, and may furnish electric lights and electric power to parties residing within or without the corporate limits of said city upon such terms and subject to such regulations as are provided by law or may be lawfully agreed upon between the contracting parties, subject to the jurisdiction of the public service commission.

(b) Said city is also authorized and empowered to purchase, hold, maintain and operate from time to time for said purposes, either as an extension, addition and improvement of the present electric and power plant now owned and operated by said city, and as an addition to the business of the present plant, or as a separate unit, any existing electric or power plant and the lands, buildings, equipment, distribution system, franchises, rights-of-way, business and goodwill of any such plant now owned or operated by a public utility corporation or individual, or any portion of any such property and business, and may from time to time

construct such additions and improvements to said present plant and distribution system of the city and acquire additional lands and buildings for that purpose, as, in the judgment of the city council, may be required or justified by the growth and development of the business.

416 Authority to construct, maintain and operate a gas-generating and distribution plant.

- (a) The City of Burlington is hereby authorized and empowered to construct, maintain and operate a plant for the generation and distribution of manufactured gas and may furnish such gas within and without the corporate limits of the city to corporations and individuals for domestic and other purposes upon such terms as are provided by law or may be lawfully agreed upon between the contracting parties, subject to the jurisdiction of the public service commission.
- (b) For the purpose of acquiring, holding, maintaining and operating such gas plant and distribution system for the distribution and sale of manufactured gas to corporations and individuals within and without the city limits, said city is also authorized and empowered to purchase, hold, maintain and operate any existing gas plant, gas distribution system, rights-of-way and franchises held and used in connection therewith, and the gas business of any corporation or individual owned and operated in connection with such plant, and the goodwill of such business, or any part of such plant, distribution system, franchises, rights-of-way, business and goodwill.
- (c) Said city may from time to time enlarge and improve such plant and distribution system as the growth and development of the business, in the judgment of the city council, may require, and for that purpose may from time to time either construct such enlargements and improvements or purchase the same when available.

417 Authority to acquire property for purposes of sections 415 and 416 of this Charter.

For any and all of the purposes set forth in sections 415 and 416 of this Charter, said city may acquire and hold within and without the limits thereof by gift, grant, purchase, or by the right of eminent domain, such lands, water powers and rights-of-way as may be needed for the construction, maintenance and operation of such electric plant and any and all required enlargements and improvements thereof from time to time, including enlargements and improvements of the present electric plant of said city, and also such lands and rights-of-way as may be needed for the construction, maintenance and operation, and for the required enlargement and improvement from time to time of such gas plant and gas distribution system and may use any public street which it may be necessary and desirable to pass

through with the poles, wires and conduits of such electric plant, or with the distribution mains and equipment of such gas plant, provided the use of such highway for purposes of public travel is not thereby unnecessarily impaired, and further provided that said city may not exercise the right of eminent domain to acquire any existing property or rights owned and used by any existing public utility company or by any individual for public utility purposes.

418 Authority to sell services, merchandise and equipment incidental to use of electricity or gas.

- (a) Said city, when engaged in the business of distributing and selling electricity or gas, is hereby authorized and empowered, as part of such business, to engage in the sale, installation and servicing of such merchandise and equipment as is incidental or auxiliary to the use of electricity or gas or necessary to properly serve the interests of its customers and to promote the sale and use of electricity or gas.
- (b) And all acts heretofore done by said city and any of its officers and employees in connection with the sale, installation or servicing of such merchandise and equipment are hereby confirmed and made valid to the same extent as though this article had then been in effect.

419 Operation of gas business.

Whenever said city does acquire any gas plant, gas distribution system, business and goodwill (hereinafter referred to as the gas business) in accordance with the foregoing sections, such gas business shall be operated and maintained as a separate unit with separate accounting insofar as practicable, and shall be controlled, managed, operated and maintained by the light department and the officers thereof as part of that department, and all provisions of the city charter relating to the operation and maintenance of the light department and the duties of the officers thereof and not inconsistent with any section of this article shall apply to such gas business.

420 Procedure for exercising eminent domain right.

In exercising the right of eminent domain to acquire any property or some easement or other limited right in property required by the city for the purposes authorized by this article, said city shall proceed by petition to the Public Service Commission and in the same manner and by the same process as provided in Chapter 242 of the Public Laws for the condemnation of property by public service corporations other than railroads and the Public Service

Commission shall have all and the same powers and perform all and the same duties in hearing and determining the matter, rendering judgment and making findings as in the case of such public utility corporations. Any party who feels himself aggrieved by such judgment or findings shall have the same right of appeal with the same incidents thereof as provided by Section 5969 of the Public Laws in the case of condemnation proceedings by a public service corporation. In exercising its right to use public highways, said city shall have the same rights and be subject to the same restrictions as prescribed for towns in Chapter 259 of the Public Laws.

421 Issuance of bonds authorized.

In case of any purchase which the city council may approve and determine to make of any existing electric or gas plant and distribution system and any gas or electric business and the goodwill thereof and any franchises and rights-of-way in connection with such business, said city council may by ordinance or resolution authorize the issuance of bonds for the purpose of providing funds for such purpose, and for the purpose of constructing improvements and additions to the present electric plant and system of said city and for the integration of the existing system with any system so acquired, and for the payment of all expenses incurred in connection with the issuance of such bonds and the acquisition and construction of such properties. Such bonds shall bear interest at not exceeding six per annum and shall be in such form and tenor and executed in such manner and shall be payable at such time or times as the city council shall determine and may be made registerable as to principal only, or as to both principal and interest. Such bonds shall state upon their face that they are payable solely from the revenues of the electric light system and gas plant and distribution system of said city, and said bonds shall not constitute general indebtedness of the city nor be an obligation or liability upon the city to pay the same from any funds of the city other than the revenues of said electric light plant and system and said gas plant and system, and said bonds shall not be within any statutory limitation upon the power of said city to issue bonds. Said bonds shall be sold at such time or times, and in such manner, and at such price or prices as the city council may determine. The ordinance or resolution authorizing the issuance of said bonds may contain covenants of the city to protect and safeguard the security and rights of the holders of said bonds, limiting the amount of additional bonds or obligations payable from said revenues which may be issued thereafter and the terms and conditions upon which said additional bonds or obligations may be issued; for the creation of a special fund into which all or any part of said revenues shall be paid and the terms and conditions on which such special fund is to be collected, held and disposed of; the establishment and maintenance of adequate rates and charges for electric energy and gas, and other services, facilities and commodities sold, furnished or supplied by said electric plant and system and gas plant and system; the operation, maintenance, management, accounting and auditing of the said electric plant and system and gas plant and system; the

terms and conditions upon which the properties or any part thereof of said electric plant and system and said gas plant and system may be sold, mortgaged, leased or otherwise disposed of by the city and the use and disposition of the proceeds of any such sale, mortgage or lease; the pledging of all or any part of the revenues derived from the operation of said electric plant and system and gas plant and system to the payment of such bonds and the creation of special funds into which payment shall be made from said revenues for the purpose of providing for the payment of the principal of and interest on such bonds, and ample reserve funds therefor, and funds for working capital to be used in the operation of said electric plant and system and gas plant and system, and for renewals and replacements thereto, and such other covenants as may be deemed necessary to insure a successful and profitable operation of said electric plant and system and said gas plant and system. The provisions of this article and of any such ordinance or resolution authorizing bonds hereunder shall constitute a contract with the holders of such bonds and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

422 Rates sufficient to pay for services and bonds to be charged.

(a) Whenever bonds are issued pursuant to this article, said city shall charge and collect adequate rates and charges for electric energy and for gas and all other services, facilities and commodities sold, furnished or supplied by the electric plant and system and gas plants and system sufficient to provide for the proper operation and maintenance of said systems and for the payment of the principal of and interest on all indebtedness payable from said revenues, and all other payments in connection therewith. All such revenues shall be paid into the city treasury in a special fund to be called the "Light Department Fund," and shall be subject to the covenants contained in any ordinance or resolution authorizing the issuance of bonds under this article.

(b) In no case shall funds collected from electric ratepayers be used to cross-subsidize or finance the repayment of any debt instrument used to fund the construction, operation or utilization of any new cable television, fiber optic cable, or other telecommunications network or telecommunications business, and the expenses from such enterprises may not be included in the cost of electric service, except to the extent that the city has utilized such funds directly for its own utility plant or electric services.

423 Bond issuance to be approved by voters.

The city council shall not issue any bonds under the provisions of this article for any of the purposes thereof unless previously authorized so to do by a majority of the legal voters of said city voting on the question at any annual or special city meeting duly warned for the purpose.

424—430 [Reserved].

431 Definitions.

The following terms when used in this article shall have the following meaning:

- (1) The term "*city*" shall mean the City of Burlington.
- (2) The term "*electric plant*" shall mean the complete municipal electric generating, transmission and distribution system now owned by the city, together with any improvements thereto hereafter constructed or acquired, and the complete municipal natural, manufactured or synthetic gas generating, transmission and distribution system now or hereafter owned by the city, together with any improvements thereto hereafter constructed or acquired, and all other facilities, including those authorized by section 604 of Title 30, equipment and appurtenances necessary or appropriate to such system, for the furnishing of electric power and energy or gas for lighting, heating, power or any other purpose for which electric power and energy or gas can be used. Such term may include facilities for the production and distribution of steam and hot or chilled water, timberlands or other fuel sources, facilities for the production, processing, transportation and storage of fuel to be used in the production of utilities furnished by the city, facilities for the processing or disposal of solid waste involving the production of such utilities (with or without other by-products) from solid waste (with or without other fuels), and innovative or experimental facilities for the utilization of conventional or other energy sources for the production of such utilities, including pilot or demonstration facilities.
- (3) The term "*improvement*" shall mean any improvement, extension, betterment, addition, alteration, reconstruction, extraordinary repair, equipping or re-equipping of the electric plant of the city.
- (4) The term "*electric service*" shall mean the furnishing of the electric power and energy or gas for lighting, heating, power or any other purpose for which electric power and energy or gas can be used. Such term may include the furnishing of steam and hot or chilled water, and the processing or disposal of solid waste. Such term may also include ownership, operation and utilization of cable television, fiber optic cable and

other telecommunications within the corporate limits of the city; provided that the city shall have no power under Chapter 79 of Title 30 to take by eminent domain telecommunications, cable television or natural gas property; and provided further that before the city may sell telecommunications or cable television services it shall obtain a certificate of public good under Section 231 of Title 30 from the public service board.

(5) The term "*acquire*" shall mean to purchase, to acquire by eminent domain, to lease, to construct, to reconstruct or to replace.

(6) The term "*improve*" shall mean to acquire any improvement.

(7) The term "*bonds*" shall mean any bonds, notes, interim certificates, debentures or other obligations issued by the city pursuant to this article and payable out of the revenues of the electric plant.

(8) The terms "*revenues*" and "*revenues derived from electric service*" shall mean all rates, fees, charges or other income received by the city, or accrued to the city, or any board or agency thereof in control of the management and operation of said electric plant, and all parts thereof, and may include, without limiting the generality of the foregoing, investment earnings, rentals, proceeds of insurance, condemnation or other disposition of plant assets and proceeds of borrowing hereunder.

432 Electric plant; improvement of.

The city is hereby authorized and empowered to improve its electric plant for the purpose of lighting the streets, walks, public grounds and buildings of the city, for the furnishing of electric or gas services within or without the corporate limits of the city and for production of electric energy or acquisition, production, transmission or distribution of gas for sale to electric or gas distribution companies, cooperative, municipal and privately owned, within or without the state.

433 Bonds; issuance of.

(a) The city is hereby authorized and empowered to issue negotiable bonds, from time to time, for the purpose of financing the cost of any improvement to the electric plant. Said bonds and the interest thereon shall be payable solely and exclusively from the revenues of the electric plant and shall not constitute general indebtedness of the city nor be an obligation or liability upon the city to pay the same from any funds of the city other than the revenues of the electric plant. No holder or holders of any bonds issued under this article shall ever have the right to compel any exercise of the taxing power of the city to pay said

bonds or the interest thereon. Said bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction and shall not be within any statutory limitation upon the power of the city to issue bonds. It shall be plainly stated on the face of each bond that it has been issued under the provisions of this article and that, it does not constitute an indebtedness of the city but is payable solely from the revenues of its electric plant. Said bonds may be authorized by resolution of the city council adopted by a majority vote of the members thereof present at any meeting of such board. Each such resolution shall take effect immediately from its passage and need not thereafter be laid over or published or posted. The issuance of bonds under the provisions of this article by the city shall not be subject to the authorization or approval thereof by the legal voters of the city or to any other authorization or approval except as provided in section 447 of this Charter.

(b) Said bonds may be issued in one or more series, may bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be declared or become due before the maturity date thereof, as such resolutions authorizing their issuance may provide. Said bonds may be sold at public or private sale for such price or prices as the board of light commissioners shall determine.

(c) In case any officer of the city whose signature appears on any bond or coupon shall cease to be such officer before the delivery of such bond, such signature shall, nevertheless, be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. Any provision of any law to the contrary notwithstanding any bonds issued pursuant to this article shall be deemed to be investment securities under the Uniform Commercial Code. Any bonds issued by the city pursuant to the provisions of this article are declared to be issued for an essential public and governmental purpose and to be public instrumentalities, and, together with interest and income thereon, shall be exempt from taxes. The resolution authorizing the issuance of said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this article, which recital shall be conclusive evidence of their validity and of the regularity of this issuance.

434 Same—Payment of.

In order to secure the payment of any of the bonds, issued pursuant to this article, the interest thereon, or in connection with such bonds, the city shall have power as to such bonds, to the extent not inconsistent with the mandatory provisions of this article:

- (1) To pledge all or any part of the revenues derived from electric or gas service.
- (2) To provide for the terms, forms, registration, exchange, execution and authentication of such bonds.
- (3) To provide for the replacement of lost, destroyed or mutilated bonds.
- (4) To covenant as to the use and disposition of the proceeds from the sale of such bonds and as to the use and disposition of revenues, including, without limitation of the generality of the foregoing, the establishment of reserves for debt service or other capital or current expenses from bond proceeds or revenues or both.
- (5) To covenant as to the rates and charges of the electric plant, provided that the city shall always collect revenues adequate at all times to provide for the proper operation and maintenance of the electric plant and for the payment of the principal of and interest on all bonds payable from said revenues and all other required payments in connection therewith.
- (6) To redeem such bonds, and to covenant for their redemption, and to provide the terms and conditions thereof.
- (7) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default" and the terms and conditions upon which any or all of such bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.
- (8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, conditions or obligations.
- (9) To vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to the bonds; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof and describing what occurrences shall constitute "events of default" and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

- (10) To make covenants other than, and in addition to, the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purposes of this article.
- (11) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties.

435 Same—Pledge of revenues.

- (a) Any pledge hereunder shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code from the time when the pledge is made; unless otherwise provided in the resolution making the pledge, the pledge of revenues shall include any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the city, and the proceeds thereof; the revenues, rights and proceeds so pledged and then held or thereafter acquired by the city shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the city, irrespective of whether such parties have notice thereof. The resolution by which a pledge is made need not be filed or recorded except in the records of the proceedings of the board of light commissioners and no filing need be made under the Uniform Commercial Code.
- (b) A resolution pledging revenues hereunder may provide for priorities among payments to be made from such revenues, whether required by statute, the city charter, such resolution or otherwise. The pledge may include revenues otherwise accruing to particular funds established by statute or the city charter. In the event bonds are issued junior and subordinate to other bonds, revenues remaining from time to time which are permitted by the terms of the senior bonds to be used to pay or secure the junior bonds may be pledged for that purpose by the resolution under which the junior bonds are issued. A pledge of revenues under this article shall constitute a sufficient appropriation thereof for the purposes of any provision for appropriation and such revenues may be applied as required by the pledge without further appropriation.

436 Same—Refunding.

The city may issue refunding bonds for the purpose of paying any of its bonds issued hereunder at maturity or upon acceleration or redemption. The refunding bonds may be issued at such time prior to the maturity or redemption of the refunded bonds as the city deems to be in the public interest. The refunding bonds may be issued in sufficient amounts

to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a resolution under which bonds are issued. The issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the city with respect thereto shall be governed by the provisions of this article relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

437 Same—Anticipation notes.

Unless otherwise provided in the authorizing proceedings, if bonds are authorized under this article, temporary notes may be issued in anticipation thereof. The board of light commissioners may delegate the sale of temporary notes to an officer or officers thereof. The principal of and interest on notes may be renewed or paid from time to time by the issue of other notes. Except as otherwise provided, notes issued under this section shall be governed by the provisions of this article relating to bonds insofar as the same may be applicable.

438 Same—Regulation.

- (a) The public service board shall exercise its regulatory powers in such a manner as to permit the city to fulfill all of its obligations, including its obligations to the holders of the bonds issued hereunder.
- (b) The public service board shall not be empowered to suspend the effective date of any change in the rates and charges of the city's electric plant pending final determination as to the justness or reasonableness of such change, but the board may require that the city undertake to refund rates and charges collected in excess of those which are finally determined just and reasonable. Any increase in the rates and charges of the city's electric plant shall be implemented by means of an identical percentage increase to each class or division of electric plant ratepayers under rate design tariffs previously approved by the public service board until such time as the public service board shall specifically approve an alteration in such rate design and corresponding tariffs.

- (c) (1) If the city exercises its authority under subdivision 431(4) or section 449 of this title, the public service board, in considering any application for a certificate of public good, shall ensure that any and all losses from these businesses, and, in the event these businesses are abandoned or curtailed, any and all costs associated with investment in cable television, fiber optic, and telecommunications network and telecommunications

business-related facilities, are borne by the investors in such business, and in no event are borne by the city's taxpayers, the state of Vermont, or are recovered in rates from electric ratepayers.

(2) Any certificate of public good issued shall contain terms or conditions that are consistent with both the statutory requirements of Chapter 13 of Title 30 and the establishment of competitive neutrality between incumbents and new entrants, after the evaluation of factors that include, but are not limited to, the payment of pole attachment rental fees, and the provision of public access channels, equipment, and facilities.

439 Same—Rights of holders.

Any holder or holders of bonds, including a trustee or trustees for holders of such bonds, shall have the right in addition to all other rights:

- (1) By mandamus or other suit, action or proceedings in any court of competent jurisdiction to enforce his or their rights against the city, the city council, the board of light commissioners, and any other proper officer, agent or employee of any of them, including, but without limitation, the right to require the city, the city council, the said board, and any proper officer, agent or employee of any of them, to fix and collect rates and charges adequate to carry out any agreement as to, or pledge or revenues, and to require the city, the city council, the said board and any officer, agent or employee of any of them to carry out any other covenants or agreements and to perform its and their duties under this article.
- (2) By action or suit in equity to enjoin any acts or things which may be unlawful for a violation of the rights of such holder of bonds.

440 Same—Right of city.

(a) The city shall have power by resolution of its board of light commissioners to confer upon any holder or holders of a specified amount or percentage of bonds, including a trustee or trustees for such holders, the right in the event of an "event of default" as defined in such resolution or as may be defined in any agreement with the holder or holders of such bonds or the trustee or trustees therefor:

- (1) By suit, action or proceedings in any court of competent jurisdiction to obtain the appointment of a receiver of the electric plant or any part or parts thereof. If such receiver be appointed he may enter and take possession of such electric plant or any

part or parts thereof and operate and maintain the same, and collect and receive all revenues thereafter arising therefrom in the same manner as the city itself might do and shall deposit such moneys in a separate account or accounts and apply the same in accordance with the obligations of the city as the court shall direct.

- (2) By suit, action or proceeding in any court of competent jurisdiction to require the city to account as if it were the trustee of an express trust.
- (b) Any such resolution shall constitute a contract between the city and the holders of bonds of such issue.

441 Rates; payment by municipal agencies.

The city council or other board or agency of the city operating the electric plant may charge the city and all departments, agencies, instrumentalities, officers or employers thereof for any electric service furnished to them, at the rate applicable to other customers taking service under similar conditions and the revenues so derived from any such service shall be treated as all other revenues of the electric plant. Notwithstanding the foregoing, special contracts for electric services may be entered into with another department, agency, or instrumentality of the city, provided that the public service board first reviews and approves the contract pursuant to the provisions of section 229 of Title 30.

442 Bonds; proceeds.

All moneys received from the issue of bonds (other than refunding bonds) shall be used solely to defray the cost of improving the electric plant of the city. The cost of improving the electric plant shall include all cost of acquisition, or improvement, including all preliminary expenses, the cost of acquiring all property, franchises, easements, and rights necessary or convenient therefor, engineering and legal expenses, expenses for estimates of costs and revenues, expenses for plans, specifications and surveys, other expenses incident or necessary to determining the feasibility or practicability of the enterprise, administrative expense, interest prior to and during the carrying out of any project and for a reasonable period thereafter, such reserves for debt service or other capital or current expenses as may be required by the ordinance or resolution under which the bonds are issued, and such other expenses as may be incurred in the financing herein authorized, the acquisition or improvement of the electric plant, the placing of such plant in operation, including the creation of a cash working fund, and the performance of the things herein required or permitted in connection therewith.

443 Energy conservation facilities.

The city is hereby authorized and empowered to provide or finance energy conservation facilities within the customer service area of its electric plant. The term "energy conservation facilities" includes facilities or improvements to facilities (whether owned by the city or by others) for load management or the conservation of electric or other energy. Such facilities or improvements may be owned or operated by the city as part of its electric plant or may be owned or operated by others, and may be leased or licensed by the city to others or may be financed by loans by the city to others. Such facilities or improvements may be treated as part of the electric plant and financed under this article or other enabling law. Loans to others for the purposes of this section may also be financed under this article in the same manner as improvements to the electric plant and receipts from such loans may be pledged under this article as revenues. A lending program initiated under the authority of this section shall be managed in accordance with the provisions of section 228 of this Charter relating to the electric plant.

444 Construction of article.

The powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law. Bonds may be issued hereunder for the improvement of the electric plant of the city notwithstanding that any other law may provide for the issuance of bonds for like purposes and without regard to the requirements, restrictions or procedural provisions contained in any other law. Any proceedings heretofore taken by the city relating to the subject matters of this article, whether or not commenced under any other law, may, at the option of the city council, be discontinued and new proceedings instituted under this article. It shall not be necessary for the city proceeding under this article to obtain a certificate of convenience or necessity, franchise, license, permit or other authorization or approval from any bureau, board, commission or other instrumentality of the State of Vermont or the city in order to acquire or improve the electric plant or for the issuance of bonds in connection therewith hereunder.

445 Same.

This article is remedial in nature and the powers hereby granted shall be liberally construed to effectuate the purposes hereof, and to this end the city shall have power to do all things necessary or convenient to carry out the purposes hereof in addition to the powers expressly conferred in this article.

446 Same; invalidity.

It is hereby declared that the sections, clauses, sentences and parts of this article are severable, are not matters of mutual essential inducement, and any of them shall be excised if this article would otherwise be unconstitutional or ineffective; it is the intention to confer upon the city the whole or any part of the powers in this article provided for, and if any one or more sections, clauses, sentences and parts of this article shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this article in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

447 Ratification.

- (a) Notwithstanding the foregoing provisions of this article, and except as provided in subsection (b) of this section, no bonds shall be issued under this article unless and until more than fifty percent of the legal voters of the city present and voting thereon at any annual or special city meeting duly warned for that purpose shall have first voted to authorize the project or improvement for which such bonds are to be issued. The warning shall describe in general terms such project or improvement, shall estimate its cost, and shall state the amount of bonds proposed to be issued to finance it.
- (b) The city may issue bonds under this article without voter approval (1) to pay the costs of (A) the completion of a project or improvement previously authorized by the voters of the city, provided that such costs of completion do not exceed by more than fifty percent the estimated cost of the city's share of the project or improvement as set forth in the warning submitting the question to the voters, and (B) repairs, alterations or other improvements necessary to maintain the operational status of any facilities of the electric plant, whether necessitated by casualty, regulatory or licensing requirements, or other cause; or (2) in the case of jointly owned facilities not controlled by the city, to pay the city's share of the costs of improvements which the lead participants are empowered to make; or (3) for refunding as provided in section 436 of this Charter.

448 Powers exercised through city council.

The powers granted to the city hereunder shall be exercised by its city council, notwithstanding the provisions of section 228 of this Charter. No provisions hereof or of said section 228 of this Charter shall be deemed to permit the exercise of any power in violation of the rights of bond or note holders.

449 Authority for joint venture for telecommunications.

In addition to the authority granted under otherwise applicable law, the city has the power and is authorized to establish a joint venture or any other business relationship with one or more third parties to provide telecommunications or cable television services within or without the corporate limits of the city; provided that before such joint venture or business relationship may sell telecommunications or cable television services, it shall obtain whatever regulatory approvals are necessary, and shall pay all taxes, franchise fees, and similar charges assessed by the city on an incumbent.

450—500 [Reserved].

501 City of Burlington Utility Facilities; taxation of.

Section 3659 of Title 32 shall not apply to land, buildings and other facilities of the City of Burlington used for the generation of electric energy. Such land, buildings and facilities owned by the City of Burlington and situated outside of its territorial limits shall be taxed by the municipality in which it is located either in the manner provided for privately owned property, or pursuant to a contract entered into by the municipalities providing for any mutually agreeable methods and amounts of taxation.

502—505 [Reserved].

506 Definitions.

The following terms when used in this article shall, unless the context otherwise requires, have the following meanings:

- (1) "*Bonds*" means any bonds, notes or other obligations of the city issued pursuant to this article.
- (2) "*City*" means the city of Burlington.

- (3) "*Improvement*" means any improvement, extension, betterment, addition, alteration, reconstruction, extraordinary repair, equipping or reequipping of the waterworks or wastewater system of the city.
- (4) "*Revenues*" means all rates, fees, charges and other receipts derived from the ownership or operation of the city's waterworks or wastewater system and may include, without limiting the generality of the foregoing, investment earnings and the proceeds of insurance, condemnation, sale or other disposition of system assets and proceeds of borrowing hereunder.
- (5) "*System*" means the waterworks system or the wastewater system.
- (6) "*Wastewater system*" means the complete wastewater treatment and collection system now owned by the city, including all treatment plants and sanitary sewer lines, together with any improvements thereto hereafter constructed or acquired.
- (7) "*Waterworks system*" means the complete water supply, treatment and distribution system now owned by the city, together with any improvements thereto hereafter constructed or acquired.

507 Bonds; issuance of.

The city is hereby authorized and empowered to issue bonds, from time to time, for the purpose of financing the cost of any improvement to the waterworks or wastewater system. The bonds and the interest thereon shall be payable solely and exclusively from the revenues of the waterworks or wastewater system as the case may be and shall not constitute general indebtedness of the city nor be an obligation or liability upon the city to pay the same from any funds of the city other than the revenues of the system. No holder or holders of any bonds issued under this article shall ever have the right to compel any exercise of the taxing power of the city to pay the bonds or the interest thereon. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction and shall not be within any statutory limitation upon the power of the city to issue bonds. It shall be plainly stated on the face of each bond that it does not constitute an indebtedness of the city but is payable solely from the revenues of its waterworks or wastewater system. The bonds may be authorized by resolutions of the board of public works commissioners. Notwithstanding the foregoing sentence, no bonds other than refunding bonds shall be authorized or issued under this article unless and until more than fifty percent of the legal voters of the city present and voting thereon at any annual or special city meeting duly warned for that purpose shall have first voted to authorize the project or improvement for which the bonds are to be issued. The warning shall describe in general terms the project or improvement, shall estimate its costs, and shall state the amount of bonds proposed to be issued to finance

it. Except for purposes of refunding pursuant to section 508 of this Charter, the city shall not issue bonds in excess of the amount set forth in the warning as aforesaid unless and until more than fifty percent of the legal voters of the city present and voting at any annual or special meeting duly warned for that purpose shall have first voted to authorize the issuance of additional bonds for any previously authorized project or improvement.

508 Refunding.

The city, upon the approval of the board of public works commissioners and the city council, may issue refunding bonds for the purpose of paying any of its bonds issued hereunder at maturity or upon acceleration or redemption. No affirmative vote of the registered voters shall be necessary to authorize the issuance of refunding bonds. The refunding bonds may be issued at such time prior to the maturity or redemption of the refunded bonds as the city deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of the refunding bonds, as may be required by the resolutions under which bonds are issued. Except as herein specified, the issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the city with respect thereto shall be governed by the provisions of the Burlington city charter and the Vermont statutes relating to the issue of bonds other than refunding bonds insofar as the same may be applicable. In the event of any conflict between the city charter and the Vermont statutes in this regard, the city is hereby authorized to act pursuant to the more extensive grant of authority.

CHARTER AND RELATED LAWS COMPARATIVE TABLE

This table shows the location of the section of the Charter and Related Laws and any amendments thereto.

Act No.	Election Date	Approval Date	Section	Section This Charter
M-14		5-19-2004	1	Added Tit. III, Art. 19, § 48, (64), (65)
			2	Tit. V, Art. 42, § 128
			3	Tit. VI, Art. 57 § 168
			4—6	Tit. VI, Art. 64, § 186—188
			7	Tit. VI, Art. 65, § 190

			8	Added Tit. VI, Art. 68, § 195
			9	Rpld Tit. VI, Art. 57, § 168(c)
M-1		4-5-2005	2	Added Tit. III, Art. 24, § 62(f)(3)
M-3	3-1-2005	5-12-2005	2	Tit. II, § 5
			3	Tit. II, Art. 8, § 22
			4	Tit. III, Art. 24, § 62-(f)(1)
			5	Tit. III, Art. 24, § 63(a)
M-7	11-7-2006	4-17-2007	2	Tit. IV, Art. 31, § 92
M-1		11-4-2008		Added Tit. IV, Art. 31, § 102
M-11		3-3-2009		Tit. II, Art. 7, § 16
				Tit. III, Art. 24, § 62
				Tit. V, Art. 49, § 138
				Tit. VI, Art. 84, § 277
				Tit. VI, Art. 84, § 279
		3-2-2010	5	Tit. II, § 5
			6	Tit. V, Art. 36, § 116
				Tit. V, Art. 41, § 127
M-4	3-1-2011	4-4-2011	2	Tit. II, Art. 19, § 48
				Tit. VI, Art. 56, § 154
M-12		3-6-2012	2	Tit. III, Art. 24, § 62(f)(1), 63
				Tit. IV, Art. 28, § 81
M-15		3-4-2014	2	Tit. I, Art. 2, § 2
				Tit. II, Art. 2, § 3, 4
				Tit. II, Art. 4, § 7, 8
				Tit. II, Art. 5, § 9
				Tit. II, Art. 6, § 10
				Tit. II, Art. 7, § 14, 18
				Tit. II, Art. 8, § 19, 20, 22, 23
				Tit. II, Art. 9, § 26
				Tit. II, Art. 11, § 31a
				Tit. III, Art. 13, § 36
				Tit. III, Art. 16, § 43
				Tit. V, Art. 37, § 120
				Tit. V, Art. 41, § 125

				Tit. V, Art. 42, § 128
				Tit. V, Art. 43, § 130
				Tit. V, Art. 49, § 138
				Tit. VI, Art. 57, § 163, 164
				Tit. VI, Art. 76, § 229
M-7	3-3-2015	2		Tit. III, Art. 25, § 65
				Rpld. Tit. V, Art. 37, § 121
				Rpld. Tit. V, Art. 39
				Rpld. Tit. V, Art. 39, § 123
				Tit. V. Art. 41, § 126
				Tit. VI, Art. 61, § 179
				Tit. VI. Art. 69, § 196
				Tit. VI, Art. 84, § 276
				Tit. VIII, Art. 89, § 322
M-7	11-8-2016	2		Tit. III, Art. 19, § 48
M-9	3-7-2017	2		Tit. III, Art. 14, § 38, 39
				Tit. III, Art. 16, § 43
				Tit. III, Art. 17, § 44
				Tit. IV, Art. 31, § 92
				Tit. V, Art. 45, § 132
M-18	3-1-2016	2		Tit. III, Art. 26, § 69
				Tit. V, Art. 37, § 120
				Tit. VI, Art. 62, § 183
				Tit. VI, Art. 72, § 203
M-6	3-5-2019	5-23-2019	2	Tit. III, Art. 19, § 48(63)(A), (E)
				Tit. IV, Art. 28, § 81(a)
				Tit. V, Art. 36, § 116
				Tit. V, Art. 38, § 122(a)
				Tit. V, Art. 43, § 130(c)
			Added	Tit. VIII, Art. 92A
M-7	3-2-2021	2-14-2022	2	Tit. V, Art. 37, § 120
				Tit. VI, Art. 84, § 276
M-9	3-2-2021	4-20-2022	2	Added Tit. III, Art. 19, § 48(66)
M-14	3-2-2021	5-19-2022	2	Tit. II, § 5

M-19	3-1-2022	6-7-2022	2	Rpld. Tit. III, Art. 19, § 48(7)
M-9	3-7-2023	5-27-2023	2	Tit. II, § 5

Chapter 1 GENERAL PROVISIONS¹

1-1 How Code designated and cited.

1-2 Rules of construction.

1-3 Scope and purpose of provisions.

1-4 Ordinances repealed.

1-5 Effect of repeal of ordinances.

1-6 Severability of parts of Code.

1-7 Catchlines of sections.

1-8 Altering Code.

1-9 General penalty; continuing violations.

1-10 Prosecution where different penalties exist for same offense.

1-11 Disposition of fines and penalties.

1-12 Copy of Code to be signed and kept in clerk's office; ordinances to be furnished upon request.

1-13 Supplementation of Code.

1-1 How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of Ordinances of the City of Burlington, Vermont," and may be so cited.

(Rev. Ords. 1962, § 101)

1-2 Rules of construction.

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

Aldermen. The word "aldermen" shall mean the board of aldermen of the City of Burlington (as defined in Section 36 of the City Charter) which, after May 11, 1990, is known as the city council (see "city council").

City. Whenever the word "city" is used it shall mean the City of Burlington, Vermont.

City council. The words "city council" shall mean:

- (1) Before May 11, 1990, the legislative body of the city; the board of aldermen acting with the concurrence of the mayor;
- (2) After May 11, 1990, the body formerly called the board of aldermen (see "aldermen").

City council with mayor presiding. After May 11, 1990, the "city council," when it sits with the mayor presiding and voting, is known as the "city council with mayor presiding."

Computation of time. When time is to be reckoned from a day, date, or an act done, such day, date, or day when such act is done shall not be included in the computation unless otherwise provided.

Corporate limits, corporation limits, city limits. Whenever the words "corporate limits," "corporation limits" or "city limits" are used, they shall mean the legal boundary of the City of Burlington.

Council. The word "council" shall mean the city council of the City of Burlington.

County. The words "the county" or "this county" shall mean the County of Chittenden in the State of Vermont.

Delegation of authority. Whenever a provision appears requiring the head of a department of the city to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section specifically designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

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

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers, except as otherwise provided in this Code, the rules and regulations of the city council or the City Charter.

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

Month. The word "month" shall mean a calendar month.

Name of officer. Whenever the name of an officer is given, it shall be construed as though the words "of the City of Burlington" were added.

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

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

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

Or, and. "Or" may be read "and," and "and" may be read "or" if the sense requires it.

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

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

Personal property. The words "personal property" shall include every species of property except real property, as herein described.

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

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

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

Public place. The words "public place" shall mean any park, cemetery, school yard or open space adjacent thereto, all streets and parking fields and all waterways.

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

Residence. The word "residence" shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Seal. Whenever the word "seal" is used, it shall mean the city seal.

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

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

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

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.

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

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

Week. The word "week" shall be construed to mean seven (7) days.

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

Year. The word "year" shall mean a calendar year.

(Rev. Ords. 1962, §§ 151—154; Ord. of 8-13-90; Ord. of 10-25-10(1))

1-3 Scope and purpose of provisions.

The ordinances contained in this Code of Ordinances are intended to encompass and to promote the general health, welfare, peace, good order and morals of the community at large and said ordinances have been codified herein for the purpose of facilitating the enforcement thereof.

1-4 Ordinances repealed.

Subject to the limitations of section 1-5, all ordinances of the city heretofore in force are hereby repealed.

(Rev. Ords. 1962, § 101)

Charter reference—Mayor's authority with regard to ordinances, §§ 45—47; power of city council to make, amend or repeal ordinances, § 49.

1-5 Effect of repeal of ordinances.

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

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed, nor any right accrued or acquired.

(Rev. Ords. 1962, § 102)

1-6 Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such

unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

1-7 Catchlines of sections.

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

1-8 Altering Code.

- (a) It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Burlington to be misrepresented thereby.
- (b) Any person, firm or corporation violating this section shall be punished as provided in section 1-9 hereof.

1-9 General penalty; continuing violations.

- (a) *Criminal violations.* Except as otherwise expressly provided, however, whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be prosecuted as a criminal offense and shall be punished by a fine not less than fifty dollars (\$50.00) and not exceeding five hundred dollars (\$500.00). Each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate violation.

The court before which a conviction shall be had shall order any continuing violations to cease, to be removed, or to be abated. A person convicted may also be found liable for any damages sustained by the city or any other person as a direct result of the ordinance violation and may be ordered by the court after hearing to pay restitution as a part of the sentence.

(b) *Civil offenses.* Selected provisions of the Code of Ordinances have been specifically designated as carrying a civil penalty. Violations of such ordinances shall be enforced as provided by state law and as provided herein. Upon a determination that a civil ordinance violation has occurred, those municipal officials authorized by the city to enforce civil ordinance violations shall issue a "municipal complaint" in the form provided by the court at 24 V.S.A. § 1977. The municipal official issuing the complaint shall appear to represent the city in any contested case before the traffic and municipal ordinance bureau or other forum provided by law. Unless otherwise provided in this Code, the fine for a violation of an ordinance designated as a civil offense shall be not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00) for each offense unless otherwise specifically provided in this Code.

(c) *First offense civil, second offense criminal.* Selected provisions of the Code of Ordinances have been specifically designated as carrying a civil penalty for a first offense in any six-month period and a criminal penalty for a second and subsequent offense in the same six-month period.

(1) *First offense:* A first offense by a person during any six-month period shall be deemed a civil ordinance violation and shall be punishable by a fine of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver fine shall be fifty dollars (\$50.00). Any law enforcement officer may issue a municipal complaint ticket for such offense.

(2) *Second and subsequent offenses:* A second offense of the same ordinance during a six-month period shall be deemed to be a criminal offense and shall be punishable by a fine from one hundred dollars (\$100.00) to five hundred dollars (\$500.00). Each subsequent offense of the same ordinance shall be deemed to be a criminal offense and shall be punishable by a fine of from two hundred dollars (\$200.00) to five hundred dollars (\$500.00).

(3) *Intent of enforcement under section 1-9(c).* It is the intent of this subsection to preserve the public health, safety and welfare by prohibiting and punishing repeated violations of these ordinances. To that end, the city attorney's office will, in their discretion and when they deem it appropriate, explore all options available to the city, in addition to prosecution and as alternatives to prosecution, which will achieve the stated intent of this section.

(d) *Issuance of ordinance violation ticket.* Any law enforcement officer who cites an accused for violation of any city ordinance which is punishable as a criminal offense shall issue a "Notice of Ordinance Violation Ticket," unless instructed by the city attorney, an assistant city attorney or city grand juror to issue a standard district court citation.

The ticket shall be a citation to appear in district court as contemplated by V.R.Cr.P. 3 and shall contain the name of the accused, the ordinance(s) violated, the date and time to appear in district court, and any other information required by law for a valid citation.

The ticket shall also contain a "Notice of Ordinance Violation" section which shall allow and inform the accused of the following:

- (1) The option for the accused to waive process and prosecution by paying a waiver fee of between fifty dollars (\$50.00) and two hundred dollars (\$200.00) for each count to the police department within seventy-two (72) hours of issuance.
- (2) That upon full and timely payment of the waiver fee the accused shall not be required to appear in court and the citation portion of the ticket shall be null and void.
- (3) That if the accused elects not to make full and timely payment of the waiver fee, he or she shall appear in court on the date and time indicated on the ticket for prosecution.

Should the waiver not be exercised and prosecution be had, this subsection in no way alters or pre-empts any fine, penalty or other remedy as provided by this ordinance.

(e) *Public nuisances.* Any property within the city found to be maintained in violation of any provisions of this code or which in any other way endangers the health, safety and welfare of the residents of the city is hereby declared to be a public nuisance and may be ordered abated in any manner provided by law.

(Ord. of 9-29-82; Ord. of 12-12-83; Ord. of 9-8-86; Ord. of 6-24-91; Ord. of 1-9-95; Ord. of 6-22-98; Ord. of 9-14-98)

Charter reference—Penalty for violating ordinances, § 50; city council authorized to provide penalties, § 53; liability of persons violating ordinances, § 54.

State law reference—Authority of municipality to provide for penalty for violation of any ordinance, 24 V.S.A. § 2291(15).

1-10 Prosecution where different penalties exist for same offense.

In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the city, the city attorney may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

Charter reference—City attorney to prosecute violations of city ordinances, § 148; grand juror may prosecute violations in attorney's absence or disability, § 151.

1-11 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 who has 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 or the ordinances of the city.

(Rev. Ords. 1962, § 202)

1-12 Copy of Code to be signed and kept in clerk's office; ordinances to be furnished upon request.

- (a) A copy of the Code of Ordinances shall be signed by the mayor and the city clerk, kept up-to-date by the city clerk and kept in the office of the city clerk subject to inspection by citizens.
- (b) 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.

(Rev. Ords. 1962, § 103)

1-13 Supplementation of Code.

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code, and shall also include all amendments to the charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive

changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

¹**Editor's note**—Act No. 284, Acts of 1910, approved January 4, 1911, provides that the ordinances contained in any general revision of the ordinances of the city shall take effect upon passage by the city council without publication.

State law reference—Authority to adopt and amend ordinances, 24 V.S.A. § 1971 et seq.

Chapter 2 ADMINISTRATION¹

Article I. In General

2-1 Seal described, adopted.

2-2 Restrictions on electioneering in areas proximate to polling places.

2-3 Contracts and debts to be authorized by council.

2-4 Duties of officers of the city generally.

2-5 Expenditures for ordinary administration of departments authorized.

2-6 Aldermen and city officers absent from board meeting may be ordered to attend; authority to apprehend.

2-7 Penalty imposed on aldermen and city officers for failure to attend meetings.

2-8 General guidelines for public meetings.

2-9 Implementation of ranked choice voting in elections for the mayor, city council, school commissioners, and ward election officers.

2-10—2-17. Reserved.

Article II. Public Records

2-18 Office hours of city clerk.

2-19 Duty of city clerk to keep records and pagers.

2-20 Furnishing of public records or papers by city clerk.

2-21 Entry into vault restricted.

2-22 Removal of public records or papers prohibited; exceptions.

2-23 Examination of records or documents by officers of city.

2-24 Consultation of records or documents to be in presence of city clerk.

2-25—2-34. Reserved.

Article III. City Engineer

2-35 Duties.

2-36 Compensation.

2-37 Account of expenses to be kept; bills for work.

2-38 Maps of pipes, conduits and other construction.

2-39 Map of pipes and other construction below surface of street to be made before paving.

2-40 Supervision of curbing and guttering.

2-41 Record of grades of streets, ways and sewers.

2-42 Giving street or sewer line or grade to resident upon request.

¹**Cross reference**—Personnel, Ch. 24; rules and regulations of the board of aldermen, App. B.

ARTICLE I. IN GENERAL

2-1 Seal described, adopted.

The seal, of which an impression is hereto annexed, bearing a representation of the original city hall, encircled by the words "City of Burlington, Vt." "Organized Feb. 21, 1865," is hereby adopted as the seal of the City of Burlington.

(Rev. Ords. 1962, § 131)

2-2 Restrictions on electioneering in areas proximate to polling places.

The following restrictions shall apply to electioneering:

- (1) The board of civil authority shall designate for each polling place in the city a primary entrance to the polling place and a primary access route connecting the primary entrance to the public street;
- (2) A "campaign-free zone" shall be established at each polling place, which shall include both:
 - a. The area within a corridor extending fifteen (15) feet to each side of the designated primary access route and ending where the primary access routes reaches the city sidewalk; and
 - b. The area within a thirty-foot radius of the front of the polling place drawn from the centerpoint of the designated primary entrance door(s).
- (3) Within the designated "campaign-free zone" at each polling place:
 - a. No campaign literature, stickers, buttons, name stamps, information on write-in candidates or other political materials shall be placed, handed out or allowed to remain;

- b. No candidate, election official or other person shall distribute election materials, solicit voters or otherwise campaign; and
 - c. No person shall conduct so-called "exit polling," petition signature gathering, or any other kind of surveying of voters.
- (4) A copy of this section shall be posted at each polling place in the city during the hours that the polls are open and the "campaign-free zone" at each polling place shall, to the extent practicable, be roped off or otherwise clearly designated by election officials.

(Rev. Ords. 1962, § 221; Ord. of 10-12-82; Ord. of 1-9-89; Ord. of 2-27-95)

Charter reference—Elections generally, § 3 et seq.; warnings, § 6.

2-3 Contracts and debts to be authorized by council.

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

(Rev. Ords. 1962, § 241)

Charter reference—Appropriations, §§ 65—67; expenditures, §§ 68—70; contracts between city and officers, § 133.

2-4 Duties of officers of the city generally.

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 institute such proceedings as may be necessary.

(Rev. Ords. 1962, § 201)

Charter reference—Duties of officers generally, § 116 et seq.

Cross reference—City engineer, § 2-35 et seq.; poundkeeper, § 5-10; board of harbor commissioners, § 7-22 et seq.; harbor master, § 7-43 et seq.; building inspector, § 8-3; director of emergency management, § 11-4; chief engineer of fire department, § 13-31.

2-5 Expenditures for ordinary administration of departments authorized.

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

(Rev. Ords. 1962, § 243)

Charter reference—Expenditures generally, §§ 68—70.

2-6 Aldermen and city officers absent from board meeting may be ordered to attend; authority to apprehend.

(a) *Aldermen.* In the event that there shall not be present at any duly called regular or special meeting of the board of aldermen a sufficient number of the members of said board to constitute a quorum thereof for the transaction of business, the members present may, by a majority, vote to compel the attendance of absent members. If the members present so vote the city clerk shall forthwith issue a written order over his signature directed to the chief of police or to any designated member of the police force, directing the chief of police or designated officer to apprehend such absent members as he may be able to find, and to bring them forthwith to the place of meeting. Such written order shall be sufficient warrant for the apprehension of such members, and shall run throughout the territorial limits of the state.

(b) *Other city officers.* In the event that any other city officer shall neglect or fail to attend a duly called regular or special meeting of the board of aldermen or city council after having been requested by vote of such body to do so, the board of aldermen or city council may, by majority vote, vote to compel the attendance of such city officer. If said body so votes, the city clerk shall forthwith issue a written order over his signature directed to the chief of police or any designated member of the police force, directing the chief of police or designated officer to apprehend such city officer and to bring him forthwith to the place of meeting. Such written order shall be sufficient warrant for the apprehension of such city officer, and shall run throughout the territorial limits of the state.

(Rev. Ords. 1962, §§ 171, 172)

Charter reference—Meetings of city council and board of aldermen, §§ 37—41.

2-7 Penalty imposed on aldermen and city officers for failure to attend meetings.

In the event any member of the board of aldermen shall, upon being notified of the issuance of an order by the city clerk under the provisions of section 2-6, fail to comply with such order, he shall forfeit to the city the sum of ten dollars (\$10.00) for each unexcused failure, to

be deducted from any sums then due or thereafter becoming due him on account of salary. Should any other city officer, upon being notified of the issuance of an order by the city clerk, fail to comply with such order then, such failure shall constitute negligence under the provisions of section 129 of the City Charter and be grounds for suspension or removal from office in the manner provided in said section, unless excused.

(Rev. Ords. 1962, § 173)

2-8 General guidelines for public meetings.

The council encourages that public meetings not be scheduled before 8:30 a.m. and encourages that public meetings be scheduled after 5:00 p.m. whenever possible. All public meetings shall be held in conformance with the notice requirements of the Vermont open meeting law (1 V.S.A. § 311 et seq.).

(Res. of 6-26-95)

2-9 Implementation of ranked choice voting in elections for the mayor, city council, school commissioners, and ward election officers.

(a) *Purpose and authority.* The purpose of this section is to implement ranked choice voting for the election of the mayor, city councilors, school commissioners, and ward election officers. This section is adopted pursuant to the Charter of the City of Burlington, Section 5, Acts of 1949, No. 298, Vermont General Assembly, as amended.

(b) *Definitions.* For the purposes of this section, the following terms have the following meanings:

- (1) "Active candidate" means any candidate who has not been defeated or elected.
- (2) "Highest-ranked active candidate" means the active candidate assigned to a higher ranking than any other active candidate.
- (3) "Inactive ballots" are ballots that do not count for any candidate for any of the reasons given in subsection (d)(1) of this section.
- (4) "Overvote" means an instance in which a voter has ranked more than one (1) candidate at the same ranking.
- (5) "Ranking" means the number available to be assigned by a voter to a candidate to express the voter's choice for that candidate. The number "1" is the highest ranking,

followed by "2" and then "3" and so on.

(6) "Round" means an instance of the sequence of voting tabulation described in subsection (c) of this section.

(7) "Skipped ranking" means a voter has left a ranking unassigned but ranks a candidate at a subsequent ranking.

(8) "Undervote" means a ballot that does not contain any candidates at any ranking in a particular contest.

(c) *Instant runoff retabulation.* In the election of the mayor, city councilors, school commissioners, and ward election officers, if no candidate receives a majority of first preference, an instant runoff retabulation shall be conducted in rounds. In each round, each voter's ballot shall count as a single vote for whichever active candidate the voter has ranked highest. The candidate with the fewest votes after each round shall be eliminated until only two (2) candidates remain, with the candidate then receiving the greatest number of votes being elected. If there are two (2) or more candidates tied with the lowest vote totals, the tied candidates will be eliminated in a round so long as the vote total sum for all the tied candidates is less than the vote total for the next active candidate with the fewest votes and the number of active candidates is at least one (1) more than the remaining number of positions to elect.

(d) *Ballots.*

(1) In any round of tabulation in a contest conducted by ranked choice voting, an inactive ballot does not count for any candidate. A ballot is inactive if it does not contain any active candidates and is not an undervote.

(2) An undervote does not count as an active or inactive ballot in any round of tabulation.

(3) Write-in votes shall not be excluded for the initial tabulation.

(4) If a voter skips a ranking or rankings, any valid subsequent rankings will be moved forward.

(5) An overvote shall be treated as a skipped ranking.

(e) *Ties.* If two (2) or more candidates are tied with the fewest votes, and tabulation cannot continue until the candidate with the fewest votes is defeated, then the candidate to be defeated shall be determined by the forward-looking method whereby the system will attempt to break ties using vote totals in previous rounds going forward from first round to

the round preceding the current round. If the forward-looking method fails to resolve the tie, the tie shall be resolved by lot.

(f) *Rulemaking authority.* The city clerk shall have the authority to promulgate whatever rules consistent with this section are necessary to implement this section.

(Ord. of 6-6-22(1); Ord. of 10-24-22(1); Ord. of 1-29-24)

2-10—2-17 Reserved.

ARTICLE II. PUBLIC RECORDS¹

2-18 Office hours of city clerk.

The office of the city clerk shall be open daily except Saturdays, Sundays and legal holidays during such hours as may be established and such additional times as the city clerk may desire.

(Rev. Ords. 1962, § 262)

Charter reference—Appointment of city clerk, § 121; duties of city clerk generally, § 138 et seq.

2-19 Duty of city clerk to keep records and pagers.

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.

(Rev. Ords. 1962, § 261)

Charter reference—City clerk to have charge of records, § 138.

2-20 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.

(Rev. Ords. 1962, § 265)

Charter reference—Furnishing certified copies of records, § 140.

2-21 Entry into vault restricted.

No person, 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.

(Rev. Ords. 1962, § 264)

2-22 Removal of public records or papers prohibited; exceptions.

No book or volume of the public records or paper duly filed shall be taken from the office of the city clerk except on order of a court; provided, however, that upon giving a receipt therefor, the city attorney may take a paper on file which relates to the business of his office.

(Rev. Ords. 1962, § 263)

Charter reference—Removal of records, § 139.

2-23 Examination of records or documents by officers 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 article.

(Rev. Ords. 1962, § 267)

2-24 Consultation of records or documents to be 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.

(Rev. Ords. 1962, § 266)

2-25—2-34 Reserved.

¹ **Charter reference**—Power of city council to regulate examination of records, § 48(XXXV).

Cross reference—City engineer to keep record of grades of streets, ways and sewers, § 2-41; records of housing inspector to be available for public inspection, § 18-22.

ARTICLE III. CITY ENGINEER¹

2-35 Duties.

The city engineer shall:

- (a) Perform all the engineering services for the city that are required to be performed by him in the city charter;
- (b) Advise the city council on questions relating to all public works or improvements;
- (c) Have charge of all the public works of the city in all the various departments;
- (d) Prepare all necessary plans, specifications, estimates and contracts for any proposed construction, extension or improvement of streets or sewers;
- (e) Be responsible for the execution of work in accordance with the plans, specifications and contracts prepared by him;
- (f) Have charge of all surveys relating to the laying out, widening, extending and grading of the streets, sidewalks, curbs, gutters, sewers and drains of the city;
- (g) Prepare and preserve in his office all books, plats, plans, surveys, specifications, notes, memoranda, estimates and other papers and files required for the use or business of his department, and on the expiration of his term of office deliver the same to his successor;
- (h) Make a thorough examination of all the bridges in the city at least twice each year, and more often if he deems it necessary, and report the condition of the same to the street commissioners and board of aldermen, and also include his findings in his annual report;
- (i) Make a thorough inspection of the reservoirs and pumping plant of the city water department once every three (3) months, and more often if directed by the water commissioners or the board of aldermen, and make a report of the condition of the same to the board of aldermen; and
- (j) Perform such other duties as the board of aldermen may direct.

(Rev. Ords. 1962, §§ 371, 373)

Charter reference—Duties generally, § 153.

2-36 Compensation.

The city engineer shall receive a salary, without fees, for all work done by himself for the city.

(Rev. Ords. 1962, § 374)

2-37 Account of expenses to be kept; bills for work.

The city engineer shall keep an account of the expense of his office, including all labor and supplies, and shall render a bill monthly for all work done and all labor and materials furnished for each department.

(Rev. Ords. 1962, § 374)

2-38 Maps of pipes, conduits and other construction.

Before any public or private water pipe, gas pipe, sewer pipe, conduit or other construction is permitted to be placed in any street, lane or alley of the city, the city engineer shall designate a proper location and shall plot the same on a map to be kept in his office. Each pipe, conduit or other construction shall be placed according to the plot and as directed by the city engineer.

(Rev. Ords. 1962, § 375)

Cross reference—Gas, Ch. 15; sewers and sewage disposal, Ch. 26; water, Ch. 31.

2-39 Map of pipes and other construction below surface of street to be made before paving.

Before paving or macadamizing any street, lane, alley or public way, the city engineer shall make an accurate survey of said street, lane, alley or public way and shall plot on a map the location of all sewer pipes, gas pipes, public or private water pipes, conduits, culverts or any other construction below the surface of the street.

(Rev. Ords. 1962, § 376)

Cross reference—Streets and sidewalks, Ch. 27.

2-40 Supervision of curbing and guttering.

All curbing and guttering ordered by the board of aldermen shall be placed by the superintendent of streets under the direction of the city engineer.

(Rev. Ords. 1962, § 376)

Cross reference—Sidewalks, curbs and gutters to conform to specifications, § 27-14.

2-41 Record of grades of streets, ways and sewers.

The city engineer shall establish and put on record the grades of all streets, lanes, alleys, public ways and sewers hereafter laid out, accepted or constructed by the city, before said streets, lanes, alleys, public ways or sewers are opened for public use. No pavement shall be placed on any street, lane, alley or public way which has heretobefore been accepted or laid out, until the grade of said street, lane, alley or public way has first been established by the city engineer and placed on record.

(Rev. Ords. 1962, § 377)

Cross reference—Public records generally, § 2-18 et seq.; books containing surveys, maps or grades adopted as public records, § 27-12; street grades not to be changed without notice, § 27-13.

2-42 Giving street or sewer line or grade to resident upon request.

The city engineer shall, upon request of any resident of the city, give the street line or grade, or both, or the sewer line or grade, or both, for use in setting any building or making any private improvements, or for constructing any curbing or sidewalk not ordered by the city.

(Rev. Ords. 1962, § 378)

¹ **Charter reference**—Authority to appoint, § 122; term of office, § 127; filling vacancy in office, § 130.

Cross reference—Buildings and construction, Ch. 8; city engineer to approve plans for construction of illuminated signs, § 8-91; streets and sidewalks, Ch. 27; subdivisions, Ch. 28.

Chapter 3 AIRPORTS AND AIRCRAFT¹

Article I. In General

3-1 Use of airport restricted to aircraft meeting standards of FAA and other agencies.

3-2 Stunt flying prohibited.

3-3—3-17. Reserved.

Article II. Reserved

3-18—3-39. Reserved.

Article III. Airport Parking Regulations

3-40 Passage and effect.

3-41—3-50. Reserved.

Article IV. Licensing of Airport Businesses

3-51 Requirements of license.

3-52 Definitions.

3-53 Applications for operating license.

3-54 Operating license fees.

3-55 Conditions for issuance.

3-56 Violations.

3-57 Suspension and revocation.

¹**Charter reference**—Authority of city council to acquire and regulate a municipal airport, § 48(L); board of aircraft commissioners authorized, § 120; powers and duties of commission, § 276.

Cross reference—Licenses generally, Ch. 19; zoning, App. A.

State law reference—Regulation of operation of aircraft, 5 V.S.A. § 141 et seq.; airports generally, 5 V.S.A. § 291 et seq.; airport zoning, 5 V.S.A. § 551 et seq.

ARTICLE I. IN GENERAL

3-1 Use of airport restricted to aircraft meeting standards of FAA and other agencies.

No person shall use the Burlington International Airport for the operation of any aircraft unless such aircraft is airworthy and complies with the requirements of the Federal Aviation Agency, and with any law, regulation or requirement of the State of Vermont and the United

States relative to aviation. Violation of such laws or regulations shall be deemed to be sufficient ground or reason for refusing further permission to use the airport.

(Rev. Ords. 1962, § 602)

3-2 Stunt flying prohibited.

No stunt flying shall be allowed over the city except as allowed by state law.

(Rev. Ords. 1962, § 603)

State law reference—Acrobatic maneuvers over populated areas or crowds prohibited, 5 V.S.A. § 183.

3-3—3-17 Reserved.

ARTICLE II. RESERVED¹

3-18—3-39 Reserved.

¹**Editor's note**—An ordinance of Oct. 25, 1993, amended the Code by repealing §§ 3-18—3-37, which contained the substantive provisions of Ch. 3, Art. II; pertained to airport taxicab and limousine service, and derived from ordinances of Dec. 8, 1969, and Oct. 11, 1988.

ARTICLE III. AIRPORT PARKING REGULATIONS

3-40 Passage and effect.

The board of airport commissioners shall have authority to pass regulations relating to the parking of motor vehicles on the property of the Burlington International Airport. Such regulations, when passed by the airport commission, approved by this board of aldermen and published in the manner required for the publication of ordinances, shall have full force and effect of ordinances of the City of Burlington and shall be considered to be incorporated in this Section 3-40 by reference.

(Ord. of 10-15-73, § 1)

Editor's note—Res. enacted Nov. 6, 1973, approved airport parking regulations.

3-41—3-50 Reserved.

ARTICLE IV. LICENSING OF AIRPORT BUSINESSES¹

3-51 Requirements of license.

No person, partnership, corporation or association shall conduct business at the Burlington International Airport without first obtaining a license therefor from the board of airport commissioners of the city in accordance with the provisions set forth in these rules and regulations.

(Ord. of 5-11-92, § 1)

3-52 Definitions.

(a) For the purpose of these rules and regulations, the phrase "conduct business at the Burlington International Airport" shall mean such business of the person, partnership, corporation or association that is part of its corporate purpose and arises or grows out of contact or activity at or within the limits of the Burlington International Airport. A person, partnership, corporation or association shall be deemed to have conducted business at the Burlington International Airport under any one of the following circumstances:

- (1) Solicitation of business at the Burlington International Airport;
- (2) Utilization of the Burlington International Airport or any portion or facility thereof or space therein for commercial purposes;
- (3) Supplying of services at the Burlington International Airport; or
- (4) Any activity directed to users of the Burlington International Airport undertaken for profit or personal gain.

(b) Notwithstanding the provisions hereof, these rules and regulations shall not apply to a person, partnership, corporation or association which is licensed and regulated under the Ground Transportation Rules and Regulations for the Burlington International Airport, or transient aircraft operating under an approved Federal Aviation Administration certificate.

(Ord. of 5-11-92, § 2)

3-53 Applications for operating license.

Any person, partnership, corporation or association desiring a license to conduct business on or within the Burlington International Airport shall make application to the director of aviation upon a form provided by the director and shall pay an annual license fee as provided hereunder at the time of making the application. The applicant shall furnish the following information with each application, which shall be sworn to before a notary public:

- (1) Name and form of business and, if a corporation, the state under which it is incorporated;
- (2) The address of the applicant; the mailing address of the applicant; and the person and address to whom the applicant desires the Burlington International Airport to direct all correspondence;
- (3) Agent for service of legal process;
- (4) Proof of a valid written franchise agreement, lease agreement or operating agreement with the city for operations at the Burlington International Airport;
- (5) The purpose or purposes of the person, partnership, corporation or association which it proposes to pursue in the transaction of business at the Burlington International Airport;
- (6) A statement that the business is not in default of any lease agreement, franchise agreement or other agreement that it may have with the city; and
- (7) Any other information that the director of aviation deems necessary to properly identify the owners and purposes of the business.

(Ord. of 5-11-92, § 3)

3-54 Operating license fees.

The annual operating license fee for each person, partnership, corporation or firm that conducts business at the Burlington International Airport shall be fixed at one hundred dollars (\$100.00) per year.

(Ord. of 5-11-92, § 4)

3-55 Conditions for issuance.

- (a) No operating license shall be issued or renewal of an issued license be granted if the applicant is deemed by the board of airport commissioners to be in default under the terms

of any franchise agreement, lease agreement, operating agreement or any other agreement between the applicant and the city.

(b) When all the above conditions have been complied with by the applicant the director of aviation shall issue such license upon payment of the license fee required under section 3-54 above.

(Ord. of 5-11-92, § 5)

3-56 Violations.

Any person, partnership, corporation or association violating the provisions of these rules and regulations shall be punished by a fine of two hundred dollars (\$200.00) for each day of the violation and shall be subject to additional punishment and enforcement provisions in accordance with section 1-9 of this Code of Ordinances.

(Ord. of 5-11-92, § 6)

3-57 Suspension and revocation.

The director of aviation may revoke, or suspend temporarily, any license granted under the provisions of this article whenever it shall be determined that the holder of such license has violated any rule or regulation of the board of airport commissioners or of any federal, state or local law or ordinance; has made any false statement in the application for such license; is in default of any terms of any franchise agreement, lease agreement, operating agreement or other agreement relative to its activities at the Burlington International Airport; or is otherwise in violation of any of the conditions of the license. Prior to any revocation or suspension, the director of aviation shall notify in writing such licensee that there appears to be grounds for the revocation or suspension of such license and shall further notify the licensee that he/she may, within a period of seven (7) days, present any defense he/she may have to the proposed suspension or revocation of such license. Notice shall set forth the grounds upon which the proposed revocation or suspension is predicated. An administrative hearing before the director of aviation at which any party may be represented by counsel, secure the attendance and production of witnesses or exhibits and present evidence shall be held if such hearing is requested by the licensee within the seven-day period provided above. The licensee shall be sent notice of the decision of the director of aviation by certified mail. Failure to receive notification will not invalidate a cancellation if mailed to the address shown on the license application.

(Ord. of 5-11-92, § 7)

1Editor's note—The provisions enacted by this ordinance of May 11, 1992, were not specifically amendatory of the Code; hence, codification herein as Art. IV to Ch. 3 has been at the editor's discretion.

Cross reference—Licenses generally, Ch. 19.

Chapter 4 AMUSEMENTS¹

Article I. In General

4-1—4-3 Reserved.

4-4 Street musicians and entertainers.

4-5—4-7 Reserved.

4-8 Chapter not to be construed as making prohibited amusements legal.

4-9 Compliance with chapter and state law.

4-10 Penalties.

4-11—4-20 Reserved.

Article II. Reserved

4-21—4-30 Reserved.

¹Cross reference—Licenses, Ch. 19.

State law reference—Authority of municipality to regulate, license, tax or prohibit exhibitions, 24 V.S.A. § 2291(11).

ARTICLE I. IN GENERAL

4-1—4-3 Reserved.

Editor's note—Sections 4-1—4-3, containing general provisions relative to carnivals, circuses and public dances, and derived from Rev. Ords. 1962, §§ 1341—1344, 1461—1463, were repealed by an ordinance of Jan. 30, 1986.

4-4 Street musicians and entertainers.

(a) *License required.* No person shall play any musical instrument or perform other entertainment such as dance or mime for remuneration on any street unless duly licensed as provided by Section 19-1 et seq., except as hereinafter provided.

(b) *Fees.* The fee for a street musician or street entertainment group license required by this section shall be as follows:

(1) *Within the Church Street Marketplace District.* On or before June thirtieth of each year, the city council, upon the recommendation of the Church Street Marketplace Commission, will set fees for Marketplace street musicians and entertainers for the ensuing year commencing July first.

(2) *For all other places within the city limits:*

One day	\$1.00
One week	3.00
One year	10.00

(c) *Church Street Marketplace street musicians and entertainers.* Within the marketplace, no person shall play any musical instrument or perform other entertainment such as dance or mime for remuneration unless duly licensed as provided herein by the Church Street Marketplace Commission.

(1) *Application.* Before a street musician license or street entertainer license shall be granted, the applicant shall file a signed application therefor with the Church Street Marketplace District administrator, said application to be in a form prescribed by the commission.

(2) *Fee.* The fee for such license shall be paid to the administrator at the time of application. Said fee shall be refunded in the event no license is granted. All fees so received shall be delivered to the city treasurer for deposit in the account(s) maintained for the operation of the Church Street Marketplace.

(3) *Grant of license.* All licenses shall be granted by the commission; provided, that the commission shall limit such issuance to ensure that no more than eight (8) street musicians or entertainers shall be in the marketplace at one time; and provided further, that the commission may refuse to grant a license if it finds in its discretion that issuance to the applicant would jeopardize the public health, safety or general welfare. In granting such licenses, the commission shall have the authority to designate specific sites for each street musician or entertainer.

(4) *Revocation.* Any license may be revoked by the commission if it finds in its discretion that continued operation by the licensee would jeopardize the public health, safety or general welfare. In the event of revocation, the administrator shall immediately notify the licensee in person, or by mail sent to his or her last known address, of the revocation and reasons therefor. Upon sending such notice, all rights arising from said license shall terminate.

(5) *License.* The administrator shall furnish each licensee with a license certificate and the licensee shall exhibit the same in a conspicuous fashion on or about his or her person while operating in the marketplace.

(6) *Temporary licenses.* If the administrator finds that all conditions requisite to the issuance of a regular license have been met, she or he may, but need not, grant a temporary license upon payment of the fee prescribed above. Such temporary license shall be effective for no more than thirty (30) days, during which time the commission may revoke said permit pursuant to subsection (4) above.

(7) *Regulations.* The commission shall have the authority to adopt any regulation, consistent with this section, to fulfill the purpose of this section and to protect the public health, safety and general welfare.

(Rev. Ords. 1962, §§ 1501, 1502; Ord. of 3-20-78, § 1; Ord. of 10-24-83; Ord. of 10-7-85; Ord. of 5-5-97)

Charter reference—Power of city council to regulate, § 48(IV).

Cross reference—Disturbing the peace, § 21-13; loud radios and other sound-producing devices regulated, § 21-16.

State law reference—Authority of municipality to regulate, license, tax or prohibit concerts, 24 V.S.A. § 2291(11).

4-5—4-7 Reserved.

Editor's note—An ordinance enacted Jan. 30, 1986, repealed the provisions formerly codified as §§ 4-5—4-7, derived from §§ 1281—1283, 1285, 1286, 1301—1304, 1551 and 1552 of the 1962 Revised Ordinances; § 1285 of the 1969 Cumulative Supplement; and § 1 of an ordinance of March 20, 1978, and containing general provisions relative to theaters, vaudeville shows, bowling alleys, shooting galleries, indoor skating rinks, billiard rooms and poolrooms.

4-8 Chapter not to be construed as making prohibited amusements legal.

Nothing in this chapter shall be construed to make legal or permit the licensing of any place of amusement in violation of any state law forbidding the same.

(Rev. Ords. 1962, § 1426)

4-9 Compliance with chapter and state law.

No license to operate an amusement shall be issued unless the applicant has complied with all the provisions and requirements of this chapter and any state law affecting the right to keep, operate and maintain such place of amusement.

(Rev. Ords. 1962, § 1426)

4-10 Penalties.

Any person violating any of the provisions of this chapter shall be fined in accordance with Section 1-9 and in addition shall forfeit his license.

(Rev. Ords. 1962, § 1427)

4-11—4-20 Reserved.

ARTICLE II. RESERVED¹

4-21—4-30 Reserved.

¹**Editor's note**—Former Art. II of Ch. 4, consisting of §§ 4-21—4-30, pertaining to coin-operated devices, and derived from §§ 1421—1425 and 1462 of the 1962 Revised Ordinances; from § 1 of an ordinance of March 20, 1978; and from an ordinance of Aug. 10, 1981, was repealed by an ordinance of Jan. 30, 1986.

Chapter 5

ANIMALS AND FOWL¹

Article I. In General

5-1 Pound established.

5-2 Appointment of poundkeepers; compensation.

5-3 Animal bites.

5-4 Nuisance animals.**5-5 Exotic animals.****5-6 Use of non-domesticated animals for public display prohibited.**

5-7—5-12. Reserved.

Article II. Dogs**5-13 Definitions.****5-14 At-large prohibited.****5-15 License and rabies vaccination required.****5-16 License fees.****5-17 Removal of dog waste required.**

5-18—5-23. Reserved.

Article III. Enforcement and Impoundment**5-24 Penalties.****5-25 Impoundment.****5-26 Cruelty.****5-27 Animal control committee.****5-28 Confinement of animals in vehicles.**

¹ **Editor's note**—An ordinance adopted June 23, 1997, amended the Code by deleting Ch. 5 in its entirety and replacing said chapter with new provisions, which have been set out herein. The former provisions pertained to similar subject matter and were derived from Rev. Ords. 1962, §§ 2606, 2608, 2801—2809, and 4255; 1969 Cum. Supp. §§ 2804—2809; and subsequent amendatory ordinances.

Charter reference—Authority of city council to regulate keeping of dogs, § 48(XX); authority to appoint pound keeper, § 122.

Cross reference—Animals prohibited in parks, § 22-13; disturbing birds' nests or eggs or animals in parks prohibited, § 22-14; hitching horses to trees in parks, § 22-15.

State law reference—Control of animals generally, 20 V.S.A. § 3341 et seq.

ARTICLE I. IN GENERAL

5-1 Pound established.

There shall be established by the city council a pound for the impounding of all beasts liable to be impounded.

(Ord. of 6-23-97)

5-2 Appointment of poundkeepers; compensation.

It shall be the duty of the mayor to appoint such poundkeepers as may be required to take care of and keep such pound as may be established. Their compensation shall be the same as provided by the laws of this state for poundkeepers in towns.

(Ord. of 6-23-97)

Cross reference—Duties of officers of the city, § 2-4.

5-3 Animal bites.

It shall be the duty of every person bitten, or his or her parent or guardian, and the attending physicians to report to the city health officer within twenty-four (24) hours the name, address and telephone number of the owner or keeper of the animal which bit the person and the complete circumstances.

(Ord. of 6-23-97)

5-4 Nuisance animals.

No owner, keeper or other person having control shall permit an animal to be a nuisance animal. For the purposes of this section, nuisance animal means any animal or animals which:

- (1) Molests or harasses passersby or passing vehicles, or otherwise creates a public safety hazard;
- (2) Attacks other animals;

- (3) Damages property other than that of its owner;
- (4) Defecates off the premises of the animal's owner, and the owner, or other individual in control of the animal, fails to remove such deposit immediately;
- (5) Barks, whines, howls, cries, or makes a noise commonly made by such animals in an excessive and continuous fashion so as to disturb the peace and quiet of any other person.

(Ord. of 6-23-97; Ord. of 10-23-06, eff. 11-22-06)

5-5 Exotic animals.

- (a) *Purpose and findings:* The purpose of this section is to enhance the public safety of persons who are present on the district known as the Church Street Marketplace (the Marketplace) and in the city's parks by regulating the presence of "exotic" animals on the Marketplace and in the city's parks. The council finds that such pets can pose a threat to the public health, safety, and welfare if present on the Marketplace and in city parks. Such pets are unlicensed and are not typically leashed, as is required of domestic dogs.
- (b) *Definitions:* "Exotic pet" means all animals except domestic dogs, domestic cats and the European ferret (*Mustela putorius furo*).
- (c) *General prohibition:* No person shall have an exotic pet or permit their exotic pet to be on or about the Marketplace or within a city park unless expressly approved by the Marketplace Director or Parks Department respectively or exempted under the terms of this section.
- (d) *Exemptions:* A person may have or permit an exotic pet to be on or about the Marketplace or within a city park when done to transport the pet directly from a pet store in the vicinity of the Marketplace or city park after purchase of such pet or to return such pet to said pet store. The person must retain a receipt for the purchase of such pet and shall display the receipt upon demand from any animal control officer, law enforcement officer, or other person duly authorized to enforce animal control ordinances.

(Ord. of 10-27-03, eff. 12-3-03)

5-6 Use of non-domesticated animals for public display prohibited.

- (a) *Purpose.* This section is intended to assist in the prevention of the mistreatment of non-domesticated animals used in any public display, to reduce risk of harm to the public from

accidents and incidents involving such animals, and to reduce the public health risk associated with diseases and pathogens carried by such animals.

(b) *Definitions.*

- (1) *Non-domesticated animals* are defined as *Felidae* (all wild cats and hybrids thereof), *Ursidae* (all bears), *Proboscideae* (all elephants), and Non-human Primates and *Prosimians*.
- (2) *Public display* shall mean the exhibition, presentation or showing of live non-domesticated animals to the general public regardless of whether for profit, on a not for profit basis or without charge.

(c) *Prohibition.* The public display of live non-domesticated animals within the corporate limits of the city is prohibited.

(Ord. of 9-7-04; eff. 10-13-04)

5-7—5-12 Reserved.

ARTICLE II. DOGS¹

5-13 Definitions.

The following definitions shall apply to this article:

"At-large" shall mean not under the control of the owner, or another individual either by leash, cord, chain or other similar means of physical restraint.

"Dog" shall include both male and female of the canine species. Dog shall also mean any animal which is considered to be a wolf-hybrid as defined in 20 V.S.A. § 3541(6).

"Enforcement official" when used herein shall mean any animal control officer, police officer, poundkeeper, urban park ranger or other individual specifically designated by the city council to enforce the provisions of this chapter.

"Owner" shall include any person or persons, firm, association or corporation owning, keeping or harboring a dog.

"Vicious dog" shall mean a dog which attacks or bites a person or other domestic pet while the dog is off the premises of the owner or keeper, and the person or pet attacked or bitten

requires medical attention. Vicious dog complaints shall be investigated pursuant to section 5-27(b).

(Ord. of 6-23-97; Ord. of 4-17-00; Ord. of 4-17-23(1))

5-14 At-large prohibited.

- (a) *Prohibition.* Except as exempted below, no person shall permit a dog owned by him or her or under his or her control to be at-large as defined in section 5-13 or to trespass upon the property of another, public or private.
- (b) *Public Safety.* Should an at-large dog be deemed to pose an imminent public safety risk, said animal may be killed by the Police Department or their designee. Such an act shall occur where other reasonable means to control the animal have been unsuccessful or deemed not practicable under the circumstances.
- (c) *Exemptions.* A dog may be at-large if it is:

- (1) On the premises of the dog's owner;
- (2) On the premises of the person under whose control the dog is under;
- (3) On the premises of another person as long as that person has given permission for the dog to be at-large;
- (4) In a designated off-leash dog area managed and regulated by the board of parks and recreation commissioners.

(Ord. of 6-23-97; Ord. of 4-17-00; Ord. of 9-10-12(1))

5-15 License and rabies vaccination required.

- (a) *Licensing.* Every owner or keeper of a dog more than six (6) months old shall be required to annually register and license the animal in the manner prescribed by the city with the city clerk's office. The license shall expire on the first day of April next after its issuance. Upon issuance of such license and payment of the license fee as required in section 5-16 of this chapter, each dog owner shall receive a dog license tag.
- (b) *Rabies vaccination.* Proof of a current rabies vaccination, as required by state law, shall be required for the licensing of any animal.

(c) *Fixture of tag.* The dog license tag issued to any person as provided herein shall be securely attached to a collar or harness on such licensed dog and worn at all times.

(Ord. of 6-23-97; Ord. of 8-14-00; Ord. of 6-4-07, eff. 7-4-07)

State law reference—Control of rabies 20 V.S.A. § 3801 et seq.; immunization required, 20 V.S.A. § 4003.

5-16 License fees.

- (a) In addition to the license fee and any penalty fee required by state law, the municipal fee for each license required by this article shall be twenty dollars (\$20.00) for each neutered/spayed dog and forty dollars (\$40.00) for each non-neutered/non-spayed dog.
- (b) The owner or keeper of a neutered/spayed dog that serves as the person's service animal under the Americans with Disabilities Act may request waiver of the municipal license fee (but not the state fee) by providing to the city clerk's office adequate responses to the following questions in writing:

- Is the dog a service animal required because of a disability?
- What work or task has the dog been trained to perform?

(Ord. of 6-23-97; Ord. of 6-25-01; Ord. of 6-4-07, eff. 7-4-07; Ord. of 2-16-21)

State law reference—Similar provisions, 20 V.S.A. § 3581.

5-17 Removal of dog waste required.

The owner, keeper or person in control of any dog shall be responsible for the removal of any defecation deposited by such dog on any public or private property.

(Ord. of 6-23-97)

5-18—5-23 Reserved.

¹**Cross reference**—Dogs prohibited in cemetery, § 9-14.

State law reference—Dog generally, 20 V.S.A. § 3541 et seq.; authority of municipality to regulate keeping dogs, 24 V.S.A. § 2291(10).

ARTICLE III. ENFORCEMENT AND IMPOUNDMENT

5-24 Penalties.

An offense of any provision of this chapter by any person shall be deemed a civil ordinance violation and shall be punishable by the following penalties:

- (1) *First offense.* A first offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than one hundred dollars (\$100.00) and no more than one hundred fifty dollars (\$150.00). The waiver fine shall be one hundred dollars (\$100.00).
- (2) *Second offense.* A second offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than one hundred fifty dollars (\$150.00) and no more than two hundred fifty dollars (\$250.00). The waiver fine shall be one hundred fifty dollars (\$150.00).
- (3) *Third and subsequent offenses.* A third or subsequent offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than two hundred fifty dollars (\$250.00) and no more than five hundred dollars (\$500.00). The waiver fine shall be two hundred fifty dollars (\$250.00).

In addition to the penalties provided in this section, any animal found in violation of this chapter may be impounded as provided in section 5-25 of this chapter.

(Ord. of 6-23-97; Ord. of 6-4-07, eff. 7-4-07)

5-25 Impoundment.

- (a) *Authority to impound.* Dogs in violation of any provision of this chapter may be taken by the enforcement officer and impounded in the city pound and there confined in a humane manner. The enforcement officer may, in lieu of boarding and when in the public interest and consistent with the public safety, allow an impounded dog to remain confined in the custody of its owner on the owner's recognizance that the dog shall remain confined to the owner's property, follow the terms of impoundment set by the enforcement officer and shall not be in violation of any provision of this chapter. Confinement in lieu of boarding shall continue until such time as the violation or condition authorizing impoundment has been abated.
- (b) *Impoundment fees.* Any dog impounded under the provisions of this chapter shall be released only on payment of a seventy-five dollars (\$75.00) impoundment fee.
- (c) *Boarding fee.* In addition to the impoundment fee charged herein there shall be an additional charge of ten dollars (\$10.00) per day for board for each day the dog is

impounded, except that if an animal is claimed up to three (3) hours after impoundment, the owner will be responsible for one-half (1/2) day's boarding fee. If an animal is claimed within two (2) hours of opening business hours on the following business day, the owner will not be charged for that day's boarding fee.

(d) *City clerk to collect fees before releasing dog.* It shall be the duty of the city clerk to collect all pound and board fees before releasing a dog.

(e) *Unlicensed dogs to be licensed before release.* If an impounded dog is unlicensed, in addition to the impounding and boarding fees set forth herein, the dog shall not be released without the payment of the license fee required by section 5-17, except that if the impounded dog has not had its proper vaccinations to be registered a forty-five dollar (\$45.00) cash deposit shall be posted with the city clerk or his or her designated agent(s) until proof of registration is presented. A dog released under cash deposit shall be registered within two (2) working days after its release. If the dog is not registered within the time period set forth herein, the cash deposit shall be forfeited and the owner of the animal shall be subject to additional penalties under the provisions of 20 V.S.A. Chapter 193

(f) *Disposition of unredeemed dogs.* If any impounded dog with a current and effective license established by proof of a dog license tag, is not redeemed within (7) days of its impoundment, it shall be sold or given away. If any impounded dog without a current and effective license established by proof of a dog license tag, is not redeemed within (5) days of its impoundment, it shall be sold or given away. Any proceeds from the sale of any impounded dog shall first be allocated to taxes, fees and other charges related to the impoundment. Any balance then remaining shall be paid to the owner if any is found. If proceeds from the sale of the unredeemed dog do not cover the costs associated with the impoundment, the balance of sums owed under this chapter may be collected in a civil action brought under this section. If any unredeemed dog is not sold or given away because of disease, temperament or other cause, it shall be destroyed in a humane way. The impoundment period may be waived by the poundkeeper in case of a severely injured animal whose owner cannot be located or is unwilling to claim the animal.

(g) *Interference with impoundment.* Any person who interferes with the impounding of a dog under provisions of this article or releases, or who attempts to release, an impounded dog contrary to this article shall be in violation of this chapter.

(h) *Notice of impoundment.* Within twenty-four (24) hours of the impoundment of any dog under this chapter, the enforcement officer shall make every reasonable attempt to notify the owner of the impounded dog of such impoundment. Such notice shall include either personal contact with the owner or a written notice posted at the dwelling house of the owner.

(Ord. of 6-23-97; Ord. of 6-4-07, eff. 7-4-07)

State law reference—Notice by impounder, 20 V.S.A. § 3413.

5-26 Cruelty.

Any person who shall torture, torment or cruelly neglect to provide with necessary sustenance or shelter, or shall cruelly beat or needlessly mutilate or illegally kill any animal, or any person who shall cause any animal to be tortured, tormented, or fight with other animals, or deprived of necessary sustenance or to be cruelly beaten or needlessly mutilated or illegally killed shall be guilty of a misdemeanor offense and shall be punishable by a fine of from one hundred dollars (\$100.00) to five hundred dollars (\$500.00).

(Ord. of 6-23-97)

5-27 Animal control committee.

(a) *Animal control committee established.* For purposes of this section, an animal control committee is established. The animal control committee will be a subcommittee of the Burlington Police Commission and shall consist of three (3) commission members to be appointed on an as needed basis by the chair of the Burlington Police Commission. The designated animal control officer shall be the prosecuting officer for any violation brought before the committee.

(b) *Vicious dogs.* Upon written complaint by a city resident that a dog is alleged to be vicious as defined in section 5-13(e), the animal control committee may hold a hearing on the facts of the complaint and, if the dog is found to be vicious, make such order as necessary to protect the public. Such order may include, but is not limited to, any of the following: confinement in a secure enclosure or other similar restriction, muzzling adoption, or destruction in a humane manner. In addition, the animal control committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the city and that no new privileges be granted.

(c) *Repeated impoundment.* In the event that any dog shall be impounded three (3) or more times in a twelve-month period, the animal control committee may, at the request of an enforcement officer, or in their discretion, hold a hearing after which they may make such order as is necessary to protect the public. Such order may include, but is not limited to, any of the following: confinement in a secure enclosure or other similar restriction, muzzling adoption, or destruction in a humane manner. In addition, the animal control committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the city and that no new privileges be granted.

(d) *Penalty for violation of orders.* Any person who violates any provision of any order of the animal control committee shall be guilty of a misdemeanor offense and shall be punishable by a fine of from one hundred dollars (\$100.00) to five hundred dollars (\$500.00).

(Ord. of 6-23-97; Ord. of 8-14-00)

5-28 Confinement of animals in vehicles.

- (a) A person shall not leave an animal unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal.
- (b) Any humane officer, law enforcement officer, or member of a fire and rescue service may use reasonable force to remove any such animal from a motor vehicle. The officer so removing an animal shall deliver the animal to a humane society, veterinarian or town or municipal pound. If the owner of the animal cannot be found, the officer shall place a written notice in the vehicle, bearing the name of the officer and the department and address where the animal may be claimed. The owner shall be liable for reasonable expenses associated with the removal, delivery, boarding and disposition of the animal and a lien may be placed on the animal for these expenses. The officer may not be held liable for criminal or civil liability for any damage resulting from actions taken under subsection (a) of this section.
- (c) A violation of this section shall be a civil violation subject to the penalties imposed by Section 5-24.

(Ord. of 12-16-13(1))

Chapter 6 BICYCLES¹

Article I. In General

6-1 Definitions.

6-2 Parental responsibility.

6-3 Riding on sidewalks, bicycle and pedestrian pathways and in parks.

6-4 Riding on bicycles.

6-5 Clinging to moving vehicles.

6-6 Unauthorized operation of another's bicycle prohibited.

6-7 Riding abreast.

6-8 Signals required for turns and stops.

6-9 Bicycles to be in good mechanical condition.

6-10 Brakes required.

6-11 Lights required.

6-12 Reserved.

6-13 Authority to make additional rules.

6-14 Abandoned bicycles.

6-15 Dissemination of information.

6-16 Securing bicycles.

6-17 Enforcement.

6-18—6-24 Reserved.

Article II. Registration

6-25 Establishment.

6-26 To whom applications made.

6-27 Reserved.

6-28 Serial number required.

6-29 Removal or alteration of serial numbers or marks prohibited.

6-30 Possession of bicycle with defaced serial number prohibited.

6-31 Reserved.

6-32 Dissemination of rules and regulations.

6-33 Registration fee.

6-34—6-38 Reserved.

6-39 Use of excess funds; accounting required.

¹**Cross reference**—Motor vehicles and traffic, Ch. 20; bicycle and pedestrian paths for cross country skiing, etc., § 20-12; rules and regulations of the traffic commission, App. C.

ARTICLE I. IN GENERAL

6-1 Definitions.

Bicycle: Any pedal-driven device propelled entirely by human power and having two (2) or more wheels.

Motor-assisted bicycle: Any bicycle with fully operable pedals and equipped with a motor that in itself is capable of producing a speed of no more than thirty (30) miles per hour on a paved level surface. A motor-assisted bicycle is not a motor vehicle or micromobility device and shall obey all traffic regulations applicable to bicycles, except as otherwise provided by law or other ordinances.

Motor-assisted micromobility device: Any motor-assisted device for personal transportation. This includes any device with no more than three (3) wheels and a motor that in itself is capable of producing a speed of no more than twenty-five (25) miles per hour on a paved level surface. Motor-assisted micromobility devices are not motor vehicles and shall obey all traffic regulations applicable to motor-assisted bicycles, except as otherwise provided by law or other ordinances.

(Rev. Ords. 1962, § 5003; Ord. of 9-13-10; Reg. of 2-17-21(a), eff. 6-16-21)

Cross reference—Motor vehicles and traffic, § 20-1.

6-2 Parental responsibility.

The parents or guardian of a child under sixteen (16) years of age shall not permit any such child or ward to violate any of the provisions of this chapter.

(Rev. Ords. 1962, § 5005)

6-3 Riding on sidewalks, bicycle and pedestrian pathways and in parks.

- (a) It shall be unlawful and shall be a trespass:

- (1) For any person over the age of sixteen (16) years to operate a bicycle upon any sidewalk of the city within the inner fire district;
 - (2) For any person of any age to operate a bicycle upon any sidewalk or within any public parking facility in the City Center (bounded by the centerlines of Pearl Street, South Winooski Avenue, Main Street, and St. Paul Street), within City Hall Park;
 - (3) For any person of any age to operate a bicycle upon the streets within the Church Street Marketplace District as defined in section 321 of the Burlington City Charter, excepting:
 - a. The traveled portions where vehicular traffic is regularly permitted on College, Bank and Cherry streets;
 - b. As permitted by the Church Street Marketplace Commission.
- (b) Persons riding a bicycle upon a sidewalk or bicycle and pedestrian pathway shall yield the right-of-way to any pedestrian.
- (c) Persons riding a bicycle upon a sidewalk or bicycle and pedestrian pathway shall give audible signal before overtaking and passing a pedestrian or another bicycle.
- (d) Persons operating a bicycle on a sidewalk, in areas where such operation is not otherwise prohibited by this chapter, shall exercise due care, which includes operating the bicycle at a speed reasonable for the existing conditions.
- (e) Persons operating a bicycle on a sidewalk, in areas where such operation is not otherwise prohibited by this chapter, shall come to a complete stop prior to crossing all street crossings.
- (f) No person shall operate a motor-assisted bicycle, motor-assisted micromobility device, pedi-cab or pedi-bus upon any sidewalk.
- (g) Persons riding a motor-assisted bicycle, motor-assisted micromobility device, pedi-cab or pedi-bus on a bicycle and pedestrian pathway shall yield the right-of-way to any pedestrian.

(Rev. Ords. 1962, § 5003; Ord. of 7-27-70; Ord. of 6-14-82; Ord. of 6-24-91; Ord. of 9-13-10; Reg. of 2-17-21(a), eff. 6-16-21)

Cross reference—Unnecessary interference with the use of sidewalks, § 27-4; vehicles on sidewalks restricted, § 27-17.

6-4 Riding on bicycles.

- (a) No person propelling a bicycle may ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No person may use a bicycle to carry more persons at any one time than the number for which it is designed and equipped.

(Rev. Ords. 1962, § 5003; Ord. of 9-13-10)

6-5 Clinging to moving vehicles.

No person, while riding or operating a bicycle on any street or alley in the city, shall attach his bicycle or himself to any other moving vehicle; nor shall the operator of any other vehicle permit any person riding a bicycle to attach to his moving vehicle.

(Rev. Ords. 1962, § 5003)

Cross reference—Attaching sleigh, wagon or coaster to moving vehicle prohibited, § 20-7.

6-6 Unauthorized operation of another's bicycle prohibited.

No person shall operate a bicycle belonging to another without the consent of the owner.

(Rev. Ords. 1962, § 5003)

6-7 Riding abreast.

No person shall ride or propel a bicycle in traffic abreast of any other person riding a bicycle, except for the purpose of passing.

(Rev. Ords. 1962, § 5003)

6-8 Signals required for turns and stops.

It shall be unlawful to turn a bicycle to the right or left upon a highway, or to stop a bicycle upon a highway without first signaling as required by state law.

(Rev. Ords. 1962, § 5003; Ord. of 9-13-10)

Cross reference—Signal to be given when turning vehicle, § 20-38.

6-9 Bicycles to be in good mechanical condition.

No bicycle shall be operated unless it is in good mechanical condition.

(Rev. Ords. 1962, § 5001; Ord. of 9-13-10)

6-10 Brakes required.

No bicycle shall be operated unless it is equipped with an adequate braking device.

(Rev. Ords. 1962, § 5001; Ord. of 5-11-92; Ord. of 9-13-10)

State law reference—Warning device required, 23 V.S.A. § 1321.

6-11 Lights required.

It shall be unlawful for any person to operate a bicycle on any way within the limits of the city during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise unless said bicycle or bicyclist shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front, with a lamp on the rear of the bicycle or bicyclist which emits a flashing or steady red light visible at least three hundred (300) feet to the rear, and with a red reflector on the rear.

(Rev. Ords. 1962, § 5003; Ord. of 9-13-10)

State law reference—Lights required, 23 V.S.A. § 1322.

6-12 Reserved.

Editor's note—Section 6-12, establishing bicycle patrols, and derived from Rev. Ords. 1962, § 5004, was deleted by an ordinance of May 11, 1992.

6-13 Authority to make additional rules.

The chief of police or his or her designee may make such temporary rules and regulations in regard to bicycles as he or she may deem necessary for the safety of the public. Such temporary rules and regulations shall not last longer than sixty (60) days in duration.

(Rev. Ords. 1962, § 5004; Ord. of 9-13-10)

6-14 Abandoned bicycles.

(a) No bicycle shall be left within a city right of way, or on city property for more than fourteen (14) consecutive days, regardless of whether the bicycle is locked or otherwise secured. This provision shall not apply to long term bicycle parking so designated by the department of public works.

(b) The chief of police or his or her designee may remove from city rights of way or city property any bicycle which is in violation of this section.

(Ord. of 9-13-10)

Editor's note—An ordinance adopted Sept. 13, 2010, renumbered the former § 6-14 as § 6-17 and enacted a new § 6-14 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

6-15 Dissemination of information.

- (a) Every person engaged in the sale or dissemination of bicycles shall inform each purchaser of city ordinances and state laws governing the operation of bicycles.
- (b) Every person engaged in the business of renting bicycles shall inform each person who rents a bicycle of the city ordinances and state laws governing the operation of bicycles.

(Ord. of 9-13-10)

6-16 Securing bicycles.

It shall be unlawful for any person to lock or otherwise secure a bicycle to a tree or other natural plant or vegetation located within a city right of way or on city property. Bicycles found in violation of this section shall be immediately impounded and disposed of pursuant to section 6-17(c).

(Ord. of 9-13-10)

6-17 Enforcement.

- (a) *First offense.* Any person violating any provision of this chapter shall be subject to a civil penalty pursuant to section 27-21
- (b) *Subsequent offenses.* In addition to any civil penalties provided for in section 27-21, a law enforcement officer apprehending a person for a second or subsequent violation of this section during any twelve-month period may impound the bicycle.

(c) *Disposition of abandoned, unclaimed or impounded bicycles.* The chief of police or his or her designee shall notify the owner of the reasons for its impoundment, and what actions are necessary for the owner to regain possession, within a reasonable amount of time following the impoundment; provided, that this notification shall not be necessary if the owner was present at the time of impounding, and was informed of the actions necessary to regain possession. Thereafter, bicycles impounded pursuant to this chapter shall remain in the custody of the police department for a minimum of thirty (30) days from the date that judgment is entered for the violation which resulted in the impoundment. Bicycles not claimed within thirty (30) days shall be considered unclaimed property and may be disposed of pursuant to section 21-2. A bicycle shall only be disposed of if the chief of police or his or her designee has made reasonable efforts to notify the owner, pursuant to this subsection.

(Ord. of 9-13-10)

Note—See the editor's note to § 6-14

6-18—6-24 Reserved.

ARTICLE II. REGISTRATION¹

6-25 Establishment.

The chief of police or his or her designee shall establish a voluntary registration program for bicycles.

(Rev. Ords. 1962, § 5001; Ord. of 5-11-92; Ord. of 9-13-10)

6-26 To whom applications made.

The chief of police, or such member of his or her department or organization as he or she may appoint, is hereby designated as the person or entity to which all applications for registration are to be made.

(Rev. Ords. 1962, § 5001; Ord. of 9-13-10)

6-27 Reserved.

Editor's note—An ordinance of May 11, 1992, deleted § 6-27, which pertained to the manner of attaching bicycle licenses and which derived from Rev. Ords. 1962, § 5001.

6-28 Serial number required.

No bicycle shall be registered unless it shall have permanently cut, impressed or embossed on some portion thereof, a factory serial or identification number or mark.

(Rev. Ords. 1962, § 5001)

6-29 Removal or alteration of serial numbers or marks prohibited.

It shall be unlawful for any person to remove, deface, change or cause to be removed, obliterated, defaced or changed, any factory serial or other identification number or mark on or from any bicycle. Any person who sees or identifies a bicycle with a serial number that has been altered or defaced shall report that information to the police for investigation.

(Rev. Ords. 1962, § 5001; Ord. of 5-11-92)

6-30 Possession of bicycle with defaced serial number prohibited.

It shall be unlawful for any person to possess a bicycle from which the factory serial number or other identification number has been altered or defaced. The police may confiscate any bicycle from which the serial number has been altered or defaced pending an investigation regarding the rightful ownership of the bicycle.

(Rev. Ords. 1962, § 5001; Ord. of 5-11-92)

6-31 Reserved.

Editor's note—An ordinance adopted Sept. 13, 2010, repealed § 6-31 which pertained to special identifying marks permitted and derived from § 5001 of the Rev. Ords. of 1962.

6-32 Dissemination of rules and regulations.

At the time of registration, the chief of police, or his or her designee, shall inform the owner of a bicycle so registered of the city ordinances and state laws governing the operation of bicycles.

(Ord. of 9-13-10)

Editor's note—Prior to the reenactment of § 6-32 by an ordinance adopted Sept. 13, 2010, said section, requiring license plates to be returned when bicycles are transferred and providing for re-registration,

and derived from Rev. Ords. 1962, § 5001, was deleted by an ordinance of May 11, 1992.

6-33 Registration fee.

The chief of police or his or her designee shall establish a fee for registration which is reasonable to cover the expense of the registration program.

(Rev. Ords. 1962, § 5002; Ord. of 5-11-92; Ord. of 9-13-10)

6-34—6-38 Reserved.

Editor's note—Sections 6-34—6-38 were deleted by an ordinance of May 11, 1992. These sections were derived from provisions presumably enacted during the original (1973) codification and Rev. Ords. 1962, §§ 5002 and 5006, and contained provisions relative to expiration of licenses, replacement fees for lost plates, appeals of revocations or suspensions, and prohibiting the operation of bicycle while registration revoked or suspended.

6-39 Use of excess funds; accounting required.

Funds received from the registration of bicycles over and above the expense of registration may be used by the chief of police for the furtherance of bicycle safety in the city. The chief shall make an annual accounting of such funds to the city treasurer, and any balance on hand at such time shall be used on other bicycle-related initiatives.

(Rev. Ords. 1962, § 5002; Ord. of 5-11-92)

¹ **Cross reference**—Licenses generally, Ch. 19.

Chapter 7 BOATS, DOCKS AND WATERWAYS¹

Article I. In General

7-1 Definitions.

7-2 Chapter and regulations subject to federal jurisdiction.

7-3 Wharves, docks and slips to be kept in good repair.

7-4 Permit required for repair or alteration of structures.

7-5 Sunken, derelict or abandoned vessels.

- 7-6 Removal of vessels obstructing navigation or use of harbor.**
 - 7-7 Filling submerged land prohibited; exception.**
 - 7-8 Depositing ashes or other floating matter in water prohibited.**
 - 7-9 Discharge of noxious substances prohibited; inspections authorized; violations declared nuisance.**
 - 7-10 Discharge of oil into harbor prohibited; preventive steps to be taken; appeals.**
 - 7-11 Penalty.**
- 7-12—7-21 Reserved.

Article II. Board of Harbor Commissioners

- 7-22 Created; composition.**
 - 7-23, 7-24 Reserved.
 - 7-25 Chairman and clerk.**
 - 7-26 Vacancies.**
 - 7-27 Records to be kept, delivered to city clerk.**
 - 7-28 Powers and duties generally.**
 - 7-29 Board to advise city council on matters pertaining to harbor.**
 - 7-30 Board not to incur expenses without council approval.**
 - 7-31 Authority to adopt necessary rules and regulations.**
 - 7-32 Removal of members of board.**
- 7-33—7-42 Reserved.

Article III. Harbor Master

- 7-43 Appointment; term.**
- 7-44 Removal.**
- 7-45 Powers and duties generally.**

7-46 Authority to order removal of vessels from private docks.**7-47 Harbor master to have powers of special police.****7-48 Authority to give notices.****7-49 Expenses not to be incurred without appropriations; city may recover expenses incurred in fixing, raising or removing vessels.****7-50 Authority to enter vessels.**

¹Charter reference—Power of city council to control and regulate use of Lake Champlain, § 48 (LVI).

ARTICLE I. IN GENERAL

7-1 Definitions.

Burlington Harbor or *Harbor* as used herein shall mean all of the waters of Lake Champlain within the boundaries of the city as fixed by the city charter and all wharves, docks and piers adjacent thereto.

Vessel as used in this chapter shall include any kind of boat, tug, raft or other form of watercraft regardless of means of propulsion.

(Rev. Ords. 1962, § 2401)

7-2 Chapter and regulations subject to federal jurisdiction.

All provisions of this chapter and all rules and regulations promulgated by the board of harbor commissioners shall be subject to the authority and jurisdiction of the United States and shall not be in conflict therewith.

(Rev. Ords. 1962, § 2403; Ord. of 6-24-91)

7-3 Wharves, docks and slips to be kept in good repair.

Every owner, lessee or person in possession and control of any wharf, dock, slip or other premises abutting on or extending into the harbor shall at all times keep the same in good and safe condition.

7-4 Permit required for repair or alteration of structures.

No person shall repair, alter or construct any dock or other structure within the harbor until he first secures a proper permit for the same from the harbor master.

(Rev. Ords. 1962, § 2407)

Cross reference—Buildings and building construction, Ch. 8.

7-5 Sunken, derelict or abandoned vessels.

No person shall place or cause to be placed in any part of the harbor any sunken vessel, derelict or other craft or abandon the same in the harbor and permit the same to remain therein.

(Rev. Ords. 1962, § 2409)

7-6 Removal of vessels obstructing navigation or use of harbor.

If the harbor master finds that any vessel obstructs the free movement, safe navigation or anchorage of other vessels in any part of the harbor, he shall order the removal of said vessel forthwith. If the owner or person in charge of any such vessel, after receiving such order to remove the same, neglects or refuses to move the vessel in accordance with such order, the harbor master may remove such vessel at the cost and risk of the owner.

(Rev. Ords. 1962, §§ 2406, 2409)

7-7 Filling submerged land prohibited; exception.

No person shall dump earth or erect or fill any structure of any kind on the submerged land of the harbor without first obtaining a permit therefor from the harbor master. Such permit shall not be granted if the proposed fill or construction is in conflict with any plan of harbor development adopted by the city or is detrimental to the interests of navigation and commerce.

(Rev. Ords. 1962, § 2408)

7-8 Depositing ashes or other floating matter in water prohibited.

No person shall cast or deposit in the harbor any ashes, filth or other undesirable floating matter, or otherwise create therein any nuisance or any obstacle to the proper use, development and appearance of the harbor.

(Rev. Ords. 1962, § 2408)

7-9 Discharge of noxious substances prohibited; inspections authorized; violations declared nuisance.

(a) No person shall throw, deposit or discharge, or cause, suffer, or procure to be thrown, deposited, or discharged from any vessel, or from the shore, or any wharf, dock, or slip, or from any manufacturing establishment or storage facility, or from any pipeline, or receiving platform used in connection with such storage facility, any noxious or deleterious substance which is likely to create a nuisance, or renders such waters harmful to animal, plant or aquatic life, or to use for domestic, commercial or industrial purposes or for recreation into the waters of Burlington Harbor, or into any tributary within the city from which the same shall be liable to run or be washed into Burlington Harbor. The harbor superintendent shall make regular and periodic inspections to ascertain whether there is compliance with this provision. Nothing herein contained is meant to conflict in any manner with the jurisdiction of the federal government of navigable waters.

(b) Violation of subsection (a) shall constitute a public nuisance and each violation shall be a separate and distinct offense, and in the case of a continuing violation each day's continuance thereof shall be deemed a separate and distinct offense.

(Ord. of 5-11-70)

Cross reference—Emission of smoke or cinders into air prohibited, § 21-17; depositing substances in reservoir prohibited, § 21-18.

7-10 Discharge of oil into harbor prohibited; preventive steps to be taken; appeals.

(a) It shall be unlawful for any owner or operator of an oil terminal, wharf or dolphin to discharge or permit the discharge of oil into any pipeline, dolphin or other receptacle unless such owner has available and employs a plastic or wooden boom which is capable of and does encircle any ship or vessel discharging oil into a receptacle. If the receptacle is a loading platform or dolphin located off the shoreline in the harbor, such plastic or wooden boom shall encircle such loading platform or dolphin as well as the transporting vessel. Such plastic or wooden boom employed must be designed to prevent seepage, overflow or excess oil

from being discharged into the waters of the harbor. Such owner or operator shall remove any oil held within such boom prior to the vessel leaving the same.

(b) The requirements prescribed in subsection (a) shall apply only to such owner or operator of an oil terminal who, because of any spillage, overflow or seepage of oil into the harbor from his oil terminal or receiving receptacle is notified in writing by the harbor master that the requirements of this section shall apply to him.

(c) Any person aggrieved by action of the harbor master under this section may file an appeal to the board of aldermen within two (2) weeks of the date such notice is sent by the harbor master. The board of aldermen shall consider such appeal at its next regular meeting and shall either affirm or overrule the notice of such harbor master within thirty (30) days from the date of such appeal. Should the board of aldermen fail to affirm or overrule the harbor master's notice within such thirty-day period the appeal shall be deemed meritorious and the harbor master's notice considered overruled.

(d) Any owner or operator of an oil terminal, wharf or dolphin, whether or not subject to the above requirements as to booms, shall notify the harbor master, at least twelve (12) hours in advance of any delivery of oil covered by this section, of the location and approximate time of delivery.

(e) The violation of this section shall be deemed a public nuisance and the city attorney is authorized to bring an action to enjoin any actual or threatened violation thereof.

(Ord. of 8-23-71)

Cross reference—Emission of smoke or cinders into air prohibited, § 21-17; placing substances into reservoir prohibited, § 21-18.

7-11 Penalty.

Any person who violates any provision of this chapter, or obstructs, hinders or restricts the harbor master in the discharge of his duties, or refuses or neglects to comply with any order of the harbor master given and directed orally or in writing or violates any rule or regulation duly made and adopted by the harbor commissioners and governing the use and control of the harbor and of any wharf, dock, pier or slip abutting thereon or extending into the same shall be punished as provided by section 1-9.

(Rev. Ords. 1962, § 2413; Ord. of 5-11-70)

7-12—7-21 Reserved.

ARTICLE II. BOARD OF HARBOR COMMISSIONERS¹

7-22 Created; composition.

There is hereby created a board of harbor commissioners for the city consisting of the board of park commissioners.

(Rev. Ords. 1962, § 2402; Ord. of 8-28-73)

7-23, 7-24 Reserved.

Editor's note—Ord. of Aug. 23, 1973, repealed former §§ 7-23, 7-24, derived from Rev. Ords. 1962, § 2402.

7-25 Chairman and clerk.

The chairman and clerk respectively of the board of park commissioners shall serve as the chairman and clerk of the board of harbor commissioners.

(Rev. Ords. 1962, § 2402; Ord. of 8-28-73)

7-26 Vacancies.

Whenever a vacancy occurs in the board of harbor commissioners for any reason the same shall be filled by the city council for the time and in the manner provided by the city charter for the filling of vacancies in other city commissions.

(Rev. Ords. 1962, § 2402)

7-27 Records to be kept, delivered to city clerk.

The clerk of the board of harbor commissioners shall keep an accurate record of their meetings and proceedings. These records shall be the property of the city and shall be delivered to and filed by the city clerk in his office at the end of each fiscal year.

(Rev. Ords. 1962, § 2402)

7-28 Powers and duties generally.

The board of harbor commissioners shall have the general control and supervision of Burlington Harbor and it shall be their general duty to see that the provisions of this chapter and all amendments and additions thereto and all rules and regulations governing the use of the harbor and the wharves, docks and piers adjacent thereto are properly enforced to promote the public welfare and the orderly conduct of navigation and commerce.

(Rev. Ords. 1962, § 2403)

7-29 Board to advise city council on matters pertaining to harbor.

It shall be the duty of the board of harbor commissioners to advise the city council on matters pertaining to the harbor and to make recommendations from time to time for the improvement and proper supervision of the harbor.

(Rev. Ords. 1962, § 2403)

7-30 Board not to incur expenses without council approval.

The board of harbor commissioners shall not incur any expense nor obligate the city on any matter without the consent and approval of the city council.

(Rev. Ords. 1962, § 2403)

7-31 Authority to adopt necessary rules and regulations.

The board of harbor commissioners shall have the duty and power to establish and adopt such rules and regulations for the government and control of the harbor and for the proper and safe passage and anchorage of vessels in the waters thereof and the mooring of vessels at wharves, piers and docks adjacent thereto as the board deems just, reasonable and necessary. Provided, that no such rule or regulation shall be of any effect unless it shall have first been approved by the city council, and then published in a daily newspaper published in Burlington, and was printed and posted in a conspicuous place within the limits of the property to which such regulation is intended to apply. Once adopted in the above manner, any such rule or regulation shall have the force of an ordinance of the City of Burlington.

(Rev. Ords. 1962, § 2403; Ord. of 8-28-73)

7-32 Removal of members of board.

The board of harbor commissioners and any member thereof may, upon due notice and hearing, be removed from office by the city council for any and all of the same causes and in the same manner as provided by the city charter in the case of other city officers appointed by the city council.

(Rev. Ords. 1962, § 2412)

7-33—7-42 Reserved.

¹**Charter reference**—Authority to appoint and prescribe duties, § 229.

ARTICLE III. HARBOR MASTER¹

7-43 Appointment; term.

The mayor shall appoint a harbor master on the first Monday in June and annually thereafter who shall serve for the term of one (1) year following his appointment and until his successor is appointed and qualifies.

(Rev. Ords. 962, § 2404)

Charter reference—Mayor to appoint harbor master, § 122.

7-44 Removal.

The harbor master, upon due notice and hearing, may be removed from office by the mayor for any and all of the same causes as provided in the city charter in the case of other city officers appointed by the mayor, and in the same manner.

(Rev. Ords. 1962, § 2412)

7-45 Powers and duties generally.

The harbor master shall have the immediate control and supervision of the harbor and shall have charge of the general policing of the same. It shall be his special duty to see that the provisions of this chapter and all rules and regulations made and adopted by the board are properly enforced. In addition to the general duties the harbor master shall have the power and duty to regulate and supervise the proper anchorage, movement, shifting and removal of

any and all vessels in the harbor in accordance with the provisions of this chapter and other rules and regulations, and the use of any public wharf, dock or pier by any vessel for any purpose, and to regulate and supervise the use of any private wharf, dock or pier in such a manner as to promote the proper conduct of navigation and commerce within the harbor; provided that the rights of the owners of private wharves, docks and piers shall not be violated. He shall also have the duty and power to give such orders or directions relative to the location, change of place and station and the manner of movement in the harbor of vessels lying, moving or laid up in the harbor as may be necessary to promote order therein and for the safety or convenience of others and shall see that every vessel shall move slowly in said harbor so as not to endanger other vessels and property.

(Rev. Ords. 1962, § 2405)

7-46 Authority to order removal of vessels from private docks.

- (a) If any owner, master or other person in charge or control of any vessel shall occupy any private wharf, dock, pier or slip within the harbor without the consent of the owner or person in possession and control of such wharf, dock, pier or slip, or shall otherwise trespass upon or create any nuisance thereon, the harbor master, when requested by the owner or person having possession and control of such wharf, dock, pier or slip, may order the owner, master or person in charge and control of such vessel to remove said vessel from such wharf, dock, pier or slip or to abate such nuisance or discontinue such trespass as the case may be.
- (b) In case any owner, master or person in charge and control of a vessel fails and neglects to comply with said order, the harbor master may cause such vessel to be so removed, or such nuisance to be abated, or such trespass to be discontinued, as the case may be, at the expense of such owner, or at the expense of the person maintaining such nuisance or committing such trespass.

(Rev. Ords. 1962, § 2410)

7-47 Harbor master to have powers of special police.

The harbor master, in carrying out his duties under this article, shall have and may exercise all the powers of a special police officer of the city.

(Rev. Ords. 1962, § 2411)

7-48 Authority to give notices.

The harbor master shall be authorized to give proper notices orally or in writing when required in the discharge of his duties and to perform all other acts necessary and incident to the enforcing and carrying out of the provisions of this chapter.

(Rev. Ords. 1962, § 2411)

7-49 Expenses not to be incurred without appropriations; city may recover expenses incurred in fixing, raising or removing vessels.

The harbor master shall not incur any expense nor obligate the city on any matter unless there is an available appropriation from which the same may be paid and to which it may be charged. Whenever the harbor master incurs any expense or obligates the city in the fixing, securing, raising or removal of any vessel or the abatement of any nuisance or trespass because of the refusal of the owner of any vessel or the person who maintains such nuisance or commits such trespass to comply with any order of the harbor master, the city may recover in an action of tort against the owner of any vessel involved or against the person who maintains such nuisance or commits such trespass, the cost or expense to the city so incurred by the harbor master in the discharge of his duties, and in addition, the city shall have a lien on any vessel involved for such cost and expense and underlying all mortgage and attachment liens, and may enforce such lien against such vessel in any proper proceeding in any proper court for that purpose.

(Rev. Ords. 1962, § 2411)

7-50 Authority to enter vessels.

The harbor master in the discharge of his duties and exercise of his powers under this chapter, shall have power and authority in all cases where, in his judgment, such action is required, but having respect at all times to the rights of the owners and lawful occupants of wharves, docks, piers and slips, to go on board any vessel that shall be anchored, located or left in any place contrary to or in violation of any of the provisions of this chapter, and to order the owner, master or person in charge and control of such vessel to forthwith remove the same, and any owner, master or person having such vessel in charge shall be liable to the penalties of this chapter for refusing or neglecting to comply with such order of the harbor master, and any person who shall obstruct, hinder or restrict said officer in going aboard such vessel in conformity with the powers herein vested in him shall be liable to the penalties of this chapter.

(Rev. Ords. 1962, § 2410)

¹ **Charter reference**—Authority to prescribe duties, § 229.

Cross reference—Duties of city officers generally, § 2-4.

Chapter 8 BUILDINGS AND BUILDING CONSTRUCTION¹

Article I. In General

8-1 Adoption; definitions.

8-2 Building codes adopted.

8-3 Building inspector appointed.

8-4 Duties and powers of building inspector.

8-5 Inspector to make monthly report.

8-6 Reserved.

8-7 Compensation of inspector.

8-8 Appeals from order.

8-9 Inner fire district defined.

8-10 Reserved.

8-11 Reserved.

8-12 Inspector to investigate and report violations.

8-13 Penalty for violations.

8-14—8-22. Reserved.

Article II. Permits and Fees

8-23 Permit required; plans to be submitted as required.

8-24 Professional architectural and engineering services.

8-25 Permit not to be issued for buildings without sanitary facilities or running water.

8-26 Conditions to issuance of permit.

8-27 Duration of permit.**8-28 Fees; exceptions.****8-29 Moving of buildings—Permit required.****8-30 Same—Contents of permit.****8-31 Buildings not in conformity to be removed.**

8-32—8-41. Reserved.

Article III. Abatement and Rehabilitation of Vacant Buildings and Dangerous Structures**8-42 Statement of findings and purpose.****8-43 Definitions.****8-44 Enforcement authority.****8-45 Obligations of owners of dangerous structures and buildings.****8-46 Obligations of owners of vacant or abandoned buildings or structures.****8-47 Vacant building permit; inspection; maintenance standards; fees.****8-48 Appeals and variances.****8-49 Enforcement and penalties.**

8-50—8-59. Reserved.

Article IV. Swimming Pools**8-60 Defined.****8-61 Applicability of article.****8-62 Enclosure required.****8-63 Gates and doors.****8-64 Modification of requirements permitted.****8-65 Safety appliances required.**

8-66—8-75. Reserved.

Article V. Heating Systems

8-76 Purpose and authority.

8-77 Definitions.

8-78 Applicability.

8-79 Waiver.

8-80—8.99 Reserved.

Article VI. Energy Conservation

8-100 Purpose.

8-101 Conservation standards.

8-102 Compliance with standards prerequisite to issuance of certain permits.

8-103 Powers and remedies.

8-104 Variances.

¹Charter reference—Authority of city council to regulate construction and repair of buildings, § 48(XIII).

Cross reference—City engineer generally, § 2-35 et seq.; electricity, Ch. 12; fire protection and prevention, Ch. 13; gas, Ch. 15; housing, Ch. 18; plumbing, Ch. 25; sewers and water pollution control, Ch. 26; water, Ch. 31; zoning, App. A.

State law reference—Authority to adopt building regulations, 24 V.S.A. § 3101.

ARTICLE I. IN GENERAL

8-1 Adoption; definitions.

All provisions here in chapter 8 are unless otherwise specified adopted and readopted as amended in their entirety pursuant to the authority and powers granted by the Charter of the City of Burlington, Vermont Acts of 1949, No. 298 as amended.

Unless otherwise expressly stated, the definitions as given in the Vermont Fire and Building Safety Code adopted in section 8-2 shall be used for the purposes of this chapter.

(Rev. Ords. 1962, § 701; Ord. of 10-18-82; Ord. of 12-12-83; Ord. of 9-11-00; Ord. of 2-19-08(1), eff. 4-9-08)

8-2 Building codes adopted.

(a) *Generally.* There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code currently adopted by the State of Vermont and known as the Vermont Fire and Building Safety Code. There is also adopted the Architectural Barrier Compliance Rules adopted by the State of Vermont.

(b) *Conflicts.* In the event there is a conflict between the provisions of the codes adopted by reference in subsection (a) of this section and the other provisions of this Code or ordinances of the city, the other provisions of this Code or ordinances of the city shall prevail.

(c) *Architectural barriers:*

(1) *Compliance with State Statutes Required:* Plans received for the construction or alteration of a public building or the change in use of a nonpublic building to become a public building must comply with the architectural barrier statutes and rules currently adopted by the State of Vermont.

(2) *Specification Required:* A person shall not construct, alter or permit construction or alteration of a public building or allow the change in use of a nonpublic building to become a public building as defined in subparagraph (c)(1) of this section unless the specifications at the time work commences shall be equal to the Vermont Access Board Rules for New Construction and Alterations to Existing Buildings as currently adopted by the State of Vermont.

(3) *Application to Residential Buildings:*

a. *New construction.* Ten (10) percent of all new residential units in a residential subdivision or a residential rental, condominium or cooperative development shall comply with the required accessibility standards in this paragraph (c). If a development contains four (4) to fourteen (14) units, one (1) unit must be accessible; if it contains fifteen (15) to twenty-four (24) units, two (2) units must be accessible. If the development contains three (3) or fewer units, it is exempt from this requirement.

In addition, all new residential construction containing rental apartments, condominiums or cooperatives shall have the principal outside entrance to common areas as well as common passageways and other common areas accessible as required by this paragraph (c). If such developments contain less than three (3) stories, they shall be exempt from any requirements related to installation of elevators.

b. Altered residential construction:

1. Except as set forth in subsection b.2. below, if existing residential rental, condominium or cooperative developments containing four (4) or more units are altered, ten (10) percent of the units must comply with the accessibility standards in this paragraph (c). If the building or development contains four (4) to fourteen (14) units, one (1) unit must comply; if the building or development contains fifteen (15) to twenty-four (24) units, two (2) units must comply. In addition, one (1) outside entrance to common areas and common areas and passageways in the building must be accessible as required by this paragraph; however, if the building or buildings are less than three (3) stories, the common areas and passageways above the first floor do not have to meet the standards of this paragraph.

2. The following are exempt from the provisions of this paragraph (c):

i. Alterations of a building or unit which do not exceed in cost forty (40) percent of the fair market value of the building or unit. For purposes of this section, "fair market value" means the appraisal value of the building or unit as determined for purposes of property taxation. If the appraisal value of the building or unit has not been determined by the assessor, "fair market value" means the estimated fair market value as that term is described in 32 V.S.A. section 3481(1);

ii. Alterations to an owner-occupied condominium, cooperative or single-family dwelling unit, or to the owner-occupied portion of a public building.

(4) Barrier-free Accessways: Passageways, corridors and other pedestrian walkways hereafter constructed or reconstructed on site to serve as a means of public access to, into or between public buildings and facilities, whether exterior or interior, shall also be made barrier-free in conformance with these standards.

(d) *Carbon Monoxide (CO) Detectors.* Residential dwelling and other occupancies in which there are rooms or spaces in which sleeping is permitted may not be constructed or substantially altered or repaired without the installation in the vicinity of the sleeping areas

and on every floor of the dwelling of interconnected, hardwired, battery backup, UL 2034 listed or approved carbon monoxide detectors. In residential occupancies which are compartmentalized and constructed and maintained as if they are separate buildings pursuant to the Vermont Fire and Building Safety Code, carbon monoxide detectors need only be interconnected within the distinct "buildings" as those recognized by the authority having jurisdiction under the Vermont Code. Such detectors shall be installed in accordance with the manufacturer's instructions and state law. For purposes of this provision, "substantially altered or repaired" means that the cost of construction, alteration, or repair is 40% or more of the assessed value of the property as listed by the City Appraisers Office.

(e) *Effective date; grandfathering.* The 1999 Vermont Fire Prevention and Building Code and the BOCA/ICC International Mechanical Code, 1996 Edition, including Chapters 12 and 30 of the BOCA National Building Code shall be repealed as of April 9, 2008.

Any building, structure, or premises which has been and are in compliance with the 1999 Vermont Fire Prevention and Building Code, the BOCA/ICC International Mechanical Code, 1996 Edition, including Chapters 12 and 30 of the BOCA National Building Code shall be considered in compliance with this article provided that:

- (1) Construction, reconstruction or renovation was begun within two (2) years prior to April 9, 2008; or
- (2) Plans, drawings, and specifications were approved within six (6) months of April 9, 2008.

(Rev. Ords. 1968, § 781; 1969 Cum. Supp., § 781; Ord. of 1-9-78; Ord. of 12-12-83; Ord. of 5-14-84; Ord. of 11-13-89; Ord. of 2-10-92, § 1; Ord. of 1-11-93; Ord. of 9-18-95; Ord. of 9-11-00; Ord. of 5-20-02; Ord. of 9-19-05, eff. 10-19-05; Ord. of 2-19-08(1), eff. 4-9-08; Ord. of 12-16-13(2))

Cross reference—Electrical code adopted, § 12-1; BOCA fire code adopted, § 13-1; gas codes adopted, §§ 15-1, 15-2; minimum standards for housing, § 18-70 et seq.

State law reference—Authority to adopt codes by reference, 24 V.S.A. § 3101(c).

8-3 Building inspector appointed.

The administrator of the department of public works subject to the approval of the board of public works commissioners shall hire a city building inspector and such assistant building inspectors as the city council shall authorize. The administrator shall also have all powers and functions of a building inspector.

(Ord. of 10-18-82; Ord. of 12-12-83; Ord. of 1-11-93)

8-4 Duties and powers of building inspector.

The building inspector is hereby authorized and empowered to enforce all adopted codes and ordinances relating to the construction, equipment, management, and condition of all buildings and structures within the city, and to issue written orders pursuant to these powers, and to supervise the issuance of permits for the construction, reconstruction, and removal of all buildings.

Whenever a building inspector finds that a building or structure is maintained, used, erected, constructed, altered, or added to in violation of the provisions of any ordinance, plan, certificate, permit, or of any adopted code or ordinance, the inspector may:

- (1) Serve a written order upon the person responsible directing discontinuance of the alleged action and ordering the remedy of the condition that is in violation; or
- (2) Serve a written stop-work order requiring the suspension of all further work until the condition that is in violation has been corrected; or both.
- (3) Building permits shall not be granted by the building inspector if plans submitted do not comply with all provisions of section 8-2
- (4) Neither temporary nor permanent certificates of occupancy shall be granted to any public building or any residential unit in the development if the development's plans or construction are in violation of section 8-2(c). Furthermore, any violation of section 8-2(c) shall be abated as a nuisance, and any person who is injured as a result of a violation of paragraph (c) may seek to recover damages and other just relief as contemplated by section 54 of the Charter of the City of Burlington. Also, the City of Burlington may bring an action for equitable relief in the Chittenden Superior Court to restrain actual or threatened violations of paragraph (c) as contemplated by section 49 of the Charter of the City of Burlington.

(Rev. Ord. 1962, § 702; Ord. of 10-18-82; Ord. of 12-12-83; Ord. of 5-20-02)

Charter reference—Power to prescribe duties of building inspector, § 48(XIV).

Cross reference—Director of public works designated as enforcement officer of housing code, § 18-17; director of public works to make periodic inspection of dwellings within city, § 18-20.

State law reference—Building inspector generally, 24 V.S.A. § 3102 et seq.

Annotation—In an action challenging the legality of the delegation of powers to the building inspector and the validity of the ordinances for lack of provision for judicial review, the Vermont Supreme Court held that the powers of the building inspector are specified and sufficient standards set as to fall within the requisite constitutional requirements and further

the lack of provision for judicial review does not invalidate the ordinance inasmuch as nothing in the ordinance forecloses any review. *Eno V. City of Burlington*, 209 A2d 499(1965).

8-5 Inspector to make monthly report.

The building inspector shall make a detailed report of his doings to the administrator each month showing the number of permits granted and the number refused, and such other information as may be of importance relating to the discharge of his duties.

(Rev. Ords. 1962, § 703; Ord. of 1-11-93)

8-6 Reserved.

Editor's note—An ordinance of Dec. 12, 1983, repealed § 8-6, which section, relative to suspension and removal of building inspector, derived from Rev. Ords. 1962, § 704.

8-7 Compensation of inspector.

A building inspector shall receive such compensation for his services as the board of aldermen determines.

(Rev. Ords. 1962, § 705)

8-8 Appeals from order.

(a) Any owner of a building or structure, or any other interested person, including any official of the city, may appeal to the board of appeals any action or failure to act by a building inspector, except as provided in Section 8-47 in an abatement action. A request for appeal shall be made by filing a notice of appeal with the administrator of the department of public works within ten (10) days of receiving actual notice of the order or action complained of setting forth in detail his or her grievances. The administrator of the department of public works shall notify the chairperson of the appeals board of the notice of appeal forthwith. The board shall meet upon notice of the chairperson within forty-five (45) days of the filing of the notice of appeal. All hearings shall be public, and all interested parties shall be given an opportunity to be heard and to present evidence and arguments.

(b) The board of appeals shall consist of the members of the public works commission and shall each have terms on the board of appeals concurrent with their individual terms as commissioners.

The board shall select one (1) of its members to serve as secretary chair who shall call and chair meetings and who shall keep a detailed record of all proceedings on file.

A member of the board shall not pass on any question in which that member has any fiduciary, personal, or financial interest, or which otherwise constitutes a conflict of interest.

(c) Four (4) members of the board must be present to constitute a quorum. That board shall affirm, modify or reverse an action appealed by a majority vote of the members present. A tie vote shall be an affirmation of the decision from which the appeal is taken. The board shall give written notice of its decision, which shall include findings of fact and all necessary orders, to all interested parties no later than thirty (30) days after the date of the hearing. The building inspector may take action in accordance with the decision of the board immediately upon the sending of the written decision to all interested parties.

(d) Any interested person may appeal a decision of the board of appeals by instituting relief in the Chittenden Superior Court under V.R.C.P. 74

(Rev. Ords. 1962, § 706; Ord. of 10-18-82; Ord. of 5-23-83; Ord. of 9-24-84; Ord. of 1-11-93; Ord. of 5-20-13)

8-9 Inner fire district defined.

The inner fire district shall consist of that portion of the city lying within that area bounded southerly by the northerly line of King Street, westerly by the easterly line of Pine Street and said easterly line extended northerly to intersect with the northerly boundary herein described, northerly by the southerly line of Grant Street, and said southerly line extended westerly to intersect with the easterly line of Pine Street extended as aforesaid, and easterly by the westerly lines of North and South Union Streets.

(Rev. Ords. 1962, § 761; 1969 Cum. Supp., § 761)

Cross reference—Placing rubbish and other wastes within inner fire district prohibited, § 13-2.

8-10 Reserved.

Editor's note—An ordinance adopted Feb. 19, 2008, effective April 9, 2008, repealed former § 8-10 which pertained to restrictions on construction within inner fire district and derived from § 762 of the Revised Ordinances of 1962; an ordinance adopted Dec. 9, 1974; an ordinance adopted Sept. 29, 1980; an ordinance adopted Oct. 18, 1982; an ordinance adopted Dec. 12, 1983; and an ordinance adopted Jan. 11, 1993.

8-11 Reserved.

Editor's note—Section 8-11, "Alterations and additions within inner fire district," was repealed by an ordinance enacted Dec. 12, 1983. Said former section derived from Rev. Ords. 1962, § 763 and 1969 Cum. Supp., § 763.

8-12 Inspector to investigate and report violations.

The building inspector shall inquire into and report to the city attorney for prosecution all violations of this chapter, and the city attorney may invoke a proper legal or equitable remedy in aid of powers of the building inspector.

(Rev. Ords. 1962, § 703)

Cross reference—Building inspector to report investigation of complaints of violation of housing code, § 18-24.

8-13 Penalty for violations.

- (a) It shall be a misdemeanor punishable as provided by section 1-9 for any person contemplated in subsection (b) to:
 - (1) Construct, operate, equip, use, occupy, locate, maintain, or alter a building or structure which does not comply with the requirements and specifications of the codes or ordinances as herein adopted; or
 - (2) Construct, operate, equip, use, occupy, locate, maintain, or alter a building or structure in violation of i) a detailed statement or plan submitted to and approved by the administrator of the department of public health and safety; or ii) a permit or certificate issued by the administrator of the department of public health and safety; or
 - (3) Fail to comply with any lawful order of the building inspector.

An abatement action as contemplated by Article III of this chapter is discretionary and is not a precondition to criminal prosecution under this section, nor is the convening of a survey by the board of appeals in section 8-45 a prerequisite for prosecution under this section.

- (b) The owner of a building, structure or premises where anything in violation of this chapter shall be placed or shall exist, and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in commission of such violation, shall each be fined as herein provided.
- (c) The imposition of the penalties herein prescribed shall not preclude the city attorney from instituting an appropriate action or proceeding to prevent an unlawful erection,

construction, reconstruction, alteration, repair, conversion, maintenance or use, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

(Rev. Ords. 1962, § 707; Ord. of 10-18-82; Ord. of 12-12-83; Ord. of 5-20-02)

8-14—8-22 Reserved.

ARTICLE II. PERMITS AND FEES¹

8-23 Permit required; plans to be submitted as required.

No wall, structure, building, heating facility, mechanical system or part thereof shall be built, enlarged, altered or repaired until a permit application along with a plan of the proposed site and work, together with a statement of the materials to be used, shall have been submitted as required to the department of public works, which shall, if said application is in accordance with the provisions of this chapter and the building code, issue a permit for the proposed construction.

(Rev. Ords. 1962, § 721; 1969 Cum. Supp., § 721; Ord. of 12-12-83; Ord. of 4-8-96)

8-24 Professional architectural and engineering services.

(a) *General.* All design for new construction work, alteration, repair, expansion, addition or modification work involving the practice of professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state shall be prepared by registered professional architects or engineers as certified by the state. All plans, computations and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a registered architect or engineer and bear that architect's or engineer's signature and seal.

(b) *Special professional services.* Where applications for unusual design or magnitude of construction are filed or where code reference standards in Appendix A require special architectural or engineering inspections, the building official may require full time project site representation by an architect or engineer. This project representative shall keep daily records and submit reports as required by the building official.

(c) *Building permit requirement.* This special professional service requirement shall be determined prior to the issuance of the building permit and shall be requisite for the permit issuance.

- (d) *Fees and costs.* All fees and costs related to the performance of special professional services shall be borne by the owner.
- (e) *Exemptions.* Classes and characteristics of structures with respect to which persons performing building design may be exempt from registration requirements.
- (1) *Single-and two-family dwellings.* Persons not registered under the Vermont architect's or engineer's registration law may design single-and two-family dwellings and sheds, storage buildings, and garages incidental to such dwellings.
 - (2) *Multifamily dwelling.* Persons not registered under the Vermont architect's or engineer's registration law may design multifamily housing facilities, provided that such structures are not over three (3) stories in height not including basements, cellars, or nonhabitable attics.
 - (3) *Agricultural structures.* Persons not registered under the Vermont architect's or engineer's registration law may design farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry or storage.
 - (4) *Other structures.* Persons not registered under the Vermont architect's or engineer's registration law may design structures if such structures are of type 5 construction. In addition, the administrator may require a certification by a registered architect or engineer regarding any feature of the building which in his judgement may affect public health and safety.
 - (5) *Alterations, renovations.* Persons not registered under the Vermont architect's or engineer's law may design an alteration, renovation, or remodeling of a building when such alteration, renovation, or remodeling does not affect structural or other safety features of the building in the view of the administration of public health and safety.
 - (6) *Architect, engineer, or designer on-site observation.* The parties responsible for any improvement to real estate must engage the parties responsible for the design of a structure or a registered architect engineer to provide periodic on-site observation of the construction of all structures.

(Ord. of 12-12-83; Ord. of 1-9-95)

8-25 Permit not to be issued for buildings without sanitary facilities or running water.

No permit for the construction of any building to be used for human habitation or for the alteration of any building so as to render it usable for human habitation shall be issued

unless the plans therefor shall provide:

- (a) One (1) water closet for each family unit to be housed therein, and the connection of the same with the city sewer system, if the same is to be located on a street where such sewer is installed, or, if not so located, with a cesspool or septic tank of design and construction approved by the city health officer; and
- (b) An adequate and continuous supply of running water suitable for human consumption, with not less than one (1) water tap for each family unit to be housed therein.

(Rev. Ords. 1962, § 721)

8-26 Conditions to issuance of permit.

No permit shall be granted until the required fee is paid to the city treasurer and until the building inspector is satisfied from an examination of the plans and specifications or the detailed memoranda of the proposed building or alteration that such structure when completed will be safe and secure and built in a good manner to escape the dangers of fire, explosion and disease. In every case where a structure is to be placed or erected within six (6) feet of the street line, no permit shall be granted until the street line is staked off by the city engineer, and the city engineer certifies on the application that such line has been so staked off as shown thereon.

(Rev. Ords. 1962, § 724)

8-27 Duration of permit.

Building permits shall be invalid after three (3) years from the date of issuance. The building inspector shall have the discretion to approve extensions of time beyond the three-year limit provided that all extensions are in writing and are for a specified duration which is consistent with the permits issued by the department of planning and zoning for the subject permit.

(Rev. Ords. 1962, § 725; Ord. of 5-20-02)

8-28 Fees; exceptions.

- (a) Every person applying for a permit shall first pay to the city a fee for such permit at the rate of eight dollars and fifty cents (\$8.50) for every one thousand dollars (\$1,000.00) of the estimated cost of the work and construction as the building inspector may approve. There shall be a minimum charge of twenty dollars (\$20.00) per permit. On the completion of

construction projects equal to and greater than an estimated cost of construction in the amount of ten thousand dollars (\$10,000.00), the owner or authorized representative shall furnish the building inspector with a correct signed statement by the owner of total actual cost of the construction, including the cost of all materials and labor of all associated construction trade permits attached to the project and shall then pay to the city an additional fee according to the above schedule on the excess of such total actual cost of the work above the estimated cost on which a fee was first paid, and in case the actual total cost of the construction upon the completion thereof is less than the estimated cost upon which the first fee was paid, the city shall refund to the person who paid the first fee the proportionate part thereof represented by the excess of the estimated cost over the actual cost; provided, that such refund does not reduce the fee to less than the minimum of twenty dollars (\$20.00). If the actual costs are within two thousand five hundred dollars (\$2,500.00) of the original estimated costs, no additional fee or refund shall be required.

- (b) If a building, alteration, extension or repair of a building is begun without the payment of such fee and without such permit, or the building inspector is not furnished upon the completion of the work with the required statement of the actual cost thereof and any additional fee required in such case is not paid, the builder and owner shall both be deemed to have violated the provisions of this article.
- (c) No permit or fee shall be required for storm windows and storm doors, nonsolid fences, carpeting, draperies, painting, installation of personal property and floor covering, except that a permit shall be required for flooring.
- (d) No permit or fee shall be required for any alterations or repairs, the cost of which is not more than one thousand dollars (\$1,000.00).
- (e) No fee shall be required for the portion of the estimated cost of any work and construction that is to be owned by a department of the City of Burlington.
- (f) When the building inspector enforces the provisions of this chapter and a building permit is required as a result, there shall be an administrative processing fee added to the fee set by subsection (a) to recoup the administrative costs associated with enforcement. This processing fee shall be thirty dollars (\$30.00) where the estimated cost of construction is less than or equal to three thousand dollars (\$3,000.00). When the estimated cost of construction is three thousand dollars (\$3,000.00) or greater, this processing fee shall be equal to one (1) percent of the estimated cost of construction. No processing fee shall be added to the permit when a permit is required to abate a condition deemed an emergency by the building inspector if the inspector determines that the owner is not responsible for the circumstances that led to the emergency.

(Rev. Ords. 1962, § 723; 1969 Cum. Supp., § 723; Ord. of 5-26-81; Ord. of 5-3-82; Ord. of 9-24-84; Ord. of 10-2-95; Ord. of 6-2-03; Ord. No. 10-27-03, eff. 11-26-03; Ord. of 6-25-12; Ord. of 9-9-19(1))

8-29 Moving of buildings—Permit required.

The owner of a building or structure shall not move or cause to be moved such building or structure until a permit has been obtained from the building inspector. No permit shall be issued if in the judgment of the building inspector the proposed new location of the building seriously increases the fire hazard of the surrounding buildings.

(Rev. Ords. 1962, § 722)

8-30 Same—Contents of permit.

Every permit as required by section 8-29 shall include the condition that no injury shall be done to any tree standing in or contiguous to a street or highway; and shall also specify the streets through which, and the time within which, the building shall be moved, beyond which time such permit shall not be of any force or effect.

(Rev. Ords. 1962, § 4252)

8-31 Buildings not in conformity to be removed.

Buildings or structures hereafter erected or moved without permit, not in conformity with this chapter, shall be removed.

(Rev. Ords. 1962, § 721)

8-32—8-41 Reserved.

¹**Cross reference**—Permit required for repair or alteration of docks, § 7-4; licenses generally, Ch. 19.

ARTICLE III. ABATEMENT AND REHABILITATION OF VACANT BUILDINGS AND DANGEROUS STRUCTURES¹

8-42 Statement of findings and purpose.

(a) Being that there exist in the City of Burlington structures or buildings that have become dangerous or unsafe and numerous other structures that are vacant, abandoned, and in disrepair, the Burlington 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 criminal activities, including arson and drug use.
- (6) Structures that are vacant and unsecured pose serious threats to the public's 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 regards to such structures.

(b) 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 and structures and bring back into productive use 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 and other structures within the city.

(Ord. of 8-9-99; Ord. of 12-7-09)

8-43 Definitions.

The words and phrases used in this section have the following meanings unless their context clearly indicates otherwise:

- (1) *Director* means the director of the enforcement agency or his/her designee.
- (2) *Vacant structure* means any structure or building that is unoccupied by a person or occupied by unauthorized persons for two hundred ten (210) days, excepting permitted warehouse or permitted storage structures, garages, vacation or resort facilities or those buildings or structures only used on a seasonal basis, and those structures being newly constructed within the terms of their building and zoning permits or under substantial rehabilitation for a period of one (1) year from the date that the building permit or zoning permit is issued—whichever is later.
- (3) *Dangerous building or structure* means a building or structure or part thereof declared structurally unsafe or hazardous by any duly constituted authority, whether it is occupied, unoccupied, or vacant.
- (4) *A showing that the building is being actively marketed for sale or lease* means (a) evidence that the building or structure is being continuously marketed for sale or lease and is publicly available and viewable for sale or lease to prospective buyers or lessees until it is under contract, and (b) the disclosure of a reasonable asking price.
- (6) *Substantial rehabilitation* means rehabilitation the value of which exceeds fifty (50) percent of the assessed valuation of the building or structure.
- (5) *Owner* shall mean any and all owners of record or trustees for such owners. The obligations of owners under this article extend to the agents of such owner(s) or other persons interested in the building or structure.

(Ord. of 8-9-99; Ord. of 12-7-09)

8-44 Enforcement authority.

The director of the department of permitting and inspections is authorized to administer and enforce the provisions of this article. The director may take such measures as are necessary for the proper administration of the article, including, but not limited to, maintaining lists on the status of vacant buildings or structures. The director may delegate their powers and duties under this chapter to an appropriate administrator or any inspector so designated.

8-45 Obligations of owners of dangerous structures and buildings.

- (a) A building or structure or part thereof that is or becomes dangerous or unsafe shall be made safe and secure within twenty-four (24) hours of such danger being declared by a duly authorized official of the city. If the director or their designee determines the building cannot be made safe or secure, the owner shall take down and remove the building within sixty (60) days after such determination. An owner of such a dangerous or unsafe building or structure who would make safe or would take down and remove such a building or structure pursuant to this section shall comply with all applicable building, fire prevention, zoning ordinances and codes, including Article 9 of the zoning ordinance, the Housing Replacement Ordinance, and any other applicable code or ordinance. No change of use or occupancy shall be compelled by reason of such reconstruction or restoration.
- (b) The director shall inspect a building or structure upon receiving information that the building or structure or anything attached or connected therewith is in violation of the specifications of all applicable building, fire prevention, and public safety ordinances and codes adopted herein or is otherwise in such unsafe condition that the public safety is endangered in the first forty-eight (48) hours upon receiving such notice. If the director has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the general public, the director shall enter and inspect the premises. Absent an emergency situation, if the owner of the vacant building or structure fails or refuses to consent to an inspection, the director shall seek a search warrant from the Vermont District Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in time of exigent circumstances or emergency, that the building and its contents will not present a hazard to the public.
- (c) If, in the director's judgment, the structure or building appears to endanger the public safety, the director shall in their discretion elect to commence action to abate as herein provided. To commence an abatement action, the director shall make a careful survey report based on their inspection of the premises, or if necessary based on an additional inspection and forthwith notify the owner to remove the condition or building or make the building or condition safe and secure in the time specified for in the notice. If it appears to the director that such structure would be especially dangerous, the director may affix a notice of dangerousness in a conspicuous space upon the structure's exterior walls which shall not be removed or defaced without the director's authority.
- (d) Any person notified as provided in subsection (c) of this section shall within the time specified commence to secure or remove such structure. If the public safety so requires, the

director shall enter upon the premises and cause the structure to be made safe and secure and that passers-by are protected at the expense of the owner or person interested. Such costs charged to the owner or person interested shall be payable to the city upon receipt.

(e) If the owner continues such refusal or neglects to remove or make the building safe, the director shall cause it to be taken down or otherwise made safe, and the costs and charges incurred shall constitute a lien upon the real estate 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, pursuant to 32 V.S.A. § 5061, so long as the lien is recorded in the office where the land records are kept. In addition, for every day's continuance of such refusal or neglect, the owner or person interested shall forfeit to the city one hundred dollars (\$100.00), to be recovered in a civil action on this article.

Any violation of this section is declared to be a nuisance and subject to removal or abatement upon a finding of violation by the superior court. The court shall restrain the construction, alteration, maintenance or use of a building or structure in violation of this section and shall restrain the further construction, alteration or repair of a building or structure reported to be unsafe under a survey authorized by this section.

An abatement action under this section is a remedy cumulative to other remedies at law and equity, and in no way preempts, supersedes, or bars civil or criminal prosecution for violation of this article, the model building or Life Safety Code or any applicable building, fire prevention, or public safety ordinance, nor is the commencement of an abatement action a condition precedent to the initiation of criminal prosecution or any other remedy. Failure to adhere to the procedure prescribed in this section shall not bar relief or remedy if such failure does not prejudice a person interested and merely constitutes harmless error.

(f) An owner or person interested who is aggrieved by an order issued pursuant to this section may appeal to the board of appeals as constituted in Section 8-8. An owner or person interested who is aggrieved by an order of the board of appeals may appeal by instituting relief in the Chittenden Superior Court under V.R.C.P. 74.

(Ord. of 8-9-99; Ord. of 12-12-22(1))

8-46 Obligations of owners of vacant or abandoned buildings or structures.

(a) The owner of a vacant building or structure shall obtain a vacant building permit for the period during which it is vacant. When a building or structure becomes vacant, as defined by Section 8-43, the owner of the building shall apply for and obtain a vacant building permit and pay the fee, as set forth in Section 8-47.

Upon the expiration of a vacant building permit, if the building or structure is still vacant, the owner shall arrange for an inspection of the building and premises with the director and appropriate police and fire officials. A permit is not automatically renewable. It is within the purview of the appropriate city officials whether to renew said permit, taking into account the owner's responsiveness to neighborhood concerns, record of the owner in responding to city directives, history as a property owner, as well as the number of times the owner has expired a permit. It is the city's policy not to allow vacant buildings to remain as such for prolonged periods of time. Once a building is vacant, it is the responsibility of the owner to make plans for the building, be it to rehabilitate, demolish or sell the property. Should the decision be to sell, active efforts must be underway and all obligations will transfer to the new owner.

Should a permit be renewed, it will be under the conditions that a plan is in place. All renewed permits shall be subject to all conditions and obligations imposed by this article or the initial permit unless expressly exempted therefrom.

(b) The owner of a vacant building or structure shall comply with all building, fire, life safety, zoning, and other applicable codes or ordinances and shall apply for all necessary building, fire prevention, and zoning permits upon application for a vacant building maintenance permit.

(c) The owner of a vacant building or structure shall immediately, within the first week of vacancy, remove all combustible waste and refuse therefrom in compliance with the applicable fire prevention code and shall remove any waste, rubbish or debris from the interior of the structure. The owner of a vacant building or structure shall also immediately remove any waste, rubbish, debris or excessive vegetation from the yards surrounding the vacant building or structure in accordance with the vacant building maintenance standards of this article.

(d) The owner of a vacant building or structure shall immediately lock, barricade or secure all doors, windows and other openings in the building or structure to prohibit entry by unauthorized persons, in accordance with the vacant building maintenance standards of this article. The owner of a vacant building or structure shall provide the police department with a list of persons authorized to be present in the building and shall provide notices of trespass to the police authorizing the arrest for trespass of individuals not on the list. The owner shall update the authorized person list as needed.

(e) The obligations of owners of a vacant building or structure are continuing obligations which are effective throughout the time of vacancy, as that term is defined in this article. The director shall have continuing abatement authority throughout the time of vacancy.

(Ord. of 8-9-99; Ord. of 12-12-22(1))

8-47 Vacant building permit; inspection; maintenance standards; fees.

- (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 director. Applicants shall provide a maintenance plan covering the permit period which shall disclose all measures to be taken to ensure that the building or structure will be kept weather-tight and secure from trespassers, safe for entry by police officers and firefighters in times of exigent circumstances or emergency, compliant with the obligations set forth in Section 8-46 and subsection (e) of this section and together with its premises be free from nuisance and in good order in conformance with the vacant building maintenance standards. Applicants shall disclose the expected period of vacancy (including the date of vacancy), and state the plan and timeline for the lawful occupancy, rehabilitation or removal or demolition of the structure.
- (b) Vacant buildings shall be inspected at or around the beginning of the permit period to determine that they comply with this article. The owner shall cooperate with and attend the inspection and there will be a cost to the inspection that is the responsibility of the owner.

If the director has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the general public, no notification or warrant is necessary and the director shall enter and inspect the premises pursuant to Section 8-45.

If the owner of the vacant building or structure does not cooperate with and or attend an inspection, the director may seek a search warrant from the Vermont District Court for the purpose of determining compliance with this article.

- (c) The director, upon inspection, shall issue any order for work needed to:
- (1) Comply with this article and adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the vacant building maintenance standards set forth in this article; and
 - (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.

When issuing such orders, the director 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 director's order. No interim permit shall be effective for a period of more than three (3) months. All work done pursuant to this article shall be done in compliance with the applicable building, fire prevention, and zoning codes and ordinances.

(d) The director shall issue a vacant building permit upon being satisfied that the building has been inspected and is in compliance with this article. This permit shall be effective for a period of up to three (3) months during which time it is the responsibility of the owner to notify the city of their plans to rehabilitate, demolish or sell the property.

(e) A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:

(1) *Building openings:* Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers and free from graffiti. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials which are weather protected, and tightly fitted and secured to the opening.

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

(3) *Drainage:* The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.

(4) *Building structure:* The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage. The building shall be sanitary. The building shall not pose a threat to the public health and safety.

(5) *Structural members:* The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

(6) *Foundation walls:* The 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, free from graffiti, and be animal and rat-proof.

(7) *Exterior walls:* The exterior walls shall be free of holes, breaks, free from graffiti, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be

protected from the elements and against decay, corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(8) *Decorative features:* The cornices, belt courses, corbels, terra cotta trim, fences, wall facings and similar decorative features shall be safe, anchored, and in good repair and free from graffiti. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay, corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(9) *Overhanging extensions:* All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound, and free from graffiti. Exposed metal and wood surfaces shall be protected from the elements and against decay, corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface treatment

(10) *Chimneys and towers:* Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair, and free from graffiti. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(11) *Walkways:* Walkways shall be safe for pedestrian travel.

(12) *Accessory and appurtenant structures:* Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.

(13) *Premises:* The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety.

(f) (1) A fee of seven hundred fifty dollars (\$750.00) shall be charged for a vacant building permit or 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.

(2) All but two hundred dollars (\$200.00) of this fee shall be waived upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to the requirements of this article and its vacant building permit or renewal thereof. An owner shall be eligible for the waiver of the fee for no more than two (2) permit periods, not including any interim permit period that occurs within a permit period. The full fee shall be tendered with the request for a waiver and shall be refunded

if the waiver is granted but for the two hundred dollars (\$200.00). A person who purchases a vacant building shall have this fee waived for the remainder of the permit period and the permit period immediately following.

(3) All but seventy-five dollars (\$75.00) of this fee shall be waived when a building is being rehabilitated pursuant to applicable building, fire, and zoning permits and the owner has spent at least five (5) percent of the assessed valuation of the building or structure on rehabilitation, not including the cost of permits, in the prior three (3) month period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the seventy-five dollars (\$75.00).

(4) All but seventy-five dollars (\$75.00) of this fee shall be waived if an owner has secured all the duly required state and local permits to demolish the building or structure. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the seventy-five dollars (\$75.00). The owner shall demolish the building or structure within one (1) month of securing said permits; this waiver shall be void and the vacant building permit fee shall be owed if the owner fails to demolish within this time. The time to demolish may be extended upon a showing of good cause.

(5) Once the permit has expired and the city deems the property no longer eligible for renewal of said permit, the city shall notify the owner. The owner shall either show proof of active marketing for sale or lease, a plan for rehabilitation including proof of construction under contract or proof of immediate demolition. Should none of the above be presented to the city within five (5) days of the expiration of the permit, the owner shall be fined one hundred dollars (\$100.00) per day until such proof is presented.

(g) *Signs/markings.* When required pursuant to this section, signs or markings on the buildings determined to be especially unsafe in case of fire shall be applied on the front of the property, and elsewhere as the fire chief may require, at or above the second floor level and shall not be placed over doors, windows or other openings. All signs/markings shall be visible from the street and, when requested by the fire chief, shall be placed on the sides and the rear of the property. Signs/markings shall be two (2) square feet with lines of two (2) inch width, and shall have a reflective background, or be painted with reflective paint, in contrasting colors as approved by the fire chief. Signs/markings shall be applied directly on the surface of the property and shall state the date of posting and the most recent date of inspection by the fire chief and director.

(Ord. of 8-9-99; Ord. of 12-7-09; Ord. of 12-12-22(1))

8-48 Appeals and variances.

- (a) A party aggrieved by an action of the director shall appeal such action by requesting a hearing to the board of appeals pursuant to the provisions of Section 8-8, excepting appeals of actions taken pursuant to Section 8-45, which shall be taken in accordance with Section 8-45(f).
- (b) Any person subject to the provisions of this article may seek a variance from the provisions of this article before the board of appeals in the same manner that an appeal is taken to the board, and subject to the same procedures as an appeal.
- (c) Where a variance is requested by an applicant, the board of appeals may grant such a variance, and render a decision in favor of the appellant, if the following are found by the board:
 - (1) That there are circumstances or conditions that make strict compliance with the provisions of this article unusually difficult or unduly extensive, or would create an undue hardship;
 - (2) That such a hardship or condition has not been created by the applicant; and
 - (3) That the variance requested will represent the minimum relief necessary and will represent the least deviation possible from the requirements of this article.
- (d) In rendering a decision in favor of an applicant, the board of appeals shall attach such conditions to such variance as it considers necessary and appropriate under the circumstances to implement the purposes of this article.

(Ord. of 8-9-99; Ord. of 12-7-09)

8-49 Enforcement and penalties.

- (a) *Penalty.*
 - (1) A person shall be subject to a civil penalty of five hundred dollars (\$500.00) with a waiver penalty of one hundred fifty dollars (\$150.00) for the following offenses:
 - a. Failure to apply for a vacant building permit or the filing of an incomplete application;
 - b. Failure to pay the vacant building fee;

- c. Failure to schedule an inspection or to show up for an inspection for which notice has been given;
- d. Failure to comply with the obligations set forth in Sections 8-46(c) and (d); and
- e. Failure to comply with an order of the enforcement officer in the time required, with each separate deficiency ordered to be corrected being deemed a separate order.

(2) A person who repeats the same offenses three (3) times within a twelve (12) month period shall be deemed to have committed a criminal offense for the third offense subject to a fine of five hundred dollars (\$500.00).

(3) Prosecution under this section is a remedy cumulative to any and all other remedies at law and equity, and in no way preempts, supersedes, or bars prosecution for violation of this article under subsection (b) of this section.

(b) Any violation of this article is also declared to be a public nuisance and subject to removal or abatement upon a finding of violation by the superior court. An abatement action as contemplated by Section 8-45 is discretionary and is not a precondition to criminal prosecution under this section, nor is a survey report by the director pursuant to Section 8-45 a prerequisite for prosecution under this section.

(c) Any order issued pursuant to this article shall be recorded in the office where the land records are kept, thereby becoming effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or interest in the property arises subsequent to the recording of the order. Once the violation(s) is certified to be corrected, such orders shall be removed from the record. All fees, costs, or charges assessed pursuant to this article shall be a tax lien upon the real property pursuant to 32 V.S.A. § 5061, so long as the lien is recorded in the office where the land records are kept.

(Ord. of 8-9-99; Ord. of 12-7-09; Ord. of 12-12-22(1))

8-50 Reserved.

Editor's note—An ordinance adopted Dec. 7, 2009, repealed § 8-50, which pertained to implementation of the vacant building and dangerous structure provisions and derived from an ordinance adopted Aug. 9, 1999.

8-51—8-59 Reserved.

Editor's note—An ordinance adopted Aug. 9, 1999, amended Ch. 8, Art. III in its entirety as set out hereinbelow. Prior to this amendment, Art. III pertained to abatement of dangerous buildings and was derived from Rev. Ords. 1962, §§ 741—748 and from ordinances enacted Oct. 18, 1982, and Dec. 12, 1983.

State law reference—Unsafe buildings, 24 V.S.A. §§ 3111—3117.

ARTICLE IV. SWIMMING POOLS

8-60 Defined.

As used herein a "swimming pool" shall mean a body of water in an artificial or semiartificial receptacle or other container, whether private or public, except pools containing a depth of water of less than eighteen (18) inches below ground level and pools containing a depth of water of less than twenty-four (24) inches above ground level.

(Rev. Ords. 1962, § 3060; 1969 Cum. Supp., § 3060)

8-61 Applicability of article.

The requirements of this article shall be applicable to all new or existing swimming pools and no person in possession of land upon which a pool is or shall be situated shall fail to provide and maintain the equipment, fence or wall and facilities required herein.

(Rev. Ords. 1962, § 3061; 1969 Cum. Supp., § 3061)

8-62 Enclosure required.

Every outdoor swimming pool shall be completely surrounded by a fence or wall of not less than three (3) feet in height which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates. A dwelling house or accessory building may be used as part of such enclosure.

(Rev. Ords. 1962, § 3061; 1969 Cum. Supp., § 3061)

8-63 Gates and doors.

All gates and doors opening through an enclosure shall be equipped with self-closing and self-latching devices for keeping such gates or doors securely closed at all times when not in

use for ingress and egress, except a door of any dwelling which forms a part of the enclosure need not be so equipped.

(Rev. Ords. 1962, § 3061; 1969 Cum. Supp., § 3061)

8-64 Modification of requirements permitted.

The health officer and building inspector may make modifications in individual cases upon showing of good cause with respect to the requirements of enclosing swimming pools so long as the degree of protection afforded by substitute devices or structures is not less than the protection sought by this article.

(Rev. Ords. 1962, § 3061; 1969 Cum. Supp., § 3061)

8-65 Safety appliances required.

Safety appliances, consisting of at least one ring buoy with line the width of the pool attached and one pole longer than half the width of any pool shall be readily accessible and shall be in plain view whenever there is water within a swimming pool.

(Rev. Ords. 1962, § 3062; 1969 Cum. Supp., § 3062)

8-66—8-75 Reserved.

ARTICLE V. THERMAL HEATING SYSTEMS¹

8-76 Purpose and authority.

(a) *Purpose.* It is in the public interest and in the interest of public health and safety to achieve a high degree of conservation of energy and reduce emissions of greenhouse gases by requiring buildings to meet specified energy efficiency performance standards and maximum allowable heat loss standards.

(b) *Authority.* All provisions in this article relating to thermal energy systems are adopted pursuant to the authority and powers granted by a majority of the legal voters of the city who voted at the annual city meeting on March 7, 2023, in accordance with Section 48(66) of the City Charter and its provisions on the regulation of thermal energy systems in residential and commercial buildings, including the assessment of carbon impact or alternative compliance payments, for the purpose of reducing greenhouse gas emissions throughout the city. The

provisions in this article are further adopted pursuant to the authority and powers granted by the Vermont Legislature in 24 V.S.A. § 3101 (Chapter 83. Building Inspectors and Regulation of Building; Bylaws and ordinances; penalties), as reasonably necessary to improve the health, safety, and welfare of the public from fuel leaks and explosions, and from air pollution, including that which is causing climate change and thereby threatens the city and its inhabitants.

(Ord. of 6-28-21(1); Ord. of 11-20-23)

8-77 Definitions.

- (a) A "thermal energy system" shall mean any space condition, domestic hot water, cooking, appliance, process heat, or other building system that relies on thermal energy.
- (b) "Fossil fuel" shall include all fossil-based heating fuel, including coal, natural gas, kerosene, oil, and propane.
- (c) "Renewable energy" shall include all of the electrification, geothermal, and solar measures, and renewable fuels included in (d) and (e) of 30 V.S.A. § 8127. Renewable energy measures that do not rely on electrification, geothermal or solar will be subject to the applicable requirements of Section 8-78(a).
- (d) Any "renewable energy" fuel or measure set forth in subsection (c) of this section shall be considered excluded from the definition of "renewable energy" if the Vermont Public Utility Commission determines a renewable measure or fuel source is not eligible for renewable heat credits under the requirements of a State of Vermont Renewable Heat Standard or any similar State thermal energy policy.
- (e) A "large existing building" shall mean a building with at least fifty thousand (50,000) feet in total floor area of enclosed conditioned space, including hotels, but excepting the following:
 - (1) All residential buildings; and
 - (2) Buildings listed, or eligible to be listed, on the National Historic Register, provided the applicant can demonstrate to the satisfaction of the department of permitting and inspections that there is no renewable energy thermal energy system available to the building due to the historic nature of the building and any limitations imposed by the National Historic Register.
- (f) A "new building" shall mean the new construction of any building, excepting all additions, alterations, renovations, or repairs to an existing building.

(g) An "existing city building" means all municipal buildings constructed prior to January 1, 2023, and owned by the City of Burlington, regardless of their size or square footage.

(Ord. of 6-28-21(1); Ord. of 11-20-23)

8-78 Renewable energy requirements.

(a) *New buildings.* Applicants seeking permits pursuant to this chapter for new buildings shall demonstrate that the new building will utilize renewable energy thermal energy systems. If an applicant utilizes a primary thermal energy system that relies on renewable energy other than electrification, geothermal, or solar measures, the applicant must certify prior to receiving a permit that the use of electrification, geothermal, or solar measures is not technically feasible, is economically unduly burdensome, is not permitted by applicable regulation, or is not feasible for other similar reasons demonstrated to the satisfaction of the department of permitting and inspections. If an applicant utilizes a nonprimary thermal energy system that relies on renewable energy other than electrification, geothermal, or solar measures, the applicant must provide the department of permitting and inspection a written explanation of the reason for not using a thermal energy system that relies on electrification, geothermal, or solar measures.

(b) *Large existing buildings.* Applicants seeking permits to replace space conditioning systems or domestic water heating systems that are in large existing buildings shall demonstrate the new space conditioning or domestic water heating systems will utilize renewable energy. This subsection (b) shall also apply to existing city buildings, except that existing city buildings are not subject to the carbon pollution impact fee established in Section 8-79.

(c) *Annual certification.* If an applicant utilizes renewable energy in a thermal energy system capable of also using fossil fuels, the applicant must certify prior to receiving a permit and annually thereafter that the renewable energy fully offsets the annual usage for the thermal energy system. This certification may include, but shall not be limited to, submitting a contract, invoice, or proof of a subscription to or participation in a tariff program that demonstrates the applicant's purchased renewable energy fully covers the annual need of the thermal energy system. If the applicant fails to provide annual certification for any thermal energy system capable of also using fossil fuels, that thermal energy system shall be considered a fossil fuel thermal energy system that may only be utilized pursuant to subsection (d) of this section, subject to the carbon pollution impact fee established in Section 8-79 prorated to the remaining lifetime of the fossil fuel thermal energy system.

(d) *Utilization of fossil fuel thermal energy systems.* An applicant covered by this section may alternatively utilize a fossil fuel thermal energy system and the applicant's building shall

be subject to the carbon pollution impact fee established in Section 8-79, but no permit shall be issued to an applicant utilizing a fossil fuel thermal energy system unless the applicant establishes that the cost of a renewable energy thermal energy system is unduly burdensome. To establish that the cost of a renewable energy thermal energy system is unduly burdensome, the applicant must demonstrate to the satisfaction of the department of permitting and inspections that the twenty-five (25) year capital and operational cost of the least expensive renewable energy thermal energy system, including any available incentives, rebates, or tax credits, is more than the twenty-five (25) year capital and operational costs of the applicant's fossil fuel thermal energy system and the carbon pollution impact fee that will be assessed on the applicant's building.

- (e) *Supporting incentives, rebates, or tax credits.* Nothing in this article prevents or prohibits applicants from utilizing any and all available local, State, or federal incentives, rebates, or tax credits that support implementation of renewable energy for their buildings, and applicants are encouraged to access available incentives, rebates, or tax credits.

(Ord. of 6-28-21(1); Ord. of 11-20-23)

8-79 Carbon pollution impact fee.

- (a) *Assessment of fee.* Applicants utilizing a fossil fuel thermal energy system pursuant to Section 8-78(c) shall be assessed a carbon pollution impact fee on the greenhouse gas emissions from the applicant's building or buildings that are attributable to the applied-for fossil fuel thermal energy systems. In no event should an applicant pay a carbon pollution impact fee twice for the same ton of carbon, and the department of permitting and inspections should ensure in application of the fee that it is not duplicative for applicants with multiple buildings or campuses.

- (b) *Amount of fee.* Effective January 1, 2024, the carbon pollution impact fee shall be equal to one hundred fifty dollars (\$150.00) per ton of greenhouse gas emissions attributable to a building's fossil fuel thermal energy systems over their lifetime, based on a net present value calculation (using a discount rate that is the lower of the rate used by either the environmental protection agency or the State of Vermont in calculating the social cost of carbon) at the time the permit application is submitted. The emissions attributable to a building's fossil fuel thermal energy systems will be based on the expected lifetime of the system and its expected annual emissions. Applicants shall be required to submit this information during the permit process, and the department of permitting and inspections may work with Burlington electric department energy services staff to assess and verify applicant information for expected lifetime and emissions of a system in a building. On each subsequent January 1, the carbon pollution impact fee shall be increased by any percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or

successor index, as calculated by the U.S. Department of Labor or successor agency for the twelve (12) months preceding the previous September 1, but in no event shall the increase be greater than five (5) percent. The carbon pollution impact fee shall be rounded off to the nearest dollar.

(c) *Exceptions.*

- (1) For large existing building applicants, the carbon pollution impact fee shall be capped at no more than seventy-five (75) percent of the installed cost of the proposed space conditioning or domestic water heating system.
- (2) An applicant building a new, residential multi-unit dwelling with four (4) or more units shall not be subject to the alternative compliance carbon pollution impact fee as it applies to domestic water heating systems until January 1, 2026.
- (3) If an applicant with one (1) or more buildings is seeking a permit pursuant to this chapter, and is already using one (1) or more thermal energy systems that rely on renewable energy, the applicant may apply for a credit toward any carbon pollution impact fee equal to the carbon value of the renewable energy used for any thermal energy system permitted by the City of Burlington since January 1, 2024, and not regulated under this article.

(d) *Renewable energy fund.* All carbon pollution impact fee proceeds, except those funds needed to administer this article, shall be placed in a renewable energy fund established and managed by the department of permitting and inspections with technical support from the Burlington electric department. Renewable energy fund proceeds shall be made available as follows:

- (1) Half of the proceeds paid into the renewable energy fund by a large existing building applicant shall be available to the payor for projects to reduce greenhouse gas emissions at any site owned by the payor in the City of Burlington. The large existing building applicant must request these proceeds within one (1) year following payment of their carbon pollution impact fee; the applicant shall demonstrate to the satisfaction of the department of permitting and inspections that the proceeds will be used to meaningfully reduce greenhouse gas emissions; the proceeds may not be used to subsidize the cost of thermal energy systems regulated by this article, and any proceeds not requested within that year shall be made available under subsection (d)(2) of this section.
- (2) Any remaining proceeds collected from large existing building applicants and all proceeds paid into the renewable energy fund by new construction applicants shall be available to provide financial assistance to help low-income Burlington residents with

funding initiatives that reduce greenhouse gas emissions, including, but not limited to, the installation of renewable energy thermal energy systems, weatherization projects, or subsidizing utility costs associated with purchasing renewable energy rather than fossil fuel. This funding may be delivered either through direct payments to homeowners and renters who are income-qualified per the most recent income-qualification levels published by the community and economic development office ("CEDO"), or through payments to property owners of multifamily buildings where at least twenty-five (25) percent of the tenants in the building are income-qualified; provided, that the property owner must commit to not raising the rent of income-qualified tenants as a result of costs associated with the funded initiatives to reduce greenhouse gas emissions.

(Ord. of 6-28-21(1); Ord. of 11-20-23)

8-80 Effective date and reporting requirement.

- (a) The provisions of this article shall take effect on January 1, 2024.
- (b) The department of permitting and inspections shall maintain records on applications submitted pursuant to this article, including, but not limited to, information on applicant type, the size of an applicant's building(s), the thermal energy system(s) applied for, whether the thermal energy system(s) utilize fossil fuel or renewable energy, and information submitted in support of an applicant utilizing fossil fuel or renewable energy. The department of permitting and inspections shall also maintain records on any carbon pollution impact fee proceeds paid into the renewable energy fund and how these proceeds have been distributed. The records required under this section shall be reported to the city council no later than January 1, 2026, and biannually thereafter, or otherwise upon request.

(Ord. of 11-20-23)

8-81—8-99. Reserved.

¹ **Editor's note**—An ordinance of Oct. 28, 2019, amended the Code by repealing §§ 8-76—8-99, which pertained to illuminated signs.

ARTICLE VI. ENERGY CONSERVATION

8-100 Purpose.

It is in the public interest and in the interest of public health and safety to achieve a high degree of conservation of critical energy supplies and to establish certain necessary maximum allowable heat loss and/or gain rates and/or minimum energy efficiency performance requirements, for buildings to achieve conservation of energy.

(Ord. of 12-12-83; Ord. of 7-22-91)

8-101 Conservation standards.

- (a) Compliance with the "Guidelines for Energy Efficient Construction for the City of Burlington, Vermont," shall be deemed to meet the requirements of this article.
- (b) Not less than three (3) certified copies of the "Guidelines for Energy Efficient Construction for the City of Burlington, Vermont," shall be filed at the office of the public health and safety administrator and the same shall be adopted and incorporated fully as if set out at length herein. Such amendments to the "Guidelines for Energy Efficient Construction for the City of Burlington, Vermont," as are necessary and appropriate to effectuate the aims of this chapter shall be proposed by the electric commission for approval by the city council.

(Ord. of 12-12-83; Ord. of 7-22-91; Res. of 11-13-00)

8-102 Compliance with standards prerequisite to issuance of certain permits.

The conservation standards shall be met before any plans are approved and before any building, plumbing or electrical wiring permit may be issued for:

- (1) New commercial and/or residential construction;
- (2) Additions to residential and/or commercial structures;
- (3) Conversion of an existing structure to another use;
- (4) subdivision of an existing structure to allow other additional uses;
- (5) Subdivision of an existing structure to allow multiple units of the same use (i.e., single-family residential to two (2) or more family units); or
- (6) Replacement of any component of a building for which criteria are specified within the "Guidelines for Energy Efficient Construction for the City of Burlington, Vermont."

8-103 Powers and remedies.

The public health and safety department shall have all such powers to enforce this article as exist and are set out in Articles I, II and III of this chapter for the enforcement of building codes. All persons subject to the provisions of this article shall have such duties, obligations and rights and remedies by appeal as found in Articles I, II and III of this chapter or the enforcement of building codes.

(Ord. of 12-12-83)

8-104 Variances.

- (a) Any person subject to the provisions of this article or other interested person may seek a variance from the provisions of this article before the board of appeals in the same manner that an appeal is taken to the board, and subject to the same procedures as an appeal.
- (b) Where a variance is requested by an applicant, the board of appeals may grant such a variance, and render a decision in favor of the appellant, if the following are found by the board of appeals:
 - (1) That there are unique physical circumstances or conditions of the structure, or other physical conditions peculiar to the structure that make strict compliance with the provisions of this article unusually difficult or unduly expensive, or would create an undue hardship;
 - (2) That such a hardship or condition has not been created by the applicant and is due to previously existing conditions in the structure; and
 - (3) That the variance requested will represent the minimum relief necessary and will represent the least deviation possible from the energy conservation standards.
- (c) In rendering a decision in favor of an applicant, the board of appeals may attach such conditions to such variances as it may consider necessary and appropriate under the circumstances to implement the purposes of this article.
- (d) The remedy of variance shall not apply to new commercial and/or residential construction.

(Ord. of 12-12-83)

**Chapter 9
CEMETERIES¹****Article I. In General**

- 9-1 Hours open.**
- 9-2 Cemetery superintendent responsible for enforcing regulations.**
- 9-3 Authority of superintendent to take action to protect lots.**
- 9-4 Prohibited acts generally.**
- 9-5 Removal of offensive objects authorized.**
- 9-6 Floral arrangements, removal.**
- 9-7 Removal of rubbish.**
- 9-8 Workers subject to superintendent's directions.**
- 9-9 Boisterous conduct prohibited.**
- 9-10 Food and drinks prohibited; exception.**
- 9-11 Speed limit for vehicles.**
- 9-12 Certain conveyances prohibited in cemetery, exceptions.**
- 9-13 Firearms prohibited.**
- 9-14 Dogs prohibited.**
- 9-15 Removal of soil prohibited.**
- 9-16 Prohibited displays.**
- 9-17 Children under fourteen to be accompanied by adult.**
- 9-18 Soliciting business prohibited.**
- 9-19 Entry onto private lots restricted.**
- 9-20 Reserved.**
- 9-21 Penalty for violations.**

9-22—9-31 Reserved.

Article II. Purchase or Transfer of Lots

9-32 Lots to be paid for in full before interment.

9-33 Transfers to third persons to be reported.

9-34 Information available from superintendent.

9-35 Authority to designate certain sections where lots not for sale except upon certain conditions.

9-36 Reversion of grave to cemetery.

9-37 Authority to increase charges of lots.

9-38—9-47 Reserved.

Article III. Charges

9-48 Schedule of cemetery rates and charges.

9-49 Reserved.

9-50 Charges for perpetual care.

9-51 Reserved.

9-52—9-61 Reserved.

Article IV. Monuments, Markers and Improvements

9-62 Monuments not permitted on single graves; markers allowed.

9-63 Reserved.

9-64 Foundation required for markers.

9-65 Cornerstones.

9-66 Monuments or markers may be reset.

9-67 Aboveground structures.

9-68 Enclosures prohibited.

9-69 Superintendent to designate location of materials.

9-70 Saturday work restricted.

9-71 Grading and fitting lots.

9-72 Care of lots.

9-73 Stone, concrete or gravel prohibited.

9-74 Damages to driveways, trees, shrubs, etc.

9-75 Authority to remove trees, shrubs or plants.

9-76 Lot owners permitted to plant flowers.

9-77 Special regulations for Lakeview Cemetery.

9-78—9-86 Reserved.

Article V. Funerals and Interments

Division 1. In General

9-87 Superintendent to have control of funerals.

9-88 Funerals not to be held on Sunday, exception.

9-89 Openings to be made by cemetery employees.

9-90 Notice and permit required for interment.

9-91 Written order for disinterment required.

9-92 Receiving vault.

9-93 Removal of bodies from vault.

9-94 Authority of superintendent to make interment.

9-95 Interment in lot which has a debt against it prohibited.

9-96 Permission of lot owner required for burial of nonfamily in lot.

9-97 Work to cease during services.

9-98 Infectious diseases.**9-99 Vault design requirements.**

Division 2. Cremation Garden Areas

9-100 Special regulations regarding cremation garden areas.

Division 3. Burials at Public Expense

9-101 Special regulations regarding burials at public expense.

¹**Charter reference**—Power of city council to establish, manage and control public cemeteries, § 48(XXXVI); authority to prevent trespass or injury to cemeteries, § 48(XXXIII); department of cemeteries, §§ 218—220.

Cross reference—Vegetation, Ch. 29.

ARTICLE I. IN GENERAL

9-1 Hours open.

Lakeview Cemetery shall be open from 7:00 a.m. until one-half (1/2) hour after sunset throughout the year. Greenmount and Elmwood Cemeteries shall be open from 7:00 a.m. until one half (1/2) hour after sunset during the summer season only except during the winter season, when such cemeteries shall be closed. All persons shall leave the grounds at closing times, and shall not be on grounds, except with permission of the superintendent or commission.

(Rev. Ords. 1962, § 1831; Ord. of 2-20-96; Ord. of 7-17-00)

9-2 Cemetery superintendent responsible for enforcing regulations.

The cemetery superintendent shall be responsible for the enforcement of all rules and regulations adopted by the board of cemetery commissioners and for maintaining good order and decorum in the cemetery grounds.

(Rev. Ords. 1962, § 1841; Ord. of 11-8-10(1))

9-3 Authority of superintendent to take action to protect lots.

The superintendent may take such action as may be necessary, although not expressly authorized by the rules, in order to protect the property of lot owners or of the cemeteries from injury and to preserve peace and good order on the grounds.

(Rev. Ords. 1962, § 1841)

9-4 Prohibited acts generally.

No person shall, in any burial ground or cemetery, disturb, mutilate or destroy a tree, shrub, vine, flower, tomb, monument or fence, or steal or without the consent of the owner or cemetery workers take and carry away a tree, shrub, vine, flower, vase, pot or other vessel used for flowers and plants, or any other thing placed in any burial ground or cemetery for ornament or use. A violation of this section shall be punishable as provided in Title 13 of the Vermont Statutes Annotated.

(Rev. Ords. 1962, § 1801; Ord. of 2-20-96; Ord. of 11-8-10(1))

9-5 Removal of offensive objects authorized.

Only those objects which are approved by the cemetery department may be placed on cemetery grounds. If anything shall be placed on any lot in violation of this chapter, the superintendent shall have the right to remove any such object.

(Rev. Ords. 1962, § 1838; Ord. of 2-20-96; Ord. of 7-17-00)

9-6 Floral arrangements, removal.

A maximum of six (6) floral arrangements shall be allowed to remain at the gravesite after a burial. Floral designs and cut flowers shall be removed from lots as soon as they become unsightly.

(Rev. Ords. 1962, § 1838; Ord. of 2-20-96)

9-7 Removal of rubbish.

All persons shall remove all trash and rubbish to such places of deposit as are provided for that purpose.

(Rev. Ords. 1962, § 1834; Ord. of 7-17-00; Ord. of 11-8-10(1))

Cross reference—Littering in city parks prohibited, § 22-4.

9-8 Workers subject to superintendent's directions.

All workers employed in any capacity in the cemeteries shall be subject to the direction and control of the superintendent and any worker who does not regard the regulations or the proprieties of the cemetery shall not be permitted to enter, or remain in the cemetery.

(Rev. Ords. 1962, § 1841; Ord. of 2-20-96; Ord. of 7-17-00)

9-9 Boisterous conduct prohibited.

No boisterous or disorderly conduct shall be permitted within cemetery grounds.

(Rev. Ord. 1962, § 1831; Ord. of 2-20-96)

Cross reference—Disturbing the peace, § 21-13; rude and disorderly conduct, § 21-15.

9-10 Food and drinks prohibited; exception.

Lunches or other refreshments shall be permitted on the cemetery grounds only with the approval of the superintendent.

(Rev. Ord. 1962, § 1831; Ord. of 2-20-96)

9-11 Reserved.

Editor's note—A regulation effective July 8, 2020, repealed § 9-11, which pertained to speed limits and derived from Rev. Ords. 1962, § 1831, and an ordinance adopted Feb. 20, 1996.

9-12 Certain conveyances prohibited in cemetery, exceptions.

The board of cemetery commissions may make additional regulations regarding the operation of trucks, heavy wagons, bicycles, motorcycles, roller blades, snowmobiles, skateboards or saddle horses inside the cemetery grounds.

(Rev. Ords. 1962, § 1831; Ord. of 2-20-96; Ord. of 9-13-10)

9-13 Firearms prohibited.

Firearms shall not be permitted within the cemetery grounds, except for full military burial or any honored burial. Re: police, fire and EMT.

9-14 Dogs prohibited.

No dogs shall be permitted within the cemetery grounds, except as required by law.

(Rev. Ords. 1962, § 1831; Ord. of 7-17-00)

Cross reference—Animals going at large prohibited, § 5-1; dogs running at large prohibited, § 5-21; animals prohibited in parks, § 22-13.

9-15 Removal of soil prohibited.

No soil may be removed from any lot within any cemetery without the permission of the superintendent.

(Rev. Ords. 1962, § 1834)

Cross reference—Digging or blasting in city parks prohibited, § 22-3.

9-16 Prohibited displays.

No glass-encased wreaths or flowers, artificial wreaths or flowers, Christmas trees or ornaments of any kind shall be permitted on any cemetery grounds. No bushes with thorns shall be permitted.

(Rev. Ords. 1962, § 1834; Ord. of 2-20-96; Ord. of 6-22-98)

9-17 Children under fourteen to be accompanied by adult.

Every child under fourteen (14) years of age within the cemetery grounds shall be attended by an adult who shall be responsible for his conduct.

(Rev. Ords. 1962, § 1831)

9-18 Soliciting business prohibited.

No person shall solicit for business within the grounds of the cemetery.

(Rev. Ords. 1962, § 1831; Ord. of 7-17-00)

Cross reference—Solicitors, Ch. 23.

9-19 Entry onto private lots restricted.

No person shall enter upon any private lot or disturb any flowers or plants or carry away anything from any lot except with the permission of the owner or his or her representative.

(Rev. Ords. 1962, § 1831; Ord. of 2-20-96)

9-20 Reserved.

Editor's note—An ordinance adopted Nov. 8, 2010, repealed § 9-20 which pertained to entry of florists on Sunday restricted and derived from Rev. Ords. 1962, § 1834 and an ordinance adopted July 17, 2000.

9-21 Penalty for violations.

Unless a specific penalty has otherwise been provided, any violation of the provisions of this chapter shall be deemed a civil offense punishable as provided in City Code Section 1-9. In addition, a person who violates this chapter shall be removed from the cemetery. Any police officer may issue a municipal complaint ticket for violation of these articles.

(Rev. Ords. 1962, § 1831; Ord. of 2-20-96; Ord. of 7-17-00)

Cross reference—General penalty, § 1-9.

9-22—9-31 Reserved.

ARTICLE II. PURCHASE OR TRANSFER OF LOTS

9-32 Lots to be paid for in full before interment.

All lot purchases shall be paid for in full or a satisfactory guarantee of payment given before any interment shall be permitted. The purchase price shall be paid to the superintendent at the cemetery, who shall give a receipt for the same. This receipt shall entitle the purchaser to a deed from the City of Burlington. All deeds shall be placed with the city clerk for record.

(Rev. Ords. 1962, § 1836; Ord. of 6-25-07, eff. 7-25-07)

9-33 Transfers to third persons to be reported.

The transfer of cemetery lots or parts of such lots to a third person shall be reported at the office of the superintendent for record before the purchaser shall be allowed to use the same.

(Rev. Ords. 1962, § 1836)

9-34 Information available from superintendent.

All persons desiring to purchase cemetery lots will be given all needed information by calling on the superintendent at the cemetery, who will show the plans and locations and give the prices of lots.

(Rev. Ords. 1962, § 1836)

9-35 Authority to designate certain sections where lots not for sale except upon certain conditions.

The board of cemetery commissioners may designate certain sections of the cemeteries where lots will not be sold except upon agreement to properly grade and fit the same.

(Rev. Ords. 1962, § 1836)

9-36 Reversion of grave to cemetery.

Whenever a single grave has a debt against it and such grave becomes vacant by removal of bodies therein, the land shall revert to the cemetery.

(Rev. Ords. 1962, § 1836)

9-37 Authority to increase charges of lots.

When necessary, in order that the cemeteries may be self-sustaining, the board of cemetery commissioners may change the prices of lots in any section of the cemeteries and fix new prices therefor.

(Rev. Ords. 1962, § 1836)

9-38—9-47 Reserved.

ARTICLE III. CHARGES

9-48 Schedule of cemetery rates and charges.

The schedule of cemetery rates and charges will be set and published by the Cemetery Commission.

(Ord. of 5-15-00; Ord. of 6-14-04, eff. 7-14-04; Ord. of 11-8-10(1))

9-49 Reserved.

Editor's note—An ordinance adopted Oct. 4, 1982, repealed § 9-49, relative to care of lots. Said repealed section derived from a resolution of Dec. 3, 1973.

9-50 Charges for perpetual care.

(a) Lot owners will secure a bond from the City of Burlington, through the superintendent, for the perpetual care of their lot. The money paid for perpetual care shall be placed with the city treasurer to be invested and the income therefrom shall be used as set forth in 18 V.S.A. § 5306, to include for the maintenance of a lot. This shall include keeping the grass cut, maintaining a greensward, leveling the depressed areas and other purpose of building, repairing, maintaining, adorning, and beautifying buildings or parts thereof, fences, graves, vaults, mausoleums, monuments, walks, cemetery lots, grounds, drives, or avenues, as the interests of the lot owners and cemetery shall appear.

(b) Perpetual care, as provided for herein, means that there will not be further expense to the lot owner in caring for his lot.

(Rev. Ords. 1962, § 1837; Res. of 12-3-73; Ord. of 5-6-96; Ord. of 6-25-07, eff. 7-25-07; Ord. of 12-12-22(2))

9-51 Reserved.

Editor's note—An ordinance enacted May 6, 1996, repealed § 9-51, which pertained to the use of Lakeview Cemetery chapel, and which derived from Rev. Ords. 1962, § 1839.

9-52—9-61 Reserved.

ARTICLE IV. MONUMENTS, MARKERS AND IMPROVEMENTS¹

9-62 Monuments not permitted on single graves; markers allowed.

Monuments shall not be allowed on single graves, but markers may be placed at the head of each grave, provided such markers shall not exceed two (2) feet by one (1) foot by eighteen (18) inches in height. Only one marker or headstone shall be allowed on each grave.

(Rev. Ords. 1962, § 1833; Ord. of 2-20-96)

9-63 Reserved.

Editor's note—An ordinance enacted Feb. 20, 1996, deleted provisions formerly codified as § 9-63, which pertained to the height and thickness of markers, and which derived from Rev. Ords. 1962, § 1833.

9-64 Foundation required for markers.

No monuments, headstones or markers shall be set without a proper foundation in accordance with site plan requirements on record at the cemetery office.

(Rev. Ords. 1962, § 1833; Ord. of 11-8-10(1))

9-65 Cornerstones.

In order to preserve a more park-like appearance in the cemeteries, no cornerstones to the lots shall hereafter be allowed except as follows: Cornerstones shall not exceed the dimensions of six (6) inches square and when set shall not be above the grade of the lot.

(Rev. Ords. 1962, § 1833; Ord. of 2-20-96)

9-66 Monuments or markers may be reset.

Any monument or marker heretofore set that has no foundation and becomes out of place may be reset with a proper foundation by direction of the board of cemetery commissioners at the expense of the lot owner.

(Rev. Ords. 1962, § 1833; Ord. of 6-22-98)

9-67 Aboveground structures.

No vault or other structure aboveground shall be built in any cemetery, except by special permission of the board of cemetery commissioners, after plans for the same have been submitted and approved by the board.

9-68 Enclosures prohibited.

- (a) No enclosure of a cemetery lot by a fence, hedge or curbing shall hereafter be allowed.
- (b) If any enclosure heretofore made shall become dilapidated, the superintendent is hereby authorized to have it removed.

(Rev. Ords. 1962, § 1832)

9-69 Superintendent to designate location of materials.

The superintendent shall, in all cases, designate the place where materials to be used in the erection of monuments or excavating vaults are to be placed during the course of erection or excavation.

(Rev. Ords. 1962, § 1833)

9-70 Saturday work restricted.

No monuments or markers shall be brought into the cemetery on any Saturday and no work shall be commenced on that day which cannot be finished and the debris removed before 4:00 p.m. without permission from the cemetery superintendent.

(Rev. Ords. 1962, § 1833; Ord. of 6-22-98; Ord. of 11-8-10(1))

9-71 Grading and fitting lots.

- (a) All grading and fitting of lots shall be done under the direction of the superintendent and in accordance with the established methods for doing such work.
- (b) Charges for the work shall be made in accordance with the established schedule done by the superintendent. Payment in advance may be required at the discretion of the superintendent.

(Rev. Ords. 1962, § 1837)

9-72 Care of lots.

- (a) The grass on all lots shall be regularly cut by the workers of the cemeteries under the direction of the cemetery superintendent.
- (b) The charge for this work shall be in accordance with the schedule of charges set by the cemetery commission.

(Rev. Ords. 1962, § 1838; Ord. of 2-20-96; Ord. of 11-8-10(1))

9-73 Stone, concrete or gravel prohibited.

No stones, concrete or gravel shall be permitted on any cemetery lot.

(Rev. Ords. 1962, § 1835; Ord. of 6-22-98)

9-74 Damages to driveways, trees, shrubs, etc.

- (a) Any damage that may be done to driveways within any cemetery by any vehicle drawing monuments or any other material shall be made good by the contractor, or the expense of repairs shall be charged to the lot owner responsible for the work.
- (b) Owners and drivers of horses or motor vehicles shall be responsible for any damage done by them to trees, shrubs or lots, or for damages to any monument or other structure through their own carelessness or that of their representatives.

(Rev. Ords. 1962, § 1835; Ord. of 11-8-10(1))

9-75 Authority to remove trees, shrubs or plants.

The board of cemetery commissioners shall have the right to remove any tree, shrub or plant that is detrimental to any lot or to the cemetery.

(Rev. Ords. 1962, § 1834)

Cross reference—Planting certain trees within city prohibited, § 29-1; cutting or pruning trees without permission prohibited, § 29-3.

9-76 Lot owners permitted to plant flowers.

The owners of cemetery lots shall be allowed to plant flowers and shrubs on their lots under the direction of the cemetery superintendent. The employees will take reasonable care when

maintaining the cemetery grounds, but neither the city nor city employees working in the cemetery will be responsible for damage to plants or flowers.

(Rev. Ords. 1962, § 1834; Ord. of 11-8-10(1))

9-77 Special regulations for Lakeview Cemetery.

The particular area known as section 5 of Lakeview Cemetery shall also be subject to the following restrictions:

- (a) No monument over thirty-six (36) inches total height.
- (b) Base 2-3-5 grave lots minimum thirty-six (36) inches, maximum forty-eight (48) inches width; 5-6 grave lot minimum thirty-six (36) inches, maximum fifty-four (54) inches.
- (c) All monuments and markers will be granite or bronze.
- (d) All markers, including government markers, will be flush markers.
- (e) There will be no planting of trees or shrubs in this section by lot owners.

(Ord. of 2-20-96; Ord. of 11-8-10(1))

9-78—9-86 Reserved.

¹ **State law reference**—Damaging monuments, markers, grounds or ornaments, 13 V.S.A. §§ 3464—3767.

ARTICLE V. FUNERALS AND INTERMENTS

9-87 Superintendent to have control of funerals.

All funerals shall be under the control and subject to the direction of the superintendent while in the cemetery.

(Rev. Ords. 1962, § 1839)

9-88 Funerals not to be held on Sunday, exception.

Interments shall not be held on Sundays except in cases of dire necessity, infectious diseases or plagues, each instance to be approved by the health officer of the city and the board of cemetery commissioners.

(Rev. Ords. 1962, § 1839)

9-89 Openings to be made by cemetery employees.

All openings of graves and all interments shall be made by the employees of the cemeteries under the direction of the superintendent.

(Rev. Ords. 1962, § 1839)

9-90 Notice and permit required for interment.

Adequate notice of any interment shall be given to the superintendent and shall be accompanied by the burial permit issued as required by law.

(Rev. Ords. 1962, § 1839)

9-91 Written order for disinterment required.

No disinterment or removal of any body shall be allowed without lawful written documentation approved by the cemetery superintendent.

(Rev. Ords. 1962, § 1839; Ord. of 2-20-96; Ord. of 11-8-10(1))

State law reference—Unauthorized removal of bodies, 13 V.S.A. § 3761.

9-92 Receiving vault.

During the winter season when it is not practical to make interments, bodies may be placed in the receiving vault. Charges for the use of the vault shall be set by the board of cemetery commissioners.

(Rev. Ords. 1962, § 1840; Ord. of 2-20-96)

9-93 Removal of bodies from vault.

Upon due notice from the superintendent that it is necessary for any reason, bodies shall be removed at once from the vault and be interred. Removal shall occur by the third Friday in

May annually unless otherwise directed by the superintendent.

(Rev. Ords. 1962, § 1840; Ord. of 2-20-96)

9-94 Authority of superintendent to make interment.

If, upon notice given to friends of the deceased or to the funeral director, prompt attention is not given to interment, the superintendent shall make the interment in the lot of the deceased or in the lot provided by the cemetery.

(Rev. Ords. 1962, § 1840; Ord. of 2-20-96)

9-95 Interment in lot which has a debt against it prohibited.

The board of cemetery commissioners shall not permit, on any pretext whatever, any interment in a lot or grave that has a debt against such lot or grave.

(Rev. Ords. 1962, § 1836)

9-96 Permission of lot owner required for burial of nonfamily in lot.

Persons desiring to allow the interment of bodies other than members of their own family shall give a written permit for the same signed by the lot owner or by his legal representative.

(Rev. Ords. 1962, § 1836)

9-97 Work to cease during services.

All workers engaged in the vicinity of a burial shall suspend their labors during the services.

(Rev. Ords. 1962, § 1839; Ord. of 2-20-96)

9-98 Infectious diseases.

The cemetery department shall comply with all regulations and recommendations of the state health department regarding the storage and burial of bodies of individuals who have died of infectious or contagious diseases.

(Ord. of 2-20-96)

9-99 Vault design requirements.

Every earth interment other than a burial of cremains will be made in a concrete container or bronze receptacle of 12 gauge or better in addition to the casket. The structural design and vault installation must be approved by the superintendent. All vaults must have a cover made in one piece.

(Ord. of 2-20-96)

9-100 Special regulations regarding cremation garden areas.

The burial of cremated remains in the cremation garden areas shall be subject to the following regulations:

- (1) Lots will be sold, without reserve, with a deed being issued.
- (2) Only one burial in each two-foot lot will be permitted.
- (3) The cost of a lot will also include a burial fee for opening and closing the site and perpetual care.
- (4) In the interest of uniformity of style and design, the inscription will provide space for an individual name, including first name, middle initial and last name. In addition, the dates of birth and death will be inscribed in uniform style with the months abbreviated in three (3) letters and full numerical dates thereafter. No other inscription will be permitted.
- (5) The planting of shrubs, plants and flowers will be limited to the cemetery department and will not be permitted by lot holders or others.
- (6) All other rules and regulations of the cemetery will apply.

(Ord. of 2-20-96)

9-101 Special regulations regarding burials at public expense.

- (a) The board of cemetery commissioners will designate areas to be used for burials at public expense.
- (b) Only one burial is permitted per grave. The interment must comply with all other established burial procedures of the cemetery.

- (c) An application for burial in such an area must be obtained from the superintendent. On said application, the responsible parties must affirm that the deceased was a resident of the city, that there are no assets that could pay the cost of a plot and interment, and that the deceased is not eligible under the provisions of 33 V.S.A. section 2301 for state funds to cover the cost of their burial and grave. The information provided on the submitted application must be attested to before a notary public.
- (d) Any burial in said area will be done at the convenience of the cemetery department, as determined by the superintendent.
- (e) After any interment in one of these areas, no additional marker of any kind can be installed on the plot unless the cemetery department is paid in full for the burial fee, the plot and perpetual care costs in effect at the time of the interment.
- (f) When said reimbursement is paid in full, a deed for the plot will be issued. An appropriate marker can be installed in accordance with established rules and procedures of the cemetery department.
- (g) All fees must be paid in full before any disinterment can occur.

(Ord. of 2-20-96; Ord. of 5-20-02)

Chapter 10 RESERVED¹

¹**Editor's note**—An ordinance enacted Dec. 6, 1982, repealed Ch. 10, "Child Care Facilities," §§ 10-1—10-13. Formerly Ch. 10 derived from Rev. Ords. 1962, §§ 1361—1365 and an ordinance enacted March 20, 1978, § 4.

Chapter 11 EMERGENCY MANAGEMENT¹

11-1 Authority.

11-2 Intent and purpose.

11-3 Definitions.

11-4 Organization and appointments.

11-5 Emergency powers and duties.

11-6 Limitation on authority.

11-7 Violations.**11-8 Penalty.****11-9 Severability.****11-10 Political activity prohibited.****11-11 Mutual aid.****11-12 Supplementary agreements.****11-1 Authority.**

This chapter shall be known and may be cited and referred to as the "Emergency Management Ordinance of the City of Burlington."

(Ord. of 10-4-86)

11-2 Intent and purpose.

- (a) It is the intent and purpose of this chapter to establish an office of emergency management which will ensure the complete and efficient utilization of all of the city's facilities to combat disasters and emergencies.
- (b) The office of emergency management will be the coordinating agency for all activity in connection with emergency management; it will be the instrument through which the mayor may exercise the authority and discharge the responsibilities vested in him by the general law of this state and the Charter of the city.
- (c) All plans formulated by the office of emergency management shall be in conformity to the regulations and standards established by the U.S. Department of Defense and the Federal Emergency Management Agency, including the regional offices thereof, by the State of Vermont and the Division of Emergency Management 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 for guidance in the operations and planning of said office of emergency management. It shall be one of the objectives of the office to expand and develop its operational plans, with the assistance of available state or federal funds, in accordance with the above regulations and standards.
- (d) The director of emergency management will submit appropriate plans and other materials to the Division of Emergency Management of the Department of Public Safety of

the State of Vermont, or any successor agency charged with similar duties and responsibilities.

- (e) This chapter will not relieve any city department of the normal responsibilities or authority given to it by law or the City Charter or by ordinance.

(Ord. of 10-4-86)

11-3 Definitions.

- (a) The following definitions shall apply in the interpretation of this chapter:

(1) *Emergency management* is to carry out the basic government functions of maintaining the public peace, health and safety during emergency conditions. This shall include plans and preparations for protection, disaster relief, recovery and rehabilitation before, during and after an emergency/disaster. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

(2) *Emergency* shall mean demand on local government services which exceeds or threatens to exceed its capability to respond; an unexpected and/or unusual problem confronting the community which is threatening to life or property.

(3) *Disaster* includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or other impending or actual calamity endangering or threatening to endanger life or property or constituted government.

(4) *Emergency management forces* shall mean the employees, equipment and facilities of all city departments, boards and commissions, and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons or agencies.

(5) *Volunteer* shall mean contributing a service, equipment or facilities to the office of emergency management without remuneration.

(6) *Emergency management volunteer* shall mean any person duly registered, identified and appointed by the director or deputy director of the office of emergency management and assigned to participate in emergency management activities.

(7) *Regulations* shall include plans, programs and other emergency procedures deemed necessary to emergency management and duly promulgated.

- (8) *Mitigation* is a measure which could prevent or alleviate the impact of a catastrophic event before the event occurs.
- (9) *Preparedness* includes planning, training, installing warning systems, stockpiling supplies and maintaining resource inventories.
- (10) *Response* involves the actual search and rescue operations, debris removal, emergency housing, feeding and medical treatment.
- (11) *Recovery* refers to the activities which contribute to the restoration and reconstruction of the community to at least predisaster/emergency conditions.

(Ord. of 10-4-86)

11-4 Organization and appointments.

- (a) *Authority of mayor to create office.* The mayor is hereby authorized and directed to create an office of emergency management, utilizing to the fullest extent the existing agencies within the city.
- (b) *Authority of mayor to appoint director.* The mayor is authorized to appoint a director of emergency management, such appointment to be subject to the approval of the board of aldermen.
- (c) *Deputy director.* There shall be a deputy director of emergency management. He shall be appointed by the director with the approval of the mayor and shall perform duties as the director may prescribe and in the absence or disability of the director shall perform the duties of that office.
- (d) *Salary of director and deputy director; appointment of others.* The director and deputy director of emergency management shall receive such salary or other assistance as may from time to time be authorized by the city council. The director, in addition and within available appropriation, may appoint such other officials or assistants as he shall from time to time deem necessary or advisable to serve without compensation other than for expenses incurred in the performance of their duties.
- (e) *Expenditure of funds.* The director of emergency management shall have charge of the expenditures of all funds appropriated or otherwise made available for the purpose of emergency management.
- (f) *Participation of city boards, departments and commissions.* The employees, equipment and facilities of all city departments, boards and commissions will participate in emergency

management activity. Duties assigned to city departments shall be the same or similar to the normal duties of such departments.

(Ord. of 10-4-86)

11-5 Emergency powers and duties.

(a) *Mayor's emergency powers:*

(1) The mayor may exercise the emergency powers and authority necessary to fulfill his general powers and duties as defined in the City Charter and the general laws of the state. The judgment of the mayor will be the criteria necessary to invoke emergency powers provided in the City Charter, the ordinances and other appropriate authorities.

The board of aldermen may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports relative to emergency management activities. Nothing in this chapter shall be construed as abridging or curtailing the powers or restrictions of the city council as defined in the City Charter.

(2) During any period when disaster threatens or when the city has been struck by a disaster, the mayor may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but not be limited to, the following:

- a. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management forces, or to facilitate the mass movement of persons from critical areas within or without the city.
- b. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
- c. Such other regulations necessary to preserve public peace, health and safety.

Regulations promulgated in accordance with the above authority will be given widespread circulation by proclamations published and uttered by newspaper and radio. These regulations will have the force of ordinance when duly filed with the city clerk and violations will be subject to the penalties provided in this Code of Ordinances.

(3) The mayor shall order emergency management forces to the aid of other communities when required in accordance with the statutes of the state, and he may request the state, or a political subdivision of the state, to send aid to the City of Burlington in case of disaster when conditions in the city are beyond the control of the local emergency management forces.

- (4) The mayor may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people and bind the city for the fair value thereof.
 - (5) The mayor may require emergency services of any city officer or employees. If regular city forces are inadequate, the mayor may require the services of such other personnel as he can obtain who are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, the City Charter and ordinances for regular city employees and other registered and identified emergency management and disaster workers.
 - (6) The mayor will exercise his ordinary powers as mayor and all of the special powers conferred upon him by any statute or any other lawful authority.
- (b) *The director of emergency management.* The director of the office of emergency management shall be responsible to the mayor in regard to all phases of emergency management activities. Under the supervision of the mayor, he shall be responsible for the planning, coordination and operation of the emergency management activity in the city. Under the supervision of the mayor, he shall maintain liaison with the state and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the emergency management plan. His duties shall include, but not be limited to, the following:
- (1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency management purposes.
 - (2) Development and coordination of plans for the immediate use of all the facilities, equipment, manpower and other resources of the city for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
 - (3) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for emergency management purposes and designating suitable buildings for public shelter.
 - (4) Through public informational programs, educating the citizens to actions necessary and required for the protection of their persons and property in case of an emergency or disaster, as defined herein, either impending or present.

- (5) Conducting public practice alerts to ensure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.
- (6) Coordinating the activity of all other public and private agencies engaged in any emergency management activity.
- (7) Assuming such authority and conducting such activity as the mayor may direct to promote and execute the emergency operations plan.

(Ord. of 10-4-86)

11-6 Limitation on authority.

Notwithstanding the powers delegated to the mayor and the director in the preceding section, it is recognized that under 20 V.S.A. 16, the ordinances, orders, rules and regulations raised by the city may not be inconsistent with any orders, rules or regulations promulgated by the governor or by any state agency exercising a power granted to it by the governor pursuant to Chapter 1 of Title 20 V.S.A. In the event of any such inconsistency, the above-recited powers shall not be exercised by the mayor and the director.

(Ord. of 10-4-86)

11-7 Violations.

- (a) It shall be unlawful for any person to violate any of the provisions of this chapter or the regulations or plan issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization, as herein defined, in the enforcement of the provisions of this chapter or any regulation or plan issued.
- (b) Workers while engaged in emergency management activities shall have all the pertinent immunities and matters of defense now available or hereafter made available in any suit brought against them as a result of their acts of omission or commission done in the course of their actual performance of emergency management duties under regulations and orders issued pursuant to the provisions of this chapter.

(Ord. of 10-4-86)

11-8 Penalty.

Any person, firm or corporation violating any provisions of this chapter, or any rule or regulation formulated thereunder, upon conviction thereof, shall be punished pursuant to Section 1-9 of this Code of Ordinances.

(Ord. of 10-4-86)

11-9 Severability.

Should any provision of this chapter be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this chapter as a whole, it being the legislative intent that the provisions of this chapter shall be severable and remain valid notwithstanding such declaration.

(Ord. of 10-4-86)

11-10 Political activity prohibited.

No organization for emergency management established under the authority of this chapter shall participate in any form of political activity, nor shall the office of emergency management be employed directly or indirectly for political purposes.

(Ord. of 10-4-86)

11-11 Mutual aid.

Any city or town requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided, that it is understood that the city or town rendering aid may withhold resources to the extent necessary to provide reasonable protection for such city/town. Each party city/town shall extend to the emergency management forces of any other city/town, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving city/town), duties, rights, privileges and immunities as if they were performing their duties in the city/town in which rendering such services. Emergency management forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the emergency management authorities of the city/town receiving assistance.

(Ord. of 10-4-86)

11-12 Supplementary agreements.

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two (2) or more cities/towns may differ from that appropriate among other cities/towns party hereto, this instrument contains elements of a broad base common to all cities/towns, and nothing herein contained shall preclude any city/town from entering into supplementary agreements with another city/town. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

(Ord. of 10-4-86)

¹**Editor's note**—An ordinance passed Oct. 14, 1986, amended the Code by repealing all of the provisions of Ch. 11, consisting of §§ 11-1—11-8, pertaining to civil defense, which was derived from §§ 431—436 of the city's 1962 revised ordinances, and added new provisions which were designated as a new Ch. 11

State law reference—Authority to create civil defense organization, 20 V.S.A. § 6.

Chapter 12 ELECTRICITY¹

Article I. In General

12-1 Code adopted.

12-2 Regulations for operation of department.

12-3 Reservation of space on poles for signaling systems.

12-4 Combustible wiring methods within the inner fire district.

12-5 Electrical inspector—Duties.

12-6 Inspector authorized to enter premises for inspections.

12-7 Discontinuance of service authorized.

12-8 Inspector to keep records of department.

12-9 Appeals.

12-10 Liability for damages.

12-11—12-20 Reserved.

Article II. Permits and Fees

12-21 Permits required.

12-22 When permits not required.

12-23 Reserved.

12-24 Application.

12-25 Issuance of permit.

12-26 Fees.

12-27 Reserved.

12-28 Verification of value of work

12-29 Wiring installed without a permit.

12-30—12-37 Reserved.

Article III. Inspections and Certificates

12-38 Inspections of work: notice of defective work to be given

12-39 Inspection of concealed wiring.

12-40 Final inspection.

12-41 Certificate of approval.

12-42 Temporary certificate authorized.

12-43 Furnishing service without notification of approval prohibited.

12-44 Connection to energy sources prohibited until certificate of approval issued.

12-45 Reinspection; notice of unsafe conditions to be given.

12-46 Duration of permit.

12-47—12-56 Reserved.

Article IV. Electricians

12-57 License required.

12-58 License or apprentice registration required.

12-59 Provisions not applicable to telecommunications and certain utility installations.

12-60 Owner may do wiring in home without license; inspection required.

12-61—12-73 Reserved.

¹**Editor's note**—An ordinance of October 27, 2003, amended Ch. 12 in its entirety. Formerly, said chapter pertained to similar subject matter.

Charter reference—Light department generally, §§ 226—228; authority of city council to provide lighting, § 48 (XXX); appropriations, § 65; rates, § 114; appointment and term of commissioners, §§ 121, 126; reserve fund, § 306.

Cross reference—Buildings, Ch. 8; illuminated signs, § 8-76 et seq.; fire protection and prevention, Ch. 13; gas, Ch. 15; housing, Ch. 18; plumbing, Ch. 25; sewers and water pollution control, Ch. 26; streets and sidewalks, Ch. 27; water, Ch. 31; zoning, App. A.

State law reference—Erection of wires, poles, etc., 30 V.S.A. § 2501 et seq.

ARTICLE I. IN GENERAL

12-1 Code adopted.

(a) For the purpose of establishing uniform rules and regulations for electrical wiring and apparatus, the city hereby adopts that code known as the National Electric Code, as currently adopted by the State of Vermont. There is also adopted those codes known as the National Electrical Safety Code, as currently adopted by the State of Vermont, the Lightning Protection Code, as currently adopted by the State of Vermont, and the Residential Safety Code, as currently adopted by the State of Vermont. The city also adopts the set of rules known as The Vermont Electrical Safety Rules as currently adopted and amended from time to time hereafter. The same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction or alteration or repair of all buildings and structures within the corporate limits of the city.

- (b) In the event there is a conflict between the provisions of the code adopted by reference within this section and the other provisions of this Code or ordinances of the city, the other provisions of this Code or ordinances of the city shall prevail.

(Ord. of 3-10-86; Ord. of 3-7-88; Ord. of 1-11-93; Ord. of 11-8-93; Ord. of 5-20-96; Ord. of 10-27-03, eff. 11-26-03; Ord. of 12-01-03, eff. 12-31-03; Ord. of 12-11-06, eff. 1-10-07)

Cross reference—Building code adopted, § 8-2; BOCA Basic Fire Code adopted, § 13-1; gas codes adopted, §§ 15-1, 15-2; minimum standards for housing, § 18-70 et seq.

State law reference—Authority of municipality to adopt codes by reference, 24 V.S.A. § 101(c).

12-2 Regulations for operation of department.

(a) *Authority to adopt regulations.* The electric light commissioners are hereby empowered to make such rules and regulations as in their judgment may be necessary for the satisfactory operation of the municipal electric department, which rules and regulations shall become effective upon approval by the city council.

(b) *Liens for unpaid bills:*

(1) Definitions:

a. *Delinquency* is defined as the failure of the ratepayer to tender payment for a valid bill or charge within thirty (30) days of the postmark date of that bill or charge or by a "due date" at least thirty (30) days after mailing, which shall be printed on the bill and which shall control in the absence of a postmark.

b. *Ratepayer* is defined as the person or persons deemed to be the actual user of electric service as reflected in the records of the Burlington Electric Department.

(2) Bills for electric service shall become due when rendered.

(3) All owners of real estate property, whether residing within or without the City of Burlington, to which electric service is supplied are liable to the City of Burlington for the charges for providing such electric service.

(4) Charges for electric service shall be a lien upon the real estate pursuant to 32 V.S.A., Section 5061 and Section 114 of the Burlington City Charter, so long as the lien is recorded with the Burlington City Clerk.

(5) Notwithstanding the provisions of subparagraphs (3) and (4) above, the lien shall not be enforceable against the owner of the real estate property if the owner does not occupy said real estate property and/or does not otherwise have an account for

electrical service to that property. In that event, the sole remedy for delinquencies shall be against the ratepayer and the ratepayer shall be liable for charges for electric service attributable to the ratepayer.

- (6) In the event that the owner is but one of several ratepayers occupying said real estate property, the lien shall be enforceable only to the extent of the electric charges actually attributable to the owner.

(Rev. Ords. 1962, § 401; Ord. of 10-9-90; Ord. of 10-27-03, eff. 11-26-03)

12-3 Reservation of space on poles for signaling systems.

On every pole erected in any public street or on city property for sustaining wires for any purpose, the zone below the wires of all electric distribution systems and above the wires and cables of telephone and telegraph companies is hereby and shall be reserved to the city for the installation of all municipal signaling systems.

(Rev. Ords. 1962, § 834; Ord. of 10-27-03, eff. 11-26-03)

12-4 Combustible wiring methods within the inner fire district.

Within the inner fire district as defined in Sec 8-9, buildings or structures shall be wired using non-combustible wiring methods only, with the following exceptions:

- (1) A building of type 5A, 5B or of type 3B construction occupied exclusively as a private garage or, not more than one story in height, nor more than seven hundred fifty (750) square feet in area, located on the same lot with a dwelling and at least five (5) feet of distance from any lot line of adjoining property.
- (2) A building of type 5a or 5b construction used exclusively as a single dwelling unit, no more than two (2) stories or forty (40) feet in height and separated by at least five (5) feet from the lot line of adjoining property where the fire hazard is not increased thereby;
- (3) Greenhouses not more than fifteen (15) feet in height nor more than five hundred (500) square feet in area and at least five (5) feet distant from any lot line of adjoining property;
- (4) Sheds, open on the long side, not more than fifteen (15) feet in height nor more than five hundred (500) square feet in area and at least five (5) feet distant from any lot line of adjoining property;

- (5) Builders' temporary field offices, not more than one story in height, for use only in connection with a duly authorized building operation and located on the same lot with such building operation, on a lot immediately adjoining, on an upper floor of the building under construction or on a sidewalk shed.

(Ord. of 12-11-06, eff. 1-10-07)

12-5 Electrical inspector—Duties.

It shall be the duty of the electrical inspector to:

- (a) See that provisions of this chapter are enforced, including the enforcement of the Codes adopted by this chapter;
- (b) Grant permits upon application by a licensed master electrician licensed agent thereof, or owner under section 12-60 for the installation or alteration of electrical wiring and equipment on, over or under a street, way or building, or within any building, within the city limits;
- (c) Insure that all electrical work is performed in accordance with the rules and regulations of the National Electrical Code and other regulations included in this chapter;
- (d) Other related duties as the director of permitting and inspections from time to time directs.

(Rev. Ords. 1962, § 822; Ord. of 3-10-86; Ord. of 10-27-03, eff. 11-26-03; Ord. of 7-18-22)

12-6 Inspector authorized to enter premises for inspections.

The electrical inspector shall have the right, during reasonable hours, to enter any building in the discharge of their duties, or for the purpose of making any inspection, reinspection or test of the installation of electric wires and equipment contained therein and shall have the authority to cut or disconnect any wiring in cases of emergency where necessary for safety to life or property.

(Rev. Ords. 1962, § 823; Ord. of 10-27-03, eff. 11-26-03; Ord. of 7-18-22)

12-7 Discontinuance of service authorized.

The electrical inspector is hereby empowered to order the discontinuance of electrical service to any electric wiring and equipment found to be dangerous to life or property until such wiring or equipment has been made safe.

(Rev. Ords. 1962, § 823; Ord. of 10-27-03, eff. 11-26-03)

12-8 Inspector to keep records of department.

The electrical inspector shall keep an accurate record of all proceedings in their department and report the same to the director of permitting and inspections.

(Rev. Ords. 1962, § 821; Ord. of 3-10-86; Ord. of 10-27-03, eff. 11-26-03; Ord. of 7-18-22)

12-9 Appeals.

- (a) If any person feels aggrieved by an order of the electrical inspector made in accordance with the provisions of this chapter they or their contractor may appeal by way of a petition in writing to the director of permitting and inspections setting forth their reasons.
- (b) The director of permitting and inspections may affirm such order of the inspector or may modify the same, but such modification shall fall within the express or necessarily implied provisions of this chapter relating to such subject matter so considered.
- (c) A person aggrieved by the decision of the director of permitting and inspections may request that this appeal be heard by the public works commission. In such case the director of permitting and inspections shall forward the appeal to the commission chairperson for review under the authority of Section 8-8.

(Rev. Ords. 1962, § 835; Ord. of 3-10-86; Ord. of 1-11-93; Ord. of 10-27-03, eff. 11-26-03; Ord. of 7-18-22)

12-10 Liability for damages.

Nothing in this chapter shall be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling or installing any wiring, devices, appliances or equipment for damages to person or property caused by any defect therein nor shall the city or the electric inspector be held as assuming any such liability by reason of the inspection authorized herein or the issuance of a certificate of approval.

(Rev. Ords. 1962, (833); Ord. of 10-27-03, eff. 11-26-03)

12-11—12-20 Reserved.

ARTICLE II. PERMITS AND FEES

12-21 Permits required.

No wiring or equipment for the transmission, distribution or utilization of electricity for any purpose shall be installed within or on any building or structure, nor shall any alterations or additions be made on any existing wiring or equipment within or on any building or structure until a permit is secured from the electrical inspector as provided by this article.

(Rev. Ords. 1962, § 824; Ord. of 10-27-03, eff. 11-26-03; Ord. of 7-18-22)

12-22 When permits not required.

No permit shall be required for the following work:

- (a) The connection of portable devices to suitable receptacles which have been permanently installed.
- (b) The installation, maintenance or alteration of electric wiring and equipment to be installed by or for a public utility or public service corporation for the use of such utility or corporation in the generation, transmission, distribution or metering of electric energy, or for the use of such utility or corporation in the operation of signals or the transmission of intelligence.
- (c) Device replacement including but not limited to the installation of replacement smoke detectors/alarm where no new wiring is required.
- (d) Direct equipment replacement including but not limited to motors and controllers.

(Rev. Ords. 1962, § 824; Ord. of 10-27-03, eff. 11-26-03; Ord. of 12-11-06, eff. 1-10-07; Ord. of 7-18-22)

12-23 Reserved.

Editor's note—An ordinance adopted March 10, 1986, repealed § 12-23 in its entirety. Formerly said section pertained to the application for permits under this article and derived from § 824 of the 1962 Revised Ordinances.

12-24 Application.

Each application for a permit required by this article shall be made by the person doing the work, a licensed electrician holding a current Masters License from the State of Vermont, or agent thereof or the owner under the provisions of section 12-60, and shall describe the work to be done and the location thereof and shall be accompanied by plans and specification as required by the wiring inspector.

(Rev. Ords. 1962, § 824; Ord. of 3-10-86; Ord. of 10-27-03, eff. 11-26-03)

12-25 Issuance of permit.

If the electrical inspector finds that the work to be done would be in compliance with this chapter if done according to code and further determines that a permit is required, then she or he shall cause one to be issued to the applicant.

(Rev. Ords. 1962, § 824; Ord. of 10-27-03, eff. 11-26-03)

12-26 Fees.

- (a) Every person applying for a wiring permit shall pay to the city a fee for such permit at the rate of eight dollars and fifty cents (\$8.50) for every one thousand dollars (\$1,000.00) of the estimated cost of the work as the wiring inspector may approve. There shall be a minimum charge of fifty dollars (\$50.00) per permit.
- (b) If any electrical work requiring a permit, as described in this section, commences before a permit has been issued, there shall be an additional administrative processing fee to recoup the costs associated with enforcement. This processing fee shall be seventy-five dollars (\$75.00) where the estimated cost of the work, as approved by the wiring inspector, is less than or equal to six thousand dollars (\$6,000.00.) When the estimated cost of construction is six thousand dollars (\$6,000.00) or greater, this processing fee shall be equal to one (1) percent of the estimated cost of the work as the wiring inspector may approve. No processing fee shall be added to the permit when a permit is required to abate a condition deemed an emergency by the wiring inspector if the inspector determines that the owner is not responsible for the circumstances that led to the emergency.
- (c) For each reinspection for code violations, there will be a fee of one hundred dollars (\$100.00).

(Rev. Ords. 1962, § 825; 1969 Cum. Supp., § 825; Ord. of 12-3-73, § 1; Ord. of 3-29-76; Ord. of 1-9-78; Ord. of 9-24-84; Ord. of 10-2-95; Ord. of 10-27-03, eff. 11-26-03; Ord. of 6-25-12; Ord. of 7-18-22)

12-27 Reserved.

Editor's note—An ordinance of October 27, 2003, effective November 26, 2003, repealed § 12-27 in its entirety. Formerly said section pertained to permits to be posted and derived from Rev. Ords. 1962, § 825.

12-28 Verification of value of work

When applying for a permit for work valued in excess of one thousand dollars (\$1000.00), the contractor shall furnish the electrical inspector with a copy of the contract to verify the value of the permitted work.

(Ord. of 10-27-03, eff. 11-26-03)

12-29 Wiring installed without a permit.

Whenever any electrical work or wiring is found to have been installed without a permit where one is required, the electrical inspector is authorized to cut the wires, remove fuses, disconnect the switches or otherwise make the specific circuit or system inoperative until such a permit has been secured from the electrical inspector. The fee for the late permit shall be as set forth in section 12-26.

(Ord. of 10-27-03, eff. 11-26-03)

12-30—12-37 Reserved.

ARTICLE III. INSPECTIONS AND CERTIFICATES

12-38 Inspections of work: notice of defective work to be given

It shall be the duty of the person performing the work or their authorized representative to notify the electrical inspector and request an inspection of the work being done under permit. The electrical inspector shall inspect all electrical wiring and equipment installed under such permits and not previously inspected, with the holder of the permit or a representative who holds an electrical license from the State of Vermont. The inspector shall complete a certificate of approval for such work as is found in conformity with the provisions of this chapter. If upon inspection the installation is not found to comply with the provisions of this chapter, the inspector shall at once notify the person making the installation stating the defects that have been found to exist.

(Rev. Ords. 1962, § 826; Ord. of 3-10-86; Ord. of 10-27-03, eff. 11-26-03; Ord. of 12-11-06, eff. 1-10-07)

12-39 Inspection of concealed wiring.

When any part of an electrical installation is to be concealed from view by the permanent placement of parts of the building, the person installing the wiring shall notify the electrical inspector and such parts of the wiring installation shall not be concealed until seventy-two (72) hours, exclusive of Saturdays, Sundays and legal holidays, shall have elapsed from the time of such notification so that the inspector can inspect the installation; provided, that on large installations where the concealment of parts of the wiring proceeds continuously, the person installing the wiring shall give the inspector due notice.

(Rev. Ords. 1962, § 826; Ord. of 3-10-86; Ord. of 10-27-03, eff. 11-26-03)

12-40 Final inspection.

Upon completion of the work which has been authorized by issuance of a permit, it shall be the duty of the person performing such work and their authorized licensed representative to notify the electrical inspector, who shall inspect such work within 5 days, exclusive of Saturdays, Sundays and holidays, from the time such notice is given or as soon thereafter as practicable.

(Rev. Ords. 1962, § 826; Ord. of 3-10-86; Ord. of 10-27-03, eff. 11-26-03)

12-41 Certificate of approval.

If the work is found to comply with the provisions of this chapter, the electrical inspector may upon request issue to the person performing the work a final certificate of approval authorizing connection to the source of supply for final testing and the use of the installation., The inspector shall also notify the public utility furnishing service of such authorization.

(Rev. Ords. 1962, § 826; Ord. of 3-10-86; Ord. of 10-27-03, eff. 11-26-03)

12-42 Temporary certificate authorized.

A temporary certificate of approval may be issued authorizing the connection and use of certain portions of an incomplete installation and such certificate shall be revocable at the discretion of the electrical inspector.

(Rev. Ords. 1962, § 826; Ord. of 10-27-03, eff. 11-26-03)

12-43 Furnishing service without notification of approval prohibited.

No public utility shall furnish any electrical service to any person until notified that the work has been approved and that a final certificate of approval has been issued.

(Rev. Ords. 1962, § 826)

12-44 Connection to energy sources prohibited until certificate of approval issued.

- (a) Except in cases of emergency, it shall be unlawful for any person to make connection from a source of energy to any electric wiring or equipment for the installation of which a permit is required until a certificate of approval has been issued by the inspector, authorizing such connection.
- (b) It shall be unlawful for any person to make connection from a source of electrical energy to any electric wiring or equipment which has been disconnected or ordered to be disconnected by the electrical inspector or the use of which has been ordered by the inspector to be discontinued, until a certificate of approval has been issued by him authorizing the reconnection and use of such wiring or equipment. Where emergency work is done, the inspector shall be notified as soon as possible and shall inspect such work.

(Rev. Ords. 1962, § 828; Ord. of 10-27-03, eff. 11-26-03)

12-45 Reinspection; notice of unsafe conditions to be given.

The electrical inspector may make periodically a thorough reinspection of the installations of all electrical wiring and equipment now or hereafter installed within the city and within the scope of this chapter and when such wiring or equipment is found to be in a dangerous or unsafe condition, the owner of the premises or their agent shall be notified of such condition and shall make such repairs or changes as are necessary to put such wiring or equipment in a safe and proper condition. Such repairs or changes shall be completed within fifteen (15) days from the date of notice or within such other period of time as may be designated by the inspector in the notice.

(Rev. Ords. 1962, § 827-1; Ord. of 3-10-86; Ord. of 10-27-03, eff. 11-26-03; Ord. of 7-18-22)

12-46 Duration of permit.

Electrical permits shall be invalid after three (3) years from the date of issuance. The building inspector shall have the discretion to approve extensions of time beyond the three-year limit provided that all extensions are in writing and are for a specified duration which is consistent with the permits issued by the department of planning and zoning for the subject permit.

(Ord. of 5-20-02; Ord. of 10-27-03, eff. 11-26-03)

12-47—12-56 Reserved.

ARTICLE IV. ELECTRICIANS

12-57 License required.

No person shall engage in the business of installing, altering or repairing electric wiring, fixtures or apparatus for any purpose whatsoever in the city without first having procured a masters license therefore, as provided in the Vermont Electrical Safety Rules currently adopted by the State of Vermont.

(Rev. Ords. 1962, § 829; Ord. of 10-27-03, eff. 11-26-03)

Cross reference—Licensing generally, Ch. 19.

12-58 License or apprentice registration required.

No licensed master electrician shall permit any person employed by him or her to install, alter or repair electrical wiring, fixtures or apparatus unless such person is licensed hereunder to do the particular work or registered as an apprentice and working under the direct supervision of one who holds a current master or journeyman electrical license from the State of Vermont. The ratio of licensed to unlicensed people shall be as required by 26 V.S.A., Chapter 15.

(Rev. Ords. 1962, § 829; Ord. of 3-10-86; Ord. of 5-12-86; Ord. of 10-27-03, eff. 11-26-03; Ord. of 12-11-06, eff. 1-10-07)

12-59 Provisions not applicable to telecommunications and certain utility installations.

None of the provisions of this article shall apply to the installing of telecommunications wiring or apparatus, or to the installing, repairing, maintaining or alteration of electric wiring or equipment by persons employed by a public utility or public service corporation and doing such work under such employment for its own use.

12-60 Owner may do wiring in home without license; inspection required.

An owner shall be permitted to do wiring in a single-family dwelling occupied by himself without a license; provided, that:

- (a) Such wiring shall comply with applicable rules and regulations of the National Electrical Code;
- (b) Such wiring shall pass inspection by the wiring inspector;
- (c) Such wiring shall be done under a permit secured;
- (d) Owner shall not connect wires into service panel. This must be done by a licensed electrician; and
- (e) Owner shall not install, relocate, disconnect or disturb in any way the main service entrance to a home. This must be done by a licensed electrician.
- (f) Owner may designate a person, holding a State of Vermont Journeyman's License, to perform electrical work under their direction. The journeyman's name and license number will be provided on the owner's permit, or the journeyman may obtain their own permit.

(Rev. Ords. 1962, § 830; 1969 Cum. Supp., § 830; Ord. of 10-27-03, eff. 11-26-03; Ord. of 12-11-06, eff. 1-10-07; Ord. of 7-18-22)

12-61—12-73 Reserved.

Chapter 13

FIRE PROTECTION AND PREVENTION¹

Article I. In General

13-1 Fire Code adopted.

13-2 Placing rubbish and other waste within inner fire district prohibited.

13-3 Fires prohibited.

13-4 Carbon monoxide (CO) detectors.

13-5 Smoke detectors.

13-6 Obedience to orders at fire or other emergency required; only authorized persons to give orders.

13-7 Disorderly conduct at fires or other emergencies.

13-8 Equipment not to be taken outside city; exception.

13-9 Entry in area near fire or other emergency restricted.

13-10 Reward for information resulting in conviction of persons burning property.

13-11 Examination of hydrants, fireplugs; maintenance.

13-12 Opening hydrant or fireplug.

13-13 Obstructions to fire protection systems, fire department connections or hydrants.

13-14 False alarms prohibited; penalty.

13-15 Person reporting fire to give name and address.

13-16 Removal of fire/life safety hazard.

13-17 Authority to order temporary discontinuance of use of heating device, furnace, oil burner, boiler, flue or chimney; inspections; appeals.

13-18 Performance of work by official.

13-19 Enforcement of chapter.

13-20 Penalties.

13-21 Suspension/revocation of permits and stop work orders.

13-22 Inspections.

13-23—13-30. Reserved.

Article II. Fire Department

Division 1. Generally

13-31 Powers and duties of chief engineer or designee generally.

13-32 Powers of chief engineer or designee during fires.

13-33 Appointment of deputy chief engineer.

13-34 Powers and duties of deputies.

13-35 Number of deputies.

13-36 Term of deputies.

13-37 Revocation of appointment.

13-38 Fire wardens appointed.

13-39 Wardens to make inspections of buildings.

13-40 Wardens to be permitted entry into premises.

13-41 Refusal to permit entry.

13-42 Taking property of fire department prohibited.

13-43 Funds for relief of sick or disabled firefighters.

13-44 Authority having jurisdiction defined.

13-45 Appeals.

13-46 Occupant load certificate.

13-47 Special events/festivals.

13-48—13-50. Reserved.

Division 2. Protection, Prevention, and Alarm Systems; Permits

13-51 Compliance with codes required.

13-52 Master radio call box.

13-53 Permission required to connect to municipal system.

13-54 Installation and maintenance.

13-55 Fire alarm system malfunction.

13-56 Damage to fire protection systems, fire department connections, or hydrants.

13-57 Intentional false alarms.

13-58 Annual fee.

13-59 Plans, permits and fees.

13-60 Knox Boxes and standard keys.

13-61 Elevators.

13-62 Tent permits and fees.

Division 3. Radio Coverage in Buildings and Structures

13-63 Generally.

13-64 Testing.

13-65 Amplification systems allowed.

13-66 Field testing.

13-67 Exemptions.

13-68 Enforcement.

13-69—13-73. Reserved.

Article III. Reserved

13-74—13-80. Reserved.

¹**Cross reference**—Buildings and building construction, Ch. 8; electricity, Ch. 12; gas, Ch. 15; housing, Ch. 18; plumbing, Ch. 25.

State law reference—Fire protection generally, 20 V.S.A. § 2481 et seq.

ARTICLE I. IN GENERAL

13-1 Fire Code adopted.

(a) 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.

(b) 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 other provisions of this Code or ordinances of the city shall prevail.

(Rev. Ords. 1962, § 2070; 1969 Cum. Supp., § 2070; Ord. of 6-11-84; Ord. of 1-11-93; Ord. of 8-14-95; Ord. of 10-16-00; Ord. of 4-17-06/5-17-06)

Cross reference—Building code adopted, § 8-2; electrical code adopted, § 12-1; gas codes adopted, §§ 15-1, 15-2; minimum housing standards, § 18-70 et seq.

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

13-2 Placing rubbish and other waste within inner fire district prohibited.

No person shall place or cause to be placed within twenty (20) feet of any building in the inner fire district, as defined in Section 8-9, any rubbish, paper, shavings, waste, cartons or boxes, except in a container approved by the chief engineer of the fire department.

(Rev. Ords. 1962, § 2151)

Cross reference—Inner fire district defined, § 8-9; restrictions on construction within inner fire district, § 8-10; garbage and refuse generally, § 14-1 et seq.

13-3 Fires prohibited.

(a) No person shall build or attempt to build any type of fire, to any building, vehicle or structure, except within the standards adopted by section 13-1.

(b) 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 a written permit from the chief of the fire department, a deputy chief or one (1) of the fire wardens of the city, except upon the terms and conditions of such permit.

(c) The provisions of this section shall take effect January 1, 1977.

(Rev. Ords. 1962, § 2152; Ord. of 6-1-76; Ord. of 10-26-09(1))

Cross reference—Emission of smoke or cinders into the air prohibited, § 21-17; fires prohibited in parks, § 22-10.

13-4 Carbon monoxide (CO) detectors.

(a) Each and every dwelling, rooming house, dwelling unit or rooming unit let to another for occupancy shall meet the following requirements for carbon monoxide (CO) detectors/alarms:

- (1) Carbon monoxide detectors/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 dwellings, 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) All newly installed carbon monoxide detectors/alarms in one- and two-family dwellings, multiple-unit dwellings, lodging or rooming houses, hotels and dormitories, or other buildings in which people sleep, shall be directly wired to a nondedicated electrical branch circuit for the building and by battery. Carbon monoxide detectors currently installed in existing one- [and] two-family dwellings shall be permitted to be powered by any approved source until the end of their service life per the manufacturer's specifications and requirements.

(b) 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 detectors pursuant to Section 18-99 after the effective date of this section shall install either a combination photoelectric smoke/carbon monoxide detector/alarm device or a combination system providing 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.

(c) 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 detectors/alarms required in subsection (a) of this section. 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 (10) days by certified mail from the date of conveyance that the dwelling lacks a carbon monoxide detector/alarm or that the detector/alarm is not operable, the seller shall comply with this section within ten (10) days of notification.

- (d) Where interconnected smoke detectors/alarms exist, the CO detectors/alarms shall be interconnected as well, such that a CO alarm will meet current audibility requirements as adopted in NFPA 72 for smoke alarms.
- (e) If a smoke detector/alarm is disconnected or disabled, that fact shall create a rebuttable presumption that the adult occupants of the dwelling unit were responsible for the act of disconnecting or disabling the smoke alarm.
- (f) No requirement of this section shall preclude the application of other more restrictive smoke alarm requirements which may pertain to the property, including, but not limited to, requested time of sale inspections pursuant to State law.

(Ord. of 9-19-05; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-5 Smoke detectors.

(a) Each and every dwelling, lodging or rooming house, dwelling unit or rooming unit for occupancy, other than for a single-family owner occupied dwelling, shall meet the following requirements for smoke detectors/alarms:

- (1) Smoke detectors/alarms shall be installed in the following areas:
- a. In every sleeping room or area;
 - b. Outside every sleeping room or area in the immediate vicinity of the sleeping room or area; and
 - c. On all levels of the dwelling, dwelling unit, rooming house, or rooming unit, including basements but excluding crawl spaces and unfinished attics.
 - d. Notwithstanding the above installation locations, detectors/alarms shall not be located within kitchens or garages or in other spaces where temperatures can fall below forty (40) degrees F (four (4) degrees C) or exceed one hundred (100) degrees F (thirty-eight (38) degrees C). Detectors/alarms shall not, unless specifically listed for the application, be located closer than three (3) feet (0.9 m) horizontally from:
 1. The door to a kitchen.
 2. The door to a bathroom containing a tub or shower.
 3. The supply registers of a forced air heating or cooling system, and outside of the airflow from those registers.

(2) Smoke detectors/alarms shall receive their operating power from the building electrical system but shall also receive power from a battery when the building electrical system power is interrupted.

(3) Smoke detectors/alarms within each dwelling unit or rooming unit shall be interconnected so that the sensing of smoke by one (1) detector/alarm sounds the alarms of all detectors/alarms within that dwelling unit or rooming unit.

(4) Smoke detectors/alarms shall be approved or listed by a nationally recognized testing or listing agency for the purposes for which they are intended and conform with the requirements of the Vermont Fire and Building Safety Code.

(5) Smoke detectors/alarms shall be properly installed and shall be maintained in good working condition.

(6) All newly installed smoke detectors/alarms shall be the photoelectric-only type.

(b) Single-family owner occupied dwellings shall comply with the smoke detector/alarm provisions of the Vermont Fire and Building Safety Code currently in effect.

(c) If a smoke detector/alarm is disconnected or disabled, that fact shall create a rebuttable presumption that the adult occupants of the dwelling unit were responsible for the act of disconnecting or disabling the smoke detector/alarm.

(d) No requirement of this section shall preclude the application of other more restrictive smoke detector/alarm requirements which may pertain to the property, including, but not limited to, requested time of sale inspection pursuant to State law.

(Ord. of 10-26-09(1); Ord. of 12-19-11; Ord. of 6-25-18(1))

Editor's note—Prior to the reenactment of § 13-5 by an ordinance adopted Oct. 26, 2009, Ord. of 6-1-76 specifically amended the Code by repealing §§ 13-4, 13-5, which pertained to regulations for outside fires. Said sections had been derived from Rev. Ords. 1962, §§ 2153, 2154; 1969 Cum. Supp. § 2153; Ord. of 7-27-70, and Ord. of 9-9-74.

13-6 Obedience to orders at fire or other emergency required; only authorized persons to give orders.

(a) All firefighters and citizens shall be required to obey the orders and directions of the officers in command at a fire or other emergency and to render their services if ordered to do so.

- (b) 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.

(Rev. Ords. 1962, § 2001; Ord. of 10-26-09(1))

13-7 Disorderly conduct at fires or other emergencies.

No person, while present at any fire or other emergency, shall willfully or unnecessarily recklessly inhibit operations, make outcries or other loud noises, or be guilty of disorderly conduct, or promote or encourage disorderly conduct in others.

(Rev. Ords. 1962, § 2001; Ord. of 10-26-09(1))

Cross reference—Rude and disorderly conduct, § 21-15.

13-8 Equipment not to be taken outside city; exception.

No emergency equipment belonging to the fire department shall be taken from the city at any time, except for the purpose of having the same repaired; provided, however, that in case of a fire or other emergency in a neighboring town or city, the chief engineer with the consent of the mayor, or, in case he cannot be found, with the consent of one (1) of the fire commissioners or designee, may order not more than one-half (1/2) of the fire apparatus of the city, accompanied by not more than one-half (1/2) of the members of the fire department on duty, to be taken to the town or city for the purpose of assisting in extinguishing a fire or providing aid in an emergency.

(Rev. Ords. 1962, § 2002; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

State law reference—Authority to permit forces and equipment to aid other municipality, 20 V.S.A. § 2961.

13-9 Entry in area near fire or other emergency restricted.

No person not a member of the fire department or police department shall, without the authority of an officer of one (1) of such departments, enter upon any part of a street, lane or alley roped off, barricaded or plainly designated by the officers of any of such departments in any way for the use of the fire department in extinguishing a fire or abating other emergencies. For the protection of persons attending a fire or other emergency, no person not a member of one (1) of such departments shall enter on foot or with any animal or vehicle upon a street adjacent to a fire or other emergency within the block where and while such fire or other emergency is in progress.

Cross reference—Following fire apparatus prohibited, § 20-30; driving over fire hose prohibited, § 20-31.

13-10 Reward for information resulting in conviction of persons burning property.

The city council may offer a reward of not more than one thousand dollars (\$1,000.00) for information which shall result in the detection and conviction of any person guilty of the malicious or felonious burning of property in the city.

(Rev. Ords. 1962, § 2006)

State law reference—Arson generally, 13 V.S.A. § 501 et seq.

13-11 Examination of hydrants, fireplugs; maintenance.

- (a) The director of the department of public works shall examine the hydrants and fireplugs belonging to the city annually and keep them in working order at all times, except when shut off for repairs; and shall cause all defects therein to be repaired without delay.
- (b) The director of the department of public works shall conduct NFPA compliant flow tests on the city hydrant system every three (3) years and provide a written copy of the test results to the fire department.
- (c) The director of the department of public works shall ensure that all underground water pipes installed after November 25, 2009, are sized adequately to support a future fire sprinkler system in the occupancy to which they are attached.
- (d) The director of the department of public works shall ensure that all water pipes are installed and maintained properly in accordance with state law and the adopted codes and standards.
- (e) The director of the department of public works shall ensure that all newly installed pipes be flushed and provide the property owner and the fire department with a flush and test report following the installation of municipal water pipes.

(Rev. Ords. 1962, § 6037; Ord. of 10-26-09(1))

Cross reference—Fire hydrants and pipes not to be connected with other pipes, § 31-5.

13-12 Opening hydrant or fireplug.

No person shall open any hydrant or fireplug, or draw water therefrom, except the water commissioners or the superintendent of the city water department, or persons under their direction, or the officers of the fire department and members of the fire department under their direction for fire purposes.

(Rev. Ords. 1962, § 6014)

Cross reference—Water, Ch. 31.

13-13 Obstructions to fire protection systems, fire department connections or hydrants.

(a) No person shall tamper with or, by means of a vehicle, tree, landscaping, lumber, brick or building material of any kind, or other article of hindrance, obstruct the access to fire protection systems or hydrants connected with any water pipe within any street, alley or public place. Access to fire department connections or hydrants is defined as a six-foot circle around the device and a six-foot wide continuous path to the center of the public way, with the hydrant or fire protection system being at center of this six-foot path.

(b) No person shall disable any fire protection system, fire department connection or fire hydrant.

(Rev. Ords. 1962, § 6013; Ord. of 10-26-09(1))

Cross reference—Water, Ch. 31.

13-14 False alarms prohibited; penalty.

No person shall give or cause to be given a false alarm of fire or other emergency.

Notwithstanding the provisions of Section 13-20, any person who shall give or cause to be given a false alarm of fire or other emergency shall be guilty of a misdemeanor and upon a first conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a term not to exceed one (1) year. Upon conviction of any succeeding violation of this section, such person shall be punished by a fine of not less than two hundred dollars (\$200.00) or more than five hundred dollars (\$500.00), or by imprisonment for a term not to exceed one (1) year.

(Rev. Ords. 1962, § 2155; Ord. of 11-1-71; Ord. of 1-13-72; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

Cross reference—Alarm system, § 13-51 et seq.

13-15 Person reporting fire to give name and address.

A person giving an alarm of fire shall give his name and address to the chief engineer of the fire department, or to the person designated to receive such reports, who shall place the same on file in his office.

(Rev. Ords. 1962, § 2009)

13-16 Removal of fire/life safety hazard.

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

(b) The chief engineer or designee may request the immediate assistance of any city inspector or engineer to aid in the abating or mitigating of any unsafe condition. These officials shall respond in an expeditious manner when called.

(Rev. Ords. 1962, § 2054; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-17 Authority to order temporary discontinuance of use of heating device, furnace, oil burner, boiler, flue or chimney; inspections; appeals.

(a) The chief engineer, or designee may direct the owner or occupant of any building or premises in the city to discontinue, temporarily, the use of a heating device, furnace, oil burner, boiler, flue or chimney which said official shall deem unsafe to be used.

(b) When such order has been given, the building inspector and the inspector of plumbing shall be notified and they shall at once examine the premises in question and order the owner or user of such heating device, furnace, oil burner, boiler, flue or chimney to make such alterations or repairs of the same as the inspectors shall deem necessary for protection against fires, carbon monoxide, and other harmful gases. When the required alteration is made to the acceptance of the building inspector and inspector of plumbing, they shall permit the owner or user of the heating device, furnace, oil burner, boiler, flue or chimney to resume use of the same.

(c) Any person feeling aggrieved by the action of the inspector in determining whether an alteration or repair should be made, may appeal in writing to the board of public works

commissioners, who may make such order concerning the premises to the inspectors as the board shall deem wise; but pending such an appeal the owner or user of said heating device, furnace, oil burner, boiler, flue or chimney shall not resume the use of the same.

(Rev. Ords. 1962, § 2055; Ord. of 10-26-09(1))

13-18 Performance of work by official.

If any person shall neglect or refuse to comply with or obey a lawful order of the chief engineer, or designee, such official may, in their discretion, do the work required by such order or cause the same to be done. The expense therefore with full costs may be recovered from the person so neglecting or refusing, in a suit brought in the name of the city against such person for labor performed and materials furnished. All expenses, fees, costs or charges assessed pursuant to this section shall also be a tax lien upon the real estate pursuant to 32 VSA section 5061 so long as the lien is recorded in the office where the land records are kept but after said official shall commence the work required by said order, such person shall not be liable to the additional penalty provided in section 13-20.

(Rev. Ords. 1962, § 2059; Ord. of 10-26-09(1))

13-19 Enforcement of chapter.

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 reported.

(Rev. Ords. 1962, § 2011)

13-20 Penalties.

(a) *Civil offense.* Any violation of any of the provisions of the fire code adopted in Section 13-1, or any of the provisions of this chapter not specified in subsection (b) or (c) of this section, shall be punishable as a civil offense and subject to a civil penalty of two hundred fifty dollars (\$250.00), with a waiver penalty of one hundred twenty-five dollars (\$125.00). Each day that any violation continues shall be deemed a separate offense. The chief engineer, any chief officer, fire marshal, assistant fire marshal, fire warden, or any law enforcement officer may issue a municipal complaint for a violation of this chapter.

(b) *Criminal offense.* The following violations shall be misdemeanors punishable by a fine of five hundred dollars (\$500.00):

- (1) Willful and malicious violations of Section 13-3(a);
- (2) Failing to correct any violation of the adopted fire code ordered to be corrected;
- (3) Committing the same offense within a twelve (12) month period;
- (4) Any violation which poses a threat to life safety or prevents access or use of a building or premises. A threat to life safety includes but is not limited to: obstructing or tampering with the fire protection systems or life safety features of any building or outdoor assembly of persons;
- (5) Willfully failing to maintain a fire protection system;
- (6) Harassing or interfering with any member of the fire department in the performance of their duties;
- (7) Violations of Sections 13-56 and 13-57; the person responsible shall also be liable for the cost of repairs or replacement of damaged property and shall be responsible for the cost to the city from the response to the alarm.

Each day that any violation continues shall be deemed a separate offense. In addition to the fine, the court shall order, as part of sentence, abatement of the conditions or infractions giving rise to the violation(s) of the Code.

(c) *Serious criminal offense.* The following violations shall be misdemeanors punishable by a fine of five hundred dollars (\$500.00) and imprisonment for up to one (1) year:

- (1) Willful and malicious violations of Section 13-3(a) where the building, structure, or vehicle is occupied;
- (2) Any violation of the adopted fire code or ordinances which causes injury to other person(s);
- (3) Willfully or recklessly posing a serious threat to life safety. A serious threat to life safety includes but is not limited to: causing a nonpermitted smoke condition or noxious odor in a public building, blocked means of egress, overcrowding, starting a fire in or near an outdoor assembly of persons, illegal use of pyrotechnics or explosives, disabling the fire protection systems or life safety features of any building or outdoor assembly of persons;
- (4) Violations of Section 13-6, 13-7, or 13-13(b);
- (5) Physically assaults any fire official.

Each day that any violation continues shall be deemed a separate offense. In addition to the fine, the court shall order, as part of sentence, abatement of the conditions or infractions giving rise to the violation(s) of the Code.

- (d) All expenses, fees, costs or charges assessed pursuant to this section shall also be a tax lien upon the real estate pursuant to 32 V.S.A. § 5061 so long as the lien is recorded in the office where the land records are kept.

(Rev. Ords. 1962, § 2058; Ord. of 6-11-84; Ord. of 6-17-89; Ord. of 1-9-95; Ord. of 8-14-95; Ord. of 10-16-00; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-21 Suspension/revocation of permits and stop work orders.

The fire marshal's office may suspend permits, issue a stop work order and/or order a property vacated where a threat to public safety or other exigent circumstance exists. Such permits may be revoked and future permits denied when a person, firm or corporation is convicted of multiple violations of the fire code, ordinances, or otherwise demonstrates a pattern of incompetence. The failure to stop work when so ordered shall be a violation punishable pursuant to Section 13-20(c).

(Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-22 Inspections.

(a) *General fire inspections.* General fire inspections of public buildings shall be conducted at regular intervals by any person duly authorized by the chief engineer.

(b) *Violation notices.* Upon finding any violation, a written notice will be provided to the property or business owner or their designee, and a reasonable amount of time shall be provided for the violations to be corrected. Nothing in this section shall preclude the authority having jurisdiction from issuing civil municipal complaints, seeking criminal charges, or initiating other legal actions as allowed under other sections of this chapter.

(c) *Reinspection fees.* There is no charge for the initial inspection or the first reinspection. If the owner fails to correct the violations in the time allotted in the notice, the owner shall be responsible for a reinspection fee of seventy-five dollars (\$75.00) for the second and any subsequent reinspections, due and payable at the beginning of the second or subsequent reinspection. Until all fees are paid, the violations shall not be considered abated, and are subject to further penalties or legal action. Failure to pay the reinspection fees in the time required is a violation punishable under Section 13-20(a).

(Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-23—13-30 Reserved.**ARTICLE II. FIRE DEPARTMENT¹****13-31 Powers and duties of chief engineer or designee generally.**

The chief engineer, subject to the direction of the fire commissioners, shall:

- (a) Have the supervision, care and control of all equipment belonging to or used for the purposes of the fire department, and, in case of fire, of all hydrants. After the use of a hydrant the chief engineer or designee shall immediately report such use to the director of the department of public works;
- (b) Be responsible for the discipline, good order and proper conduct of the whole department;
- (c) Report to the building inspector and other appropriate officials all violations of any ordinance or fire prevention and building safety code, establish fire districts, and regulate the construction of buildings with regard to fire protection systems; and
- (d) Perform such other duties as may be required.

(Rev. Ords. 1962, § 2005; Ord. of 10-26-09(1))

Cross reference—Duties of city officers generally, § 2-4; fire chief to be notified if street closed, § 27-50.

State law reference—Similar provisions, 20 V.S.A. §§ 2671—2675.

13-32 Powers of chief engineer or designee during fires.

During the continuance of any fire or other emergency, the chief engineer or designee:

- (a) Shall have absolute control of the streets adjacent thereto;
- (b) May blockade such streets and forbid passage therein;
- (c) May order those present to stand back to any reasonable distance;
- (d) 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;

- (e) 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;
- (f) May, with the consent of the mayor or two (2) members of the board of fire commissioners, direct the destruction of any building to stay the progress of the fire; and
- (g) Shall have power to cut or cause to be cut any electric, telephone, telegraph or other wire when it is necessary in order to control a fire, and to order the cutting out of any electric current which may interfere with extinguishing a fire.
- (h) Take other such actions necessary to protect life and property.

(Rev. Ords. 1962, § 2003; Ord. of 10-26-09(1))

Cross reference—Unnecessary interference with streets and sidewalks prohibited, § 27-4.

State law reference—Similar provisions, 20 V.S.A. § 2673.

13-33 Appointment of deputy chief engineer.

For the purpose of making the inspections and facilitating the services required in this chapter, the chief engineer of the fire department may appoint in writing any member of the paid fire department as his deputy.

(Rev. Ords. 1962, § 2056)

13-34 Powers and duties of deputies.

The deputy chief engineers shall have and exercise the powers of a fire warden in making the inspections required in this chapter, shall exercise all the powers needed to perform the functions assigned by the chief engineer and shall report their findings to the chief engineer.

(Rev. Ords. 1962, § 2056; Ord. of 10-26-09(1))

13-35 Number of deputies.

The chief engineer shall appoint the number of deputies necessary to perform the functions of this chapter.

(Rev. Ords. 1962, § 2056; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-36 Term of deputies.

The deputy chief engineers who have successfully completed a probationary period are employed on a continuous year-round basis.

(Rev. Ords. 1962, § 2056; Ord. of 6-25-18(1))

13-37 Revocation of appointment.

The appointment of any deputy chief engineer may be revoked at any time by the chief engineer.

(Rev. Ords. 1962, § 2056; Ord. of 6-25-18(1))

13-38 Fire wardens appointed.

The city council shall annually, on the first Monday in June, appoint one (1) or more fire wardens, who shall be subject to the order and direction of the chief engineer of the fire department. The chief engineer or any member of the paid fire department may be appointed as fire warden. The chief engineer shall appoint a sufficient number of fire wardens necessary to perform the functions of this chapter.

(Rev. Ords. 1962, § 2051; Ord. of 10-26-09(1))

13-39 Wardens to make inspections of buildings.

The chief engineer, or designee shall make a careful inspection of all buildings and premises within the city and they shall at once, on the application of any trustworthy person or at the request of the chief engineer or of the mayor, inspect any building or premises situated in either fire districts and complained of as being unsafe or hazardous, or containing unsafe or combustible material.

(Rev. Ords. 1962, § 2052; Ord. of 10-16-00; Ord. of 10-26-09(1))

Charter reference—Authority of city council to prescribe duties of fire wardens, § 48(XIV).

13-40 Wardens to be permitted entry into premises.

For the purposes of inspecting buildings, the chief engineer or any chief officer, fire marshal, assistant fire marshal, fire warden or designee may at all reasonable times have access to

and enter into any and all premises and buildings in the city.

(Rev. Ords. 1962, § 2053; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-41 Refusal to permit entry.

No person shall refuse to allow the chief engineer, or designee to enter upon or into his premises or buildings for the purposes provided in this chapter, or attempt to prevent the inspection required by this chapter, or obstruct such official in carrying out the provisions of this chapter. If required, the chief engineer, or designee when making an inspection shall show the owner or person in charge of such buildings or premises his appointment.

(Rev. Ords. 1962, § 2057; Ord. of 10-26-09(1))

13-42 Taking property of fire department prohibited.

No person shall wrongfully appropriate, use, take away, conceal, or refuse or neglect to deliver to an authorized officer of the city or the fire department any property belonging to the city and used by or required for the use of the fire department.

(Rev. Ords. 1962, § 2008)

13-43 Funds for relief of sick or disabled firefighters.

All money received by gift shall be appropriated for the relief of sick and disabled members, in good standing, of the fire department; provided such sickness or disability was caused while in the line of duty.

(Rev. Ords. 1962, § 2012; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-44 Authority having jurisdiction defined.

For the purposes of this chapter, "authority having jurisdiction," as defined in the NFPA 1, Fire Prevention Code, shall mean and include the chief engineer, city fire marshal, assistant fire marshals, fire wardens, chief code enforcement officer or their designees.

(Ord. of 6-11-84; Ord. of 8-14-95; Ord. of 10-16-00; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-45 Appeals.

- (a) Appeals may be taken to the board of fire commissioners by any person, firm or corporation aggrieved by any decision, interpretation or order by the fire official made under the provisions of the code. A request for appeal shall be made in writing to the chief engineer within five (5) working days, excluding holidays and weekends, of receiving actual notice of the order or action complained of, setting forth the basis of the appeal. The chief engineer shall immediately forward the notice to the board of fire commissioners who shall meet within ten (10) working days of filing the notice of appeal. All hearings shall be public and all interested parties shall be given an opportunity to be heard and present evidence and arguments. A member of the commission shall not pass on any question in which that member has any financial or personal interest or which otherwise would constitute a conflict of interest.
- (b) A majority of the commission must be present to constitute a quorum. The commission shall affirm, modify or reverse an action appealed by a majority vote of the members present. The vote shall be an affirmation of the decision from which the appeal is taken. The commission shall give written notice of its decision, which shall include a statement of findings of fact and all necessary orders, to all interested parties within thirty (30) days of the last date of the hearing. The fire official may take action in accordance with the decision of the commission immediately upon the sending of the written decision.
- (c) Any interested person may appeal a decision of the commission by instituting relief in the Chittenden Superior Court under V.R.C.P. 74.

(Ord. of 6-11-84)

13-46 Occupant load certificate.

- (a) *Annual inspection.* On an annual basis, the fire marshal's office shall be required to inspect each place of assembly in the city to determine the maximum number of occupants that should be permitted at each location as determined by the capacity and egress requirements of the city building, fire protection and life safety codes. For purposes of this section, a place of assembly is defined as a room or space, including all connected rooms or space with a common means of egress, accommodating fifty (50) or more individuals for social or amusement purposes or for the consumption of food and drink. Places of assembly which are used exclusively as places of worship or education shall be inspected during the initial occupancy inspection, if there is a change of use, there is a physical change which effects the maximum permissible occupancy, or there is a change in the adopted codes which requires an inspection.
- (b) *Posting of certificate.* When all violations have been corrected and all fees paid in full, each place of assembly shall receive a certificate from the fire marshal's office stating the

maximum number of occupants permitted at the site by the fire code. The business and/or property owner shall be responsible for installing the certificate in a conspicuous public location at the site and shall be responsible for the proper maintenance of the certificate. The occupancy load certificate shall become effective on the date of issuance and remain in effect until June 30, of the following year.

(c) *Fee.* An annual fee of one hundred forty-four dollars (\$144.00) shall be charged to each place of assembly by the fire department for the cost of the inspection and certificate program. Occupancy load certificates issued during the billing cycle of July 1 to June 30 shall be pro-rated at a rate of twelve dollars (\$12.00) per month. Physical changes within an assembly that affect the posted occupancy rating shall require a new inspection and if appropriate shall require the issuance of a new certificate. The issuance of a new certificate shall require a new pro-rated fee to be paid for the months that the new certificate will be in effect. All fees shall be due prior to issuance of each certificate. The fee shall be due on July 1, 2001, and annually on the first day of July thereafter. Places of assembly which are used exclusively as places of worship or education shall be exempt from for the occupancy load certificate fee.

(d) *Temporary certificate.* Provided all fees are paid and the place of assembly is making satisfactory progress toward correction of all violations, a temporary conditional certificate of occupancy may be issued for a period of up to ninety (90) days at the discretion of the fire marshal's office. The conditions under which this temporary certificate is valid shall be printed on the certificate and visible to the occupants in a conspicuous public location at the site.

(Ord. of 2-22-93; Ord. of 10-16-00; Ord. of 10-26-09(1))

13-47 Special events/festivals.

(a) The promoter of any special event or festival shall comply with the adopted fire codes, maintain adequate fire lanes, and have the fire marshal approve the location and size of all fire lanes, booths, stages, and other structures and equipment. The Burlington fire department is charged with sole responsibility of providing fire protection and EMS coverage for such events in the city. The fire department may modify these requirements based on the promoter's history of compliance with the requirements of the adopted fire codes and adherence to the requirements of the codes.

(b) Any special event or festival with an attendance of one thousand (1,000) persons or more shall be required to provide Burlington fire/EMS personnel specially and exclusively assigned to the event. The promoter of the event(s) shall be responsible for the cost of this additional coverage, including but not limited to personnel supplies, equipment and

materials which shall be at a rate set by the chief administrative officer annually to reflect the actual cost to the city. A minimum of two (2) firefighters/EMTs shall be hired for a minimum of three (3) hours. The number of firefighters/EMTs and the time required for staffing shall be set by the fire department based on an assessment of the event and the location, weather, time, traffic impact, availability of alcohol, history of the event, or identifiable safety factors, taking into account the requirements of the adopted fire codes. The promoter shall secure a signed staffing agreement with the fire department special events coordinator not less than fourteen (14) work days prior to the event.

(Ord. of 10-26-09(1); Ord. of 3-7-16(1); Ord. of 6-25-18(1))

13-48—13-50 Reserved.

13-51 Compliance with codes required.

- (a) All fire protection, prevention, and alarm systems shall comply with the Vermont Fire and Building Safety Code currently in effect.
- (b) 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 city ordinances shall prevail.

(Ord. of 2-22-93; Ord. of 10-16-00; Ord. of 6-26-06/7-26-06)

13-52 Master radio call box.

- (a) For purposes of this division, "master radio call box" shall mean the master control box at each site which will initiate automatic emergency notification to the fire department on the city's radio frequency system.
- (b) The location of the master radio call box at each site shall be approved by the 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.

(Ord. of 2-22-93; Ord. of 6-14-93; Ord. of 10-16-00; Ord. of 6-26-06/7-26-06; Ord. of 6-25-18(1))

13-53 Permission required to connect 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 engineer of the fire department, the fire marshal or his/her designee.

(Ord. of 2-22-93; Ord. of 10-16-00; Ord. of 6-25-18(1))

13-54 Installation and maintenance.

The cost of any connection to the municipal fire alarm system, as well as all other costs due to the installation of any master radio call box, shall be borne by the party installing the system. All installation and maintenance work on a master radio call 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 of six hundred fifty dollars (\$650.00) shall be paid to the city by the owner of the property upon which the master radio call box or alarm system is installed for the computer programming and signal strength testing by the city's alarm technician which is required to connect the master radio call box (MRCB) to the Burlington Emergency Communication Center (BECC). A reprogramming fee of two hundred dollars (\$200.00) shall be paid by the owner for any modification to an existing MRCB that requires reprogramming and testing by the city's alarm technician. Any additional work required on the MRCB system other than those specified in the MRCB Installation and Programming Protocols guide provided by the department shall be subject to a charge of one hundred twenty-five dollars (\$125.00) per hour of the city's alarm technician's time. It shall be the property owner's responsibility to maintain the master radio call box on his premises in working condition and good repair at all times.

(Ord. of 2-22-93; Ord. of 10-16-00; Ord. of 3-10-08; Ord. of 4-26-10; Ord. of 6-25-18(1))

13-55 Fire alarm system malfunction.

(a) *Defined.* For the purposes of this division, a 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 Burlington Fire Department.

(b) *Response fee.* A response charge of five hundred dollars (\$500.00) shall be imposed for an false alarm due to a system malfunction. Failure to pay the fee shall be a civil offense punishable pursuant to section 13-20(a).

(Ord. of 2-22-93; Ord. of 10-26-09(1))

13-56 Damage to fire protection systems, fire department connections, or hydrants.

No person shall destroy, deface or in any way damage any fire protection systems, fire department connections or hydrants.

(Ord. of 2-22-93; Ord. of 1-9-95; Ord. of 10-26-09(1))

13-57 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 division and will result in criminal prosecution of the person(s) committing the offense or aiding or abetting in the offense. In addition, the property owner may be held responsible for the costs to the city from the response to such alarm and/or for a penalty of one hundred dollars (\$100.00). No person shall intentionally cause a false alarm or aid and abet the same. Any intentional misuse of a fire alarm box that results in a false fire alarm from a that property to the city fire alarm system shall be a violation of this division.

(Ord. of 2-22-93; Ord. of 10-26-09(1))

13-58 Annual fee.

An annual fee shall be charged to the property owner in the amount of six hundred fifty dollars (\$650.00) for each master box connected to the municipal fire alarm system. This charge will be assessed and collected annually, due in pro rata amount upon the effective date of this division and the first day of July thereafter. An administrative charge and/or interest shall be assessed for payments not received within thirty (30) days of the invoice from the department. Service calls by the fire marshal during normal working hours shall be included in this charge. Failure to pay the annual fees in the time required is a violation punishable under Section 13-20(a).

(Ord. of 2-22-93; Ord. of 10-16-00; Ord. of 6-25-01; Ord. of 10-26-09(1); Ord. of 4-26-10; Ord. of 6-25-18(1))

13-59 Plans, permits and fees.

(a) *Submission.* Plans for fire prevention, protection, and alarm systems shall be submitted to the fire marshal for approval prior to any work being done. The fire marshal shall have up to thirty (30) business days to review plans, make inspections, and issue a permit for the

system, which may upon notification to the applicant be extended. Plans may be approved, rejected or be required to be amended. No plan shall be approved or permit issued unless all fees have been paid and satisfied. Plans shall be submitted in either paper or electronic formats (PDF).

(b) *Required information.* Fire prevention, protection, and alarm system plans shall include the floor plan with device locations, the wiring riser diagram, battery load calculations, the complete equipment list and specifications, the type of occupancy, hazards, or unusual building features, and any other information required by the Vermont Fire and Building Safety Code as currently adopted by the State of Vermont.

(c) Fees. The fire marshal shall receive the following fees for plan review and inspections:

(1) *Specialty suppression systems.* Fees for plan review, rough-in inspection, and the final inspection shall be eleven dollars (\$11.00) per one thousand dollars (\$1,000.00) of the final contracted costs for systems containing proprietary blended inert gasses arranged in single or manifold pressurized cylinders, delivered through piping, and exhausted under pressure from a distribution appliance. Additional permitting, review and inspection fees may be applicable. The fee for the review of an amendment to a plan shall be fifty dollars (\$50.00) per amendment submission plus three (3) percent of the increase in the net cost of the final contracted cost of the system. The minimum fee for work values less than or equal to one thousand dollars (\$1,000.00) is eleven dollars (\$11.00).

(2) *Hood suppression systems.* Fees for plan review, rough-in inspection, and the final inspection shall be forty dollars (\$40.00) per one thousand dollars (\$1,000.00) of the final contracted costs for hood suppression systems containing a proprietary blend of dry chemicals or wet agent arranged in single or manifold pressurized cylinders, delivered through piping and exhausted under pressure from a distribution appliance. Additional permitting, review and inspection fees may be applicable. The fee for the review of an amendment to a plan shall be fifty dollars (\$50.00) per amendment submission plus three (3) percent of the increase in the net cost of the final contracted cost of the system. The minimum fee for work values less than or equal to one thousand dollars (\$1,000.00) is forty dollars (\$40.00).

(3) *Fire sprinkler systems.* Fees for plan review, rough-in inspection, and the final inspection shall be eighteen dollars (\$18.00) per one thousand dollars (\$1,000.00) of the final contracted costs for sprinkler, standpipe, and fire pump systems as those systems are defined in NFPA 13, NFPA 14 and NFPA 20. Additional permitting, review and inspection fees may be applicable. The fee for the review of an amendment to a plan shall be fifty dollars (\$50.00) per amendment submission plus three (3) percent of the

increase in the net cost of the final contracted cost of the system. The minimum fee for work values less than or equal to one thousand dollars (\$1,000.00) is eighteen dollars (\$18.00).

Residential sprinkler systems (NFPA 13R), installed in residential properties of less than five (5) units, with the exception of an expedited permit, shall have the fee waived.

(4) *Fire alarm systems.* Fees for permit review, rough-in inspection, and the final inspection shall be thirty-one dollars (\$31.00) per one thousand dollars (\$1,000.00) of the final contracted costs for fire alarm systems, as they are defined in NFPA 72. Additional permitting, review and inspection fees may be applicable. Wireless smoke alarms installed in residential properties of less than eleven (11) units, with an associated control/monitoring/reset panel, shall be considered a fire alarm system. The fee for the review of an amendment to a plan shall be fifty dollars (\$50.00) per amendment submission plus three (3) percent of the increase in the net cost of the final contracted cost of the system. The minimum fee for work values less than or equal to one thousand dollars (\$1,000.00) is thirty-one dollars (\$31.00).

(5) *Standpipe systems.* Fees for plan review, rough-in inspection, and the final inspection shall be eighteen dollars (\$18.00) per one thousand dollars (\$1,000.00) of the final contracted costs for standpipe systems as those systems are defined in NFPA 13, NFPA 14 and NFPA 20. Additional permitting, review and inspection fees may be applicable. The fee for the review of an amendment to a plan shall be fifty dollars (\$50.00) per amendment submission plus three (3) percent of the increase in the net cost of the final contracted cost of the system. The minimum fee for work values less than or equal to one thousand dollars (\$1,000.00) is eighteen dollars (\$18.00).

(6) *Fire pump systems.* Fees for plan review, rough-in inspection, and the final inspection shall be seven dollars (\$7.00) per one thousand dollars (\$1,000.00) of the final contracted costs for sprinkler, standpipe, and fire pump systems as those systems are defined in NFPA 13, NFPA 14 and NFPA 20. Additional permitting, review and inspection fees may be applicable. The fee for the review of an amendment to a plan shall be fifty dollars (\$50.00) per amendment submission plus three (3) percent of the increase in the net cost of the final contracted cost of the system. The minimum fee for work values less than or equal to one thousand dollars (\$1,000.00) is seven dollars (\$7.00).

(7) *Reinspection fees.* A fee for the witnessing of a retest of any fire protection, prevention, or alarm system or the reinspection of a system or any part thereof beyond the rough-in inspection and the final inspection shall be charged at a rate of seventy-five dollars (\$75.00) per hour per inspector. This fee is payable by installing contractor prior to any retest.

(8) *Expedited process fees.* Plans for systems with contracted costs valued at less than twenty thousand dollars (\$20,000.00) may be reviewed and approved on an expedited process within ten (10) business days for a special fee of one hundred fifty dollars (\$150.00) per hour paid in addition to all the applicable permitting fees.

(9) *Phased-in installation inspection fees.* An additional fee of twelve (12) percent of the system permit fee shall be charged and paid when a permittee requests to phase in a system and inspections are required and conducted for each phase.

(10) *City-owned properties.* No fee shall be required for the portion of the estimated cost of any work and construction that is to be owned by a department of the City of Burlington whose primary source of revenue is the general fund.

(Ord. of 2-22-93; Ord. of 10-16-00; Ord. of 6-26-06/7-26-06; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-60 Knox Boxes and standard keys.

(a) All buildings having a fire alarm system and/or fire sprinkler systems shall be required to install rapid access key boxes or a so-called Knox Box. Existing buildings not currently in compliance shall comply with this requirement within one (1) year of the effective date of this division.

(b) The building owner shall be required to install in the key box all master keys to offices, electrical rooms, elevator equipment and all keys needed to reset fire alarm system.

(c) If requested by the department, building owners shall be required to supply additional sets of keys as needed by the fire department to allow more than one (1) team of firefighters to have access to areas of the building.

(d) If requested by the fire department, more than one (1) Knox Box may be required to facilitate multiple points of entry in large facilities.

(e) All new fire alarm control panels shall be keyed with a standard Cat 30 key. Where a Cat 30 key is not practical, such as in an annunciator panel, an A135 key shall be used in its place.

(f) Existing fire alarm control panel and remote annunciator access keys shall be converted to this standard within one (1) year of November 25, 2009, during the required annual test and inspection by a third party on the owner's behest.

(Ord. of 2-22-93; Ord. of 10-16-00; Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-61 Elevators.

The following standards shall be met on all elevators installed or permitted after the effective date of the ordinance codified in this section:

- (a) *Dimension.* All new elevator installations shall comply with the applicable elevator code adopted by the State of Vermont. Notwithstanding the applicable code adopted by the State, elevators shall have minimum interior finished dimensions of eight (8) feet by four (4) feet and have an unrestricted door opening of not less than four (4) feet.
- (b) In new and existing elevator banks, the stretcher compliant elevator(s) shall be marked by a three (3) inch retro-reflective star of life on the latch side of the elevator lobby door frame.
- (c) *Elevator standards keys.* All new and existing elevator firefighter access/override keys shall be to the State standard elevator bypass key. Existing elevators shall be converted to this standard within one (1) year of the effective date of the ordinance codified in this section.

(Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-62 Tent permits and fees.

- (a) *Permits.* A tent permit shall be required for any tent two hundred (200) square feet or larger erected on public property or in the public way. Any tent one thousand two hundred (1,200) square feet or larger, regardless of location, shall require a tent permit. Permittees shall comply with the requirements of Chapter 25 of NFPA 1, Fire Prevention Code, currently adopted by the State of Vermont.
- (b) *Fees.* A permit fee of fifty dollars (\$50.00) shall be assessed for a tent between two hundred (200) square feet and under one thousand two hundred (1,200) square feet; a permit fee of one hundred sixty-five dollars (\$165.00) shall be assessed for a tent one thousand two hundred (1,200) square feet or larger. Notwithstanding the above fees, the lesser of the above fees or two hundred twenty dollars (\$220.00) shall be assessed if one (1) of the following criteria is met:
 - (1) Tents requiring a permit are being erected in connection with an event that is held in the city at least on a biennial basis; or
 - (2) The executive director or other individual in charge of managing the event in which tents requiring a permit are to be erected has produced three (3) large occupancy events in the City of Burlington within the previous two (2) years. A large occupancy event is one that either (a) involves two hundred fifty (250) people or more and is either in an enclosed space or has fixed seating and alcohol is served or (b) involves five

hundred (500) people or more and is either in an enclosed space or has fixed seating and alcohol is not served.

(Ord. of 6-26-06; Ord. of 5-7-07; Ord. of 6-25-18(1))

13-63 Generally.

- (a) Except as otherwise provided, no person or organization shall maintain, own, erect or construct any building or structure which is used for commercial, multifamily, or institutional use or any part thereof or cause the same to be done which fails to support adequate radio coverage to the fire department.
- (b) For purposes of this section, adequate radio coverage shall include all of the following: A. A minimum signal strength of -101 dBm available in ninety-five (95) percent of the area of each floor of the building when transmitted from the public safety radio communications system; and B. A minimum signal strength of -101 dBm received at the public safety radio communications system when transmitted from ninety-five (95) percent of the area of each floor of the building, via portable radio with public safety microphone.
- (c) *Channel performance criterion (CPC)*. CPC is the minimum performance level in a faded channel, per TSB-88, clause 4.2. TSB-88 is a "Telecommunications Systems Bulletin" published by the TIA, Telecommunications Industry Association. The performance level is rated using "Delivered Audio Quality." Industry standard DAQ definitions are shown in Table 1. 2. DAQ level of 3 is the minimum performance level which shall be attainable by public safety radio systems in ninety-five (95) percent of the area of each floor of a building subject to this chapter.

Table 1. Delivered Audio Quality Definitions

DAQ		
Delivered		
Audio	Subjective Performance	
Quality	Description	
1	Unusable, speech present but unreadable.	
2	Understandable with considerable effort. Frequent repetition due to noise/distortion.	
3	Speech understandable with slight effort. Occasional repetition required due to noise/distortion.	

DAQ		
Delivered		
Audio Quality	Subjective Performance Description	
3.5	Speech understandable with repetition only rarely required. Some noise/distortion.	
4	Speech easily understood. Occasional noise/distortion.	
4.5	Speech easily understood. Infrequent noise/distortion	
5	Speech clearly understood.	

(d) The frequency range which must be supported shall be 460.62 MHz from the trunked system communications base stations, and the public safety radio communications base stations.

(e) The fire department may alter necessary frequencies or signal strengths due to changes in technical specification for public safety radio requirements. In such event, any frequency changes shall be reported to the city council and approved as amendments to this chapter as soon as is practicable.

(Ord. of 10-26-09(1))

13-64 Testing.

(a) *Initial tests.* Officials of the fire department or their designees shall perform initial tests. A certificate of occupancy shall not be issued to any new structure if the building fails to comply with this section.

(b) *Annual tests.* Fire department personnel or their designees shall thereafter conduct annual tests.

(Ord. of 10-26-09(1))

13-65 Amplification systems allowed.

(a) Buildings and structures which cannot independently support the required level of radio coverage shall be equipped with a two (2) way radio enhancement system as required by the adopted edition of NFPA 1, "Fire Code," and compliant with the corresponding edition of NFPA 1221, "Standard for the Installation, Maintenance, and Use of Emergency Services

Communications Systems." If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least twelve (12) hours without external power input. Any battery system employed shall automatically recharge in the presence of an external power input.

(b) The installation of equipment as indicated above cannot be detrimental to the operation of the public safety radio system.

(c) In the event that a signal booster is employed it shall be fully encased within a dust and water resistant case.

(Ord. of 10-26-09(1); Ord. of 6-25-18(1))

13-66 Field testing.

The fire department, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present.

(Ord. of 10-26-09(1))

13-67 Exemptions.

(a) *Single-family and two-family dwellings.* This division shall not apply to single-family and two-family dwellings not put to commercial or institutional use. For purposes of this chapter, basements, parking structures and stairwells are included in the definition of "all parts of a building" but elevators may be excluded.

(b) *Hardship.* The owner of any building in existence prior to the effective date of the ordinance codified in this chapter, if confronted with a financial hardship which makes it impractical or impossible to bring the facility into compliance, may apply to the fire commission for an exemption to this chapter. Such application shall be in writing and shall be accompanied by whatever documentary evidence is necessary to prove the hardship. Any financial information regarding operation of the facility which is submitted in support of such hardship exemption shall be maintained as confidential upon submission to the city, to the fullest extent allowed by law.

(Ord. of 10-26-09(1))

13-68 Enforcement.

- (a) Violation of this chapter shall be subject to the general penalty provisions of this Code.
- (b) In addition to penalties, the city attorney shall be authorized to seek injunctive relief as appropriate to bring buildings into compliance with this provision.
- (c) Owners of record of buildings in existence on or before the effective date of the ordinance from which this division is derived, and/or owners of record of structures for which building permits have been issued at such time, shall be notified of any deficiency found through testing conducted pursuant to this division and ordered to correct the deficiency. Such notice shall be made in writing and be personally served or delivered via certified mail. The order shall allow no longer than three (3) years from the notification date to install an approved system which meets the requirements of this division.

(Ord. of 10-26-09(1))

13-69—13-73 Reserved.

¹ **Charter reference**—Authority of city council to establish fire department, § 48(XII); authority to appoint board of fire commissioners, § 120; composition and authority to establish rules and regulations, §§ 196, 197; fire department generally, § 198 et seq., power of fire commission, § 201.

²

Editor's note—An ordinance enacted June 26, 2006, effective July 26, 2006, amended the title of Div. 2 to read as herein set out. Further, an ordinance enacted Feb. 22, 1993, amended the provisions of Ch. 13, Art. II, Div. 2 in their entirety to read as herein set out. Prior to this amendment, Div. 2 contained provisions pertaining to similar subject matter and deriving from Rev. Ords. 1962, § 2007, and ordinances enacted Jan. 13, 1972; Sept. 27, 1982; and July 29, 1985.

Charter reference—Authority of city council to regulate a fire alarm system, § 48(XII).

ARTICLE III. RESERVED¹

13-74—13-80 Reserved.

¹ **Editor's note**—Former Art. III, §§ 13-74—13-80, pertaining to the storage of flammable liquids, derived from §§ 2101, 2102, 2108, and 2111—2-113 of the Revised Ordinances of 1962, was repealed by an ordinance enacted June 11, 1984.

Chapter 14 SOLID WASTE¹

Article I. In General

14-1 Purpose.

14-2 Definitions.

14-3 Solid waste regulation.

14-4 Collection.

14-5 Reserved.

14-6 Illegal dumping.

14-7 Open fires and incinerators.

14-8 Solid waste in proper container; separation and storage of recyclables.

14-9 Collection by unauthorized person.

14-10 Penalties and enforcement.

14-11 Inconsistent repeal.

14-12 Severability.

14-13 Effective date.

14-14 Solid waste generation tax.

14-15 Hazardous wastes and household hazardous wastes.

14-16 Replacement of damaged containers.

14-17, 14-18. Reserved.

Article II. Public Dumping Grounds

14-19 Board of health and street department to adopt regulations for use of dump; compliance to rules required.

14-20 Care and maintenance of public dumping grounds.

14-21 Dumping on other than public dumping ground restricted.

¹**Charter reference**—Power of city council to regulate storage and accumulation of garbage and rubbish, § 48(VI).

Cross reference—General cleanliness of premises where animals are kept, § 5-2; keeping unwholesome and offensive place prohibited, § 21-19.

State law reference—Power of city to regulate, 24 V.S.A. § 2291(12); throwing refuse prohibited, 24 V.S.A. § 2201.

ARTICLE I. IN GENERAL¹

14-1 Purpose.

The purpose of these provisions (sections 14-1 through 14-10) is to protect the health and welfare of the citizens of Burlington, to promote energy and resource conservation and to protect the environment. The city council hereby adopts these provisions to regulate the separation, recovery, collection, removal, storage and disposition of solid waste, including recyclables, in the city.

(Ord. of 6-3-91)

14-2 Definitions.

The following definitions shall apply to this article:

Authorization by the City of Burlington: Authorized pursuant to a legal contract or other written authorization entered into by the city and a private third person as defined herein.

Curbside: An area adjacent to the street, curb, or roadside ditch, but in no case greater than ten (10) feet from the curb or roadside nor directly on the traveled portion of any road or sidewalk.

Designated area: An area selected for placement of solid waste for collection, which must be readily accessible at all times by a conventional solid waste collection vehicle and not directly on the traveled portion of any public road or sidewalk. An area may be so designated through mutual agreement between a person and their hauler. However, the location of a designated area shall not violate any applicable local or municipal ordinance.

Hauler: Any person who collects, transfers, or transports solid waste generated within Chittenden Solid Waste District borders for compensation, including any operator of a vehicle or trailer, or a container on or attached to such vehicle or trailer, to collect solid waste from self-haulers.

Hazardous waste: Any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including those that are toxic, corrosive, ignitable, reactive, strong sensitizers, or that generate pressure through decomposition, heat, or other means, that in the judgment of the Secretary may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter that may have an unusually destructive effect on water quality if discharged to ground or surface waters of the State. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 as subsequently amended and codified in 42 U.S.C. Section 2014, is specifically excluded from this definition.

Household hazardous waste: Any waste from households that would be subject to regulation as hazardous wastes if it were not from households.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind.

Recyclable: Solid waste which may be reclaimed or processed so that it may be used in the production of materials or products.

Self-hauler: Any person who transports and delivers his or her own solid waste or solid waste from other individuals within a member municipality for no compensation.

Solid waste: Any solid waste as defined in Title 10 V.S.A. Section 6602.

(Ord. of 6-3-91; Ord. of 11-7-22)

14-3 Solid waste regulation.

In accordance with section 48(VI) of the City Charter, the collection, removal and disposal of all solid waste, including recyclables, within the limits of the city shall be regulated by the city council. Any regulations necessary and appropriate to effectuate the aims of this chapter may be proposed by the public works commission for approval by the city council.

(Ord. of 6-3-91; Ord. of 11-7-22)

14-4 Collection.

- (a) The city council is authorized to employ or make contracts with individual persons for the separation, recovery, collection, removal, storage or disposition of solid waste, including recyclables. Contracts will be reviewed and awarded by the city council and/or the public works commission consistent with current city policy. Contracts which are awarded pursuant to this authority shall be advertised or otherwise put to competitive bid as required by city policy. Contracts may be rejected or awarded at the sole discretion of the city for any reasons which it deems appropriate, including, but not limited to, the efficiency of scale, past performance, stability of operation and need for competition.
- (b) All collectors and haulers of solid waste and recyclables in the city shall register with the department of public works and such registration shall constitute authorization to collect and dispose of solid waste and recyclables. Registrants may be required to provide information necessary to assure the proper handling of such materials. The public works commission, with city council approval, may establish other requirements, including a registration fee, necessary to carry out these provisions.
- (c) Those businesses, landlords or institutions that elect to implement their own collection or disposal programs may do so only with the approval of the public works commission and shall register with the department of public works, which shall have the authority to monitor such programs for compliance with any provision of this chapter.
- (d) The department of public works may establish, and modify as necessary, a schedule for the collection of recyclables by the city from residential properties.

(Ord. of 6-3-91; Ord. of 11-7-22)

14-5 Reserved.

Editor's note—An ordinance adopted November 7, 2022, deleted § 14-5 which pertained to solid waste public safety and derived from ordinance of June 3, 1991.

14-6 Illegal dumping.

- (a) It shall be unlawful for any person, business or corporation to enter any city solid waste facility when such facility is not open; nor shall they deposit, dump or leave solid waste of any kind in any such facility or adjacent thereto, whenever the facility is open without the express permission of the authorized operator of said facility.

- (b) It shall be unlawful for any person to deposit, dump or leave solid waste in any privately owned or maintained disposal container other than their own, nor any other private property, without the consent of the owner.
- (c) It shall be unlawful to deposit in a municipally owned or maintained disposal container any solid waste other than that created or originated in any public buildings, grounds, highways or on the person of anyone using such public buildings, grounds or highways without the express permission of the city department having control over such container.

(Ord. of 6-3-91)

14-7 Open fires and incinerators.

The burning or incineration of any solid waste or recyclables in the city is prohibited. No exemptions from this prohibition shall be made except that after review by the fire department, the city council may grant an exception due to extraordinary circumstances to maintain or protect the public good or for a special event in the city. Provided further, that this section shall not be applicable to fire department training sessions, campfires which are regulated by the parks department or to residential outside cooking units.

(Ord. of 6-3-91)

14-8 Solid waste in proper container; separation and storage of recyclables.²

- (a) No person having the custody or control of residential, industrial or business premises in the city from which solid waste, including recyclables, is collected shall permit or cause any solid waste, including recyclables, within their control to become a hazard to public travel, health or safety or to become a nuisance of any sort. Solid waste, other than yard waste, and household hazardous wastes may not be deposited or otherwise left out-of-doors unless it has been placed in the proper container.
- (b) Except as hereinafter provided, recyclables from all residences shall be kept separate from other solid waste in a covered wheeled recycling container with a minimum capacity of thirty-five (35) gallons either provided or approved by the department of public works ("toters"), except as provided for in Section 18-111, and either delivered to a collection facility or placed at the curbside or designated area for pickup.
- (c) Businesses, institutions and industries located within the city shall separate recyclables from all other solid waste. Once separated, such materials shall be placed in city-approved containers and in clearly marked designated areas.

- (d) Any person within the city may properly dispose of recyclables at private collection facilities or at collection areas maintained by the city or its designated agent for that purpose.
- (e) Placement requirements may be waived by the department of public works if for reasons of age or disability a resident is unable to comply.

(Ord. of 6-3-91; Ord. of 11-7-22)

14-9 Collection by unauthorized person.

It shall be a violation of this article for any person not authorized by or registered with the city to collect or pickup or cause to be collected or picked up for profit or for disposal outside of city authorized disposal sites any solid waste, including recyclables. Any and each such collection shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. of 6-3-91)

14-10 Penalties and enforcement.³

- (a) A violation of any provision of this chapter shall constitute a civil offense enforceable under Section 1-9. Each day that a violation is continued shall constitute a separate offense.
- (b) The city, or its designated agent, reserves the right to refuse to collect solid waste or to refuse to allow disposal at any facility operated by the city or for the benefit of the city where the provisions of this chapter are ignored or violated. The city further reserves the right to terminate the authorization of any hauler who violates the provisions of this chapter.
- (c) Unless otherwise provided for herein, each day that a violation shall continue or exist shall constitute a separate offense.
- (d) The city may, upon the violation of any provision of this chapter, bring an action for injunctive relief in addition to or in lieu of any fine imposed under Section 1-9.
- (e) Expenses incurred by such action taken by the city shall be recovered against the person whose legal duty it was to comply with these provisions.

(Ord. of 6-3-91; Ord. of 3-26-01; Ord. of 11-7-22)

14-11 Inconsistent repeal.

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

(Ord. of 6-3-91)

14-12 Severability.

The ordinance from which this article derives and the various parts, sentences, sections and clauses thereof are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this article shall not be affected thereby.

(Ord. of 6-3-91)

14-13 Effective date.

The November 7, 2022, amendments to this article shall be effective on May 1, 2023.

(Ord. of 6-3-91; Ord. of 11-7-22)

14-14 Solid waste generation tax.

(I) GENERAL PROVISIONS:

- (a) *Title.* This section may be cited as the "Solid Waste Generation Tax Ordinance."
- (b) *Purpose and authority.* This section is enacted to raise revenue for recycling purposes under authority of the Charter of the City of Burlington, Act No. 298, Acts of 1949, as amended, Sections 48VI and 49.

(II) TAXES IMPOSED:

- (a) There is hereby imposed a tax upon the collection and removal of solid waste and the disposal of same by persons or agencies registered with the City of Burlington under Section 14-4(b) or licensed by any other government entity to collect or haul solid waste from within Burlington.
- (b) The tax shall be imposed upon solid waste haulers and collectors at the rate per month per residential dwelling unit served in Burlington set forth in the city's budget or as established by resolution of the city council. The amounts of tax charged are not refundable.

(c) *Compliance required.* It shall be unlawful for any person to transact or carry on any solid waste collecting or hauling business, occupation or activity within Burlington subject to the provisions of this section without complying with all applicable provisions herein.

(III) DEFINITIONS:

In addition to the definitions set out in section 14-2, for the purposes of this section the following terms, phrases, words and their derivations shall have the meanings given herein:

(a) *Council* means the city council of the City of Burlington, Vermont.

(b) *Monthly period* means such period which shall begin on the first day of each calendar month and includes the last day of each calendar month.

(c) *Residential dwelling unit* shall mean 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.

(d) *Successor* means any person who shall, through direct or mense conveyance, purchase or succeed to the business, or portion thereof, or the whole or any part of the stocks, goods, wares or merchandise or fixtures or any interest therein of a taxpayer quitting, selling out, exchanging or otherwise disposing of his business. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

(e) *Sworn statement* shall mean an affidavit sworn to before a person authorized to take oaths or a declaration or certification made under penalty of perjury or an accounting of gross receipts of business done as required to be filed under this section.

(f) *Taxpayer* includes any individual, group of individuals, corporation, partnership or association required to pay a tax under this section, or any person who engages in any occupation for which tax is imposed by this section.

(g) *Treasurer* means the treasurer of the City of Burlington or his/her designated representative.

(h) *Uncollectible account* means an account held by a hauler or collector for provision of collection services to residential dwelling unit(s) which has become delinquent and the hauler or collector has cancelled that account.

(IV) TAX—WHEN DUE:

- (a) *Application for tax identification number; required information; issuance; failure to file deemed violation.* Every taxpayer subject to the provisions of this section shall file within fifteen (15) days of the effective date hereof an application with the department of public works for an identification number. This application shall contain the legal name of the taxpayer, any trade name(s) employed, the address, principal place of business, phone number, authorized agent for service of process, the number of Burlington residential dwelling units served by the taxpayer in the preceding month and any other information required by the department of public works solid waste regulations. Upon receipt of a complete application, the department shall issue to each taxpayer an identification number. Failure of a taxpayer, or anyone reasonably likely to be a taxpayer as herein defined at the time that levy of the taxes herein commences, to file for an identification number shall be a violation.
- (b) *Remittance.* The tax imposed by this section shall be due and payable commencing October 31, 1993, in monthly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the monthly period in which the tax accrued. The remittance shall be made as provided in this section and shall be accompanied by a return on a form to be provided and prescribed by the city treasurer. The taxpayer shall be required to make a sworn statement that the information therein given is complete and true and that the taxpayer knows the same to be so.
- (c) *Assessment of tax upon failure to file return.* If a person fails to file a return or a complete return under oath when required to do so by this section, the treasurer or department of public works shall fix his [their] liability using any information in their possession for the period in respect to which such person has failed to file a return and shall assess the amount of tax due including applicable penalties.
- (d) *When delinquent.* The tax shall be considered delinquent on the day after it becomes due and payable pursuant to subsection (b) above.
- (e) *Statement of balance due; limitation.* If it is determined that a taxpayer has failed to pay any tax, penalty or portion thereof due under this section, the taxpayer shall be mailed a statement showing the balance due and shall add thereto a thirteen dollar (\$13.00) late penalty payment or interest at the rate of twelve (12) percent per year, whichever is greater. That unpaid balance and penalty total shall be subject to interest at a rate of twelve (12) percent per year from the date of underpayment. Such interest shall accrue until the date of payment. Within five (5) days from the date the statement is mailed, the taxpayer shall pay such balance and all interest due thereon. No such demand shall be made more than four (4) years after the close of the fiscal year in which the same accrued, except:

(1) As against a taxpayer who has been guilty of fraud or misrepresentation of material facts; or

(2) Where a taxpayer has executed a written waiver of such limitation.

(f) *Closing returns for businesses closing or changing ownership.* In the event any business subject to the tax defined herein closes or changes ownership, such business shall file a closing return with the department of public works and pay the tax due within thirty (30) days from the time of closing or changing or ownership of such business. A closing return shall be construed delinquent if not filed within the specified time. In the event a business referenced above fails to file a closing return, it shall be the responsibility of the successor to file the return and pay any taxes and penalties due thereunder.

(g) *Notification upon change of type of business or activities.* It shall be the responsibility of the taxpayer to advise the department of public works of any change in the type of business or the activities carried on or other required information.

(h) *Extension.* For good cause and for not more than ninety (90) days the time for paying any sum, or a portion thereof, required to be paid hereunder may be extended by the department of public works. The extension may be granted at any time, provided a written request therefor is filed with the city treasurer prior to the delinquency date. Interest at the rate herein stated shall accrue during the period of extension.

(V) PAYMENT OF TAX:

At the time the return is required to be filed under this section, the tax shall be paid to the department of public works by bank draft, certified check, cashier's check, personal check or money order, or in cash. If payment is made by draft or check, the tax shall not be deemed paid unless the check or draft is honored by the usual course of business; nor shall the acceptance of any sum by the treasurer be an acquittance or discharge of the tax due unless the amount of the payment is in full and actual amount due. The return shall be presented to the department of public works who shall endorse thereon the date and amount of the payment received by him and forthwith file the return in the office of the city treasurer.

(VI) EXAMINATION OF RECORDS:

(a) The director of public works or his/her designee is hereby authorized to request, examine, audit and inspect such books and records of any taxpayer as may be relevant or necessary to verify or ascertain the amount of the tax due.

(b) All persons engaged in occupations subject to the provisions of this section are hereby required to permit examination of such books and records for the purpose aforesaid.

(VII) INFORMATION CONFIDENTIAL:

- (a) Financial information furnished or secured pursuant to this section shall be deemed confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration and enforcement of this section.
- (b) No officer, administrator or employee of the City of Burlington shall in any manner reveal the contents of any part or portion of the contents of any confidential information except as otherwise provided in this section, or in a legal action to enforce the provisions of this section, or pursuant to a court order.

(VIII) RECONSIDERATION AND APPEAL:

- (a) Any person aggrieved by any decision of the director of public works with respect to the assessment of any tax or penalty by the director of public works, or any person aggrieved by the refusal of the director of public works to make a refund requested under paragraph (I), may petition the director of public works for a reconsideration within sixty (60) days after notice shall have been given such person. If a petition for reconsideration is not filed within such period, the amount of the assessment or the refusal to refund shall become final. If a petition is filed within such period, the director of public works shall reconsider the earlier action within twenty (20) days and, if the petitioner so requested in the petition, shall grant such petitioner an oral hearing and shall give the petitioner ten (10) days' notice of the time and place thereof. The director shall issue a final determination in writing to the petitioner within ten (10) days of the petition or the close of the hearing, whichever is later.
- (b) An appeal from any decision of the treasurer [director] issued under subsection (a) above shall be taken to the Chittenden Superior Court under V.R.C.P. 75
- (c) If an appeal is not taken in strict conformance to this paragraph (VIII), the decision of the director shall be final. The remedies provided by this paragraph (VIII) shall be the exclusive remedies of a taxpayer with respect to any decision taken under this section. Upon failure to petition or appeal as provided under this section, the taxpayer shall be bound by such decision and shall not thereafter contest, either directly or indirectly, such decision in any proceeding, including, without limitation, any proceeding brought to enforce any provision of this section.

(IX) CREDITS AND REFUNDS:

- (a) If a solid waste hauler or collector makes a payment of this tax based in whole or in part upon services provided to residential dwelling units and such unit(s) have become

uncollectible accounts, the hauler or collector shall be entitled to a credit for any portion of taxes which were paid on such uncollectible account(s).

(b) In the event of overpayment of any tax due under this section, the director of public works, or his/her authorized agent, upon written application by the taxpayer for a refund or credit filed within two (2) years after the date of such overpayment, may offset the amount of such overpayment against the taxpayer's existing tax liability under this section or certify the request for refund for the purpose of processing a cash payment to such taxpayer. Refund of overpayment as authorized in this paragraph (IX) shall be approved by the city council.

(c) No refund or credit may be allowed with respect to any payments made to the city more than two (2) years before the date of such application. Provided, however, where a taxpayer makes application for a refund or credit of any overpayment made more than two (2) years before the date of such application and such taxpayer has an outstanding tax deficiency, the amount of the refund or credit which would otherwise be allowable for the portion of the assessment period preceding the two-year period shall be offset against any such deficiency.

(X) FAILURE TO COMPLY; FALSE RETURNS OR STATEMENTS; LICENSE SUSPENSION OR REVOCATION OF AUTHORIZATION TO COLLECT AND HAUL SOLID WASTE:

It shall be unlawful for any person subject to the provisions of this section to fail or refuse to do any act required by this section. It shall also be a violation of this section for any person to make any false or fraudulent application, or return, or any false statement or any representation in or in connection with any such application or return, or to aid or abet another in any attempt to evade payment of the tax, or any part thereof. Any such violation shall be grounds for administrative suspension or revocation of authorization to collect and haul solid waste from within the city and for other penalties and enforcement as provided in section 14-10.

(XI) COLLECTION OF DELINQUENT TAX:

Any tax due and unpaid and delinquent under this section, and all penalties thereon, may be collected by civil action, which remedy shall be in addition to any and all existing remedies provided by section 14-10.

(XII) TAX AS A DEBT:

The amount of the tax and penalty imposed by the provisions of this section shall be deemed a debt to the city.

(XIII) REMEDIES CUMULATIVE:

- (a) All remedies prescribed in this section shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions thereof.
- (b) The conviction and punishment of any person for violation of this section shall not excuse or exempt such person from the payment of any tax due or unpaid at the time of such conviction.

(XIV) Reserved.

(Ord. of 10-12-93; Ord. of 6-13-94; Ord. of 6-26-00; Ord. of 3-26-01; Ord. of 6-10-02; Ord. of 9-9-13(1); Ord. of 8-11-14(1); Ord. of 6-29-15; Ord. of 6-18-18(1); Ord. of 9-14-20(1); Ord. of 6-7-21; Ord. of 11-7-22)

14-15 Hazardous wastes and household hazardous wastes.

Hazardous wastes and household hazardous wastes shall only be disposed of either at specific locations designated by the Chittenden Solid Waste District or by pickup by mobile household hazardous waste collection initiatives designated by Chittenden Solid Waste District.

(Ord. of 11-7-22)

14-16 Replacement of damaged containers.

If a toter that is properly placed in a designated area is damaged by the city beyond repair from normal use, the city shall replace the toter.

(Ord. of 11-7-22)

14-17, 14-18 Reserved.

¹ **Editor's note**—An ordinance of June 3, 1991, amended Art. I of Ch. 14 to read as herein set out. Prior to this amendment, Art. I contained general provisions relative to garbage and refuse and which were derived from provisions presumably enacted during the 1973 codification, §§ 2605, 2901—2904 and 4254 of the 1962 Rev. Ords.; §§ 2901—2903 of the 1969 Cum. Supp.; and an ordinance of June 26, 1986.

² **Cross reference**—Minimum housing standards ordinance of the City of Burlington, § 18-111.

³ **Cross reference**—General penalty; continuing violations, § 1-9

ARTICLE II. PUBLIC DUMPING GROUNDS¹

14-19 Board of health and street department to adopt regulations for use of dump; compliance to rules required.

- (a) The board of health shall adopt and enforce such rules and regulations as shall, in its judgment, be necessary and proper for the use of any public dumping ground in order to prevent any menace to health.
- (b) The board of public works commissioners shall adopt and, upon approval by the city council, enforce all rules and regulations as shall, in its judgment, be necessary and proper for the use, care and maintenance of public dumping grounds and that are not in conflict with the rules and regulations of the board of health.
- (c) The rules and regulations adopted by the board of health and the board of street commissioners shall be posted in a conspicuous place on or near any dumping ground, and all persons shall comply with such rules.

(Rev. Ords. 1962, § 2954; Ord. of 6-19-72; Ord. of 3-26-01)

14-20 Care and maintenance of public dumping grounds.

The street department shall care for and maintain, subject to the rules and regulations of the board of health, any public dumping ground acquired or used and controlled by the city and all approaches thereto and property of the city used in connection therewith.

(Res. Ords. 1962, § 2955)

14-21 Dumping on other than public dumping ground restricted.

No person shall deposit any waste or discarded materials or matter of any kind on any land within the city limits other than the public dumping ground, except that ashes, dirt, bricks, stones or any other such materials as are commonly used and suitable for filling purposes may be deposited for filling purposes with the consent and approval of the owner and occupant of the land on which such materials are to be deposited.

(Res. Ords. 1962, § 2952)

¹ **State law reference**—Cities required to provide sanitary landfills, 24 V.S.A. § 2201a.

Chapter 15 GAS¹

15-1 Gas appliances and piping code adopted; enforcement.

15-2 Gas transmission and distribution piping systems code adopted; enforcement.

15-3 Provisions of ordinances to control in cases of conflict.

15-4 Exceptions and appeals.

15-5 Penalties.

15-1 Gas appliances and piping code adopted; enforcement.

(a) There is hereby adopted for the city, and every gas appliance and gas piping system shall be constructed, operated and maintained in compliance with the provisions of, the "American Standard for the Installation of Gas Appliances and Gas Piping," the presently effective code being designated as ASA Z21.30-1969 and also as NFPA No. 54-1969 (referred to herein as the ASA Gas Appliance Code).

(b) Enforcement of the ASA Gas Appliance Code shall be the responsibility of the city fire chief.

(Rev. Ords. 1962, § 890)

State law reference—Authority for city to adopt codes by reference, 24 V.S.A. § 3101(c).

15-2 Gas transmission and distribution piping systems code adopted; enforcement.

(a) There is hereby adopted for the city, and every gas transmission and distribution piping system shall be constructed, operated and maintained in compliance with the provisions of, the "American Standard Code for Pressure Piping—Gas Transmission and Distribution Piping Systems," the presently effective code being ASA B31.8-1963 (referred to herein as the ASA Gas Transmission Code).

(b) Enforcement of the ASA Gas Transmission Code shall be the responsibility of the city engineer.

(Rev. Ords. 1962, § 891; 1969 Cum. Supp., § 891)

State law reference—Authority for city to adopt codes by reference, 24 V.S.A. § 3101(c).

15-3 Provisions of ordinances to control in cases of conflict.

In the event there is a conflict between the provisions of the codes adopted by this chapter and the other provisions of this Code or ordinances of the city, the other provisions of this Code or ordinances of the city shall prevail.

15-4 Exceptions and appeals.

(a) Any person may make written application to the particular enforcement officer for an exception from any provision of this chapter or of the ASA Gas Appliance Code and the ASA Gas Transmission Code. The enforcement officer may issue the exception requested to the applicant upon showing substantial compliance with the purpose of the particular code and ordinance involved and no reduction in the safety of the proposed installation as compared to the provisions of the particular code and ordinance. Particulars of any exception which is granted shall be entered upon the records of the enforcement officer, and a signed copy thereof forwarded to the applicant.

(b) Whenever an applicant for an exception shall feel aggrieved, such applicant may appeal the decision of the enforcement officer to the board of aldermen within thirty (30) days from the date of mailing of the decision from which appeal is taken.

(Rev. Ords. 1962, § 892; 1969 Cum. Supp., § 892)

15-5 Penalties.

Any person who violates any provision of either of the ASA codes adopted in this chapter, or who fails to comply therewith, or who violates or fails to comply with any final order made thereunder, or who proceeds in violation of any specifications or plans submitted and approved thereunder or of any final certificate or permit issued thereunder within the time fixed herein shall be punished as provided by section 1-9 of this Code. Violations or threatened violations of any provision of either of the ASA codes adopted in this chapter may also be restrained under the provisions of section 49 of the city charter; no criminal prosecution shall be a bar to any civil action brought for such purpose.

(1969 Cum. Supp., § 893)

¹ **Cross reference**—Buildings and building construction, Ch. 8; electricity, Ch. 12; fire protection and prevention, Ch. 13; housing, Ch. 18; plumbing, Ch. 25; sewers and sewage disposal, Ch. 26; streets and

sidewalks, Ch. 27; subdivisions, Ch. 28; water, Ch. 31; zoning, App. A.

Chapter 16 RESERVED¹

¹**Editor's note**—An ordinance of Dec. 6, 1982, repealed Ch. 16, §§ 16-1—16-13. Said former chapter was relative to gasoline stations and derived from Rev. Ords. 1962, §§ 1592—1597 and 1600.

Chapter 17 HEALTH¹

Article I. In General

17-1 Orders of health officer.

17-2 Doing of work by health officer.

17-3 Report of violations.

17-4 Penalties.

17-5 Sale of fruit or merchandise in street or other public place restricted.

17-6 Food to be covered and protected from dirt, dust and insects.

17-7 License for sale or delivery of milk.

17-8 Smoking in places of public access, places with liquor licenses and workplaces.

17-8A Smoking prohibitions at city parks.

17-8B Smoking in outdoor places prohibited.

17-9 Notification and posting of turf grass and landscape pesticide application.

17-10 Reserved.

Article II. Humane Treatment of Animals

Division 1. In General

17-11 Definitions.

17-12 At-large prohibited.

17-13 Registration.

17-14 Registration fee.

17-15 Commercial and noncommercial use allowed.

17-16 Handling, storage, and disposal of wastes.

17-17 Dead animal removal.

17-18 Predators, rodents, insects and parasites.

17-19 Shelters and housing.

17-20 Bedding.

17-21 Fencing.

17-22 Handling.

17-23 Veterinary record-keeping.

17-24 Mutilations.

17-25 Euthanasia.

17-26 Chickens, goats, sheep, or rabbits welfare audit.

Division 2. Enforcement and Impoundment

17-27 Penalties.

17-28 Enforcement.

17-29 Separability.

17-30 Zero tolerance policy for inhumane treatment.

17-31 Impoundment.

17-32 Notice and permission and responsibility of property owner.

Division 3. Chickens

17-33 Number and type of poultry allowed.

17-34 Enclosures.

17-35 Feed and water.

17-36 Aggression between birds.

17-37 Enrichment.

17-38 Health.

17-39 Catching chickens.

Division 4. Goats

17-40 Number and type of goats allowed.

17-41 Enclosures.

17-42 Feed and water.

17-43 Enrichment.

17-44 Health.

Division 5. Sheep

17-45 Number and type of sheep allowed.

17-46 Enclosures.

17-47 Feed and water.

17-48 Enrichment.

17-49 Health.

Division 6. Rabbits

17-50 Number and type of rabbits allowed.

17-51 Enclosures.

17-52 Feed and water.

17-53 Enrichment.

17-54 Health.**17-55 Catching rabbits.****17-56 Weaning.**

17-57—17-71. Reserved.

Division 7. Animals Not to Be Raised in City

17-72 Species prohibited from being raised in the city.**Article III. Regulation of the Slaughter of Chickens, Rabbits, Goats, and Sheep****17-73 Regulation of the slaughter of chickens, rabbits, goats, and sheep.**

¹**Charter reference**—Authority of city council to regulate peddling of meat, § 48(I); authority to compel owners to keep premises clean, § 48(VIII); authority to regulate exposure of food for sale and prevent its contamination, § 48(XLVIII); board of health established, § 121 et seq.; duties of board, § 277 et seq.

Cross reference—General cleanliness of premises where animals are kept, § 5-2; placing certain substances in public places prohibited, § 14-6; vehicles and containers to be covered to prevent dropping of refuse, §§ 14-7, 20-8; minimum standards for housing, § 18-70 et seq.

State law reference—Local health officers generally, 20 V.S.A. § 601 et seq.; authority of municipality to compel the cleaning or repair of any premises, 24 V.S.A. § 2291(13); authority of municipality to define public nuisances and provide for their abatement, 24 V.S.A. § 2291(14).

ARTICLE I. IN GENERAL

17-1 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 upon the person to whom the order is directed in the same manner as provided by law for the service of a writ of summons or be served by United States registered mail sent to the owner of real estate affected by such order. The address of the owner shall be deemed to be the address shown on the tax records of the city.

(Rev. Ords. 1962, § 2609; 1969 Cum. Supp., § 2609)

Charter reference—Powers and duties of health officer, § 282.

State law reference—Authority to appoint health officer, 18 V.S.A. § 601.

17-2 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 section 17-4.

(Rev. Ords. 1962, § 2611)

17-3 Report of violations.

It shall be the duty of the health officer to report to the city attorney for prosecution any violation of the health regulations of this city.

(Rev. Ords. 1962, § 2612)

17-4 Penalties.

Any person who disobeys a lawful order of the health officer after the same has been served upon him by neglecting or refusing to obey such order within the time specified therein shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed two hundred dollars (\$200.00).

(Rev. Ords. 1962, § 2610; Ord. of 12-9-74; Ord. of 4-10-75)

17-5 Sale of fruit or merchandise in street or other public place restricted.

No person shall place or keep a table, stall, booth or other stand in a street or public place or on any square or sidewalk for the sale of fruit, merchandise or any other commodity without first obtaining permission from the city council.

(Rev. Ords. 1962, § 4257)

17-6 Food to be covered and protected from dirt, dust and insects.

- (a) No person shall convey through any street or expose in front of any store or other place, 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 two (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 fruit or shelled nuts outside or inside of 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.

(Rev. Ords. 1962, § 2651)

Charter reference—Power of city council to regulate exposure of food, § 48(XLVIII).

17-7 License for sale or delivery of milk.

- (a) *Required.* No person shall sell or deliver any milk, cream or milk products within the city to be used by the inhabitants thereof, unless licensed to do so by the board of health in accordance with the provisions of this section.
- (b) *Milk producer license.* No license shall be issued for the sale of any milk, cream or milk products produced from any dairy or dairy farm, unless the owner or person in control of the cows in such dairy or dairy farm has first obtained from the board of health a milk producer license, authorizing the sale within the city by duly licensed milk distributors of milk, cream and milk products from such dairy or dairy farm. All producer licenses shall be issued without charge, but shall not be issued until fifteen (15) days after written application therefor to the board of health, and shall expire on the thirty-first day of May next following their issue.
- (c) *Distributor's license.* The fee for a milk distributor's license shall be twenty-five dollars (\$25.00) for each year or fractional part thereof, and for an incidental retail milk distributor's license, five dollars (\$5.00) for each year or fractional part thereof. Written applications for licenses shall be filed with the milk inspector on or before the fifteenth day of May in each year by all persons then engaged in such business, and the required fee shall be deposited with the application. Written applications by persons beginning such business after the fifteenth day of May shall be made at least thirty (30) days before such license is granted. All licenses shall expire on the last day of May of the year following their issuance. Each milk distributor's license shall state the dairy or dairy farm from which the licensee is authorized

to sell or supply milk, cream or milk products under this section, and no such licensee shall sell or supply milk or cream within the city, produced from any dairy or dairy farms not specified in his license. The board of health may issue from time to time to such licensee an additional license to sell or supply milk, cream and milk products from any dairy not specified in his license, upon the terms and conditions required by this section, but no fee shall be charged for such additional license. No license fee or tax shall be required of a person selling or supplying milk, cream and milk products in the city only to licensed milk distributors who sell the same at retail.

(d) *Suspension of license.* The milk inspector may temporarily suspend the license and exclude the product of any producer, distributor or processor of milk or milk products whenever he deems it necessary for the public good. Whenever a license is suspended or a product is excluded, the inspector shall furnish in writing to the holder of said license the reasons for suspension or exclusion.

(e) *Reasons for suspension to be furnished.* Whenever any license is suspended or revoked, the board of health shall furnish in writing to the holder of said license the reasons for such suspension or revocation.

(Rev. Ords. 1962, § 2702)

Charter reference—Authority to regulate sale of milk, § 281; authority to require license for sale of milk, § 283.

17-8 Smoking in places of public access, places with liquor licenses and workplaces.

(a) *Purpose.* The purpose of this section is to protect the public health, safety, and welfare by generally prohibiting smoking in places of public access, places with liquor licenses, and places of work, and fixing the requirements of property owners and persons with tobacco products in this regard.

(b) *Definitions.*

(1) "Tobacco products" mean cigarettes, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine cut and other chewing tobacco, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco prepared in a manner suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

(2) "*A place of public access*" means any indoor or partially enclosed place of education, government, social services, professional services, athletic activity, business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses, including buildings, offices, means of transportation, common carrier waiting rooms, arcades, restaurants, bars and cabarets, retail stores, grocery stores, libraries, theatres, concert halls, auditoriums, arenas, barber shops, hair salons, laundromats, shopping malls, museums, art and science galleries, sports and fitness facilities, planetariums, historical sites, and common areas of nursing homes, hospitals, resorts, hotels and motels, including the lobbies, hallways, elevators, restaurants, restrooms and cafeterias.

(3) "*Workplace*" shall mean an enclosed structure where employees perform services for an employer or, in the case of an employer who assigns employees to departments, divisions or similar organizational units, the enclosed portion of a structure where the unit to which the employee is assigned is located.

(4) "*Places with liquor licenses*" shall mean any inside space and partially enclosed space covered by a license to sell alcoholic beverages including without limitation a special events or festival permit issued pursuant to Title 7 of the Vermont Statutes Annotated.

(5) "*Smoking area*" means a separately enclosed and ventilated area that employees are not required to visit on a regular basis where smoking is permitted pursuant to a policy established under 18 V.S.A. Chapter 28, Subchapter 2.

(6) "*Partially enclosed*" means any place which is:

(A) Covered by a roof or ceiling of any material, but excluding umbrellas.

(c) [Prohibited.] Except as otherwise provided herein, smoking in places of public access, workplaces and places with liquor licenses prohibited. The possession of lighted tobacco products in any form is prohibited in indoor and partially enclosed (1) places of public access, (2) places with liquor licenses and (3) all workplaces.

(d) *Exceptions.* The restrictions in this section on possession of lighted tobacco products in places with liquor licenses and workplaces shall not apply to:

(1) Reserved.

(2) Separately enclosed and ventilated workplace smoking areas implemented pursuant to 18 V.S.A. Chapter 28, Subchapter 2; and

(3) Areas not commonly open to the public of owner-operated businesses with no employees.

(e) *Posting; supervision.* Any person or employer who owns, manages, operates or otherwise controls the use of any premises subject to the restrictions contained in this section shall have the responsibility of properly posting and maintaining "No Smoking" signs or the international "No Smoking" symbol (a picture of a burning cigarette inside a red circle with a red bar across it) clearly and conspicuously throughout the premises. The color of such signs, when not of the international type, shall have lettering that is distinct, contrasting to the background and easily read.

(f) *Enforcement.*

(1) Any person or employer who controls the use of any premises subject to the restrictions contained in this section who observes a person in possession of lighted tobacco products in apparent violation of this section shall ask the person to extinguish all lighted tobacco products. If the person persists in the possession of lighted tobacco products, the person or employer who controls the use of the premises shall ask the person to leave the premises and shall call the police if the person refuses.

(2) It shall also be a separate and distinct violation for a person in possession of lighted tobacco products in violation of this chapter to:

(A) Refuse a request to extinguish such a product by a person or employer who controls the use of the premises; or

(B) Refuse to leave the premises after being directed to do so by a person or employee who controls the use of the premises.

(3) Any person or employer who controls the use of any premises subject to the restrictions continued in this section who fails to fulfill the requirements of subsection (e) or subsection (f)(1) shall also be in violation of this section.

(4) Any person convicted of a violation or violations of this section shall be subject to a civil penalty, the fine for which shall be no less than fifty dollars (\$50.00) and no more than five hundred dollars (\$500.00), with a waiver penalty of fifty dollars (\$50.00), for each such violation.

(5) All municipal officials duly authorized to issue Vermont Municipal Complaints are authorized to issue complaints for violations of this section.

(Ord. of 2-23-87; Ord. of 4-6-05)

17-8A Smoking prohibitions at city parks.

(a) *Purpose.* The purpose of this section is to protect the public health, safety, and welfare by prohibiting smoking in city parks where people congregate and assemble for recreation, leisure and other purposes.

(b) *Definitions.*

(1) "*Tobacco products*" and "*tobacco substitutes*" shall have the meaning given in 7 V.S.A. § 1001.

(2) "*Smoking*" shall mean possession of products that produce secondhand smoke or use of a tobacco substitute.

(3) "*Parks*" shall mean all parks and beaches within the city limits as enumerated under Section 22-1 as well as community gardens, recreational facilities and property managed by the department of parks and recreation for public recreation.

(c) *Prohibited.* Except as otherwise provided herein, smoking is prohibited at all parks. Additionally, the director of parks and recreation shall designate specific areas within Oakledge, Waterfront, Battery, North Beach and Leddy Parks where smoking shall be permitted.

(d) *Posting; supervision.* The city shall properly post and maintain "No Smoking" signs or the international "No Smoking" symbol (a picture of a burning cigarette inside a red circle with a red bar across it) clearly and conspicuously throughout parks with smoking allowed signs within the designated smoking areas. The color of such signs, when not of the international type, shall have lettering that is distinct, contrasting to the background and easily read. These signs shall be placed so as to inform but not detract from the designated smoking areas.

(e) *Enforcement.*

(1) Any person convicted of a violation or violations of this section shall be subject to a civil penalty, the fine for which shall be no less than fifty dollars (\$50.00) and no more than two hundred dollars (\$200.00), with a waiver penalty of fifty dollars (\$50.00), for each such violation.

(2) All municipal officials duly authorized to issue Vermont Municipal Complaints are authorized to issue complaints for violations of this section.

(Ord. of 3-22-10(1); Ord. of 2-6-17)

17-8B Smoking in outdoor places prohibited.

(a) *Purpose.* The purpose of this section is to protect the health of residents and visitors by limiting and eliminating exposure to secondhand smoke in outdoor places.

(b) *Definitions.*

(1) "*Tobacco products*" and "*Tobacco substitute*" shall have the meanings given in 7 V.S.A. § 1001.

(2) "*Smoking*" shall mean possession of lighted tobacco products or possession and use of tobacco substitutes.

(c) *Prohibited activity.* Smoking shall be prohibited outdoors in the Church Street Marketplace District which includes all of Church Street and the properties which have frontage thereon, bounded on the north by the northernmost property line of properties bounded by Church and Pearl Streets, and bounded on the south by the southernmost property lines of properties at the northern corners of the Church and Main Street intersection, and more precisely shown on a plan entitled "Church Street Marketplace District" recorded with the chief administrative officer of the City of Burlington on June 27, 1979.

(d) *Exceptions.* The prohibition of smoking within the area designated for no smoking shall not apply to:

(1) Private property.

(e) *Posting; supervision.* The city shall properly post and maintain "No Smoking" signs or the international "No Smoking" symbol (a picture of a burning cigarette inside a red circle with a red bar across it) clearly and conspicuously throughout the designated smoke-free areas. The color of such signs, when not of the international type, shall have lettering that is distinct, contrasting to the background and easily read. These signs shall be placed so as to inform but not detract from the designated smoke-free areas.

(f) *Enforcement.* Any law enforcement officer may enforce the provisions of this section. Prior to the issuance of a Vermont Municipal Complaint, a law enforcement officer shall warn the person to be issued of the prohibition and ask the person to cease smoking. The failure to immediately stop smoking in the prohibited smoking area after such warning shall be a civil ordinance violation punishable by a penalty of fifty dollars (\$50.00), the waiver penalty for which shall be fifty dollars (\$50.00). Law enforcement officers do not need to issue additional warnings to any person who has been previously warned of the prohibitions in this

section and a person so previously warned who engages in the activity prohibited by this section shall be in violation of the section, subject to a civil ordinance penalty of one hundred dollars (\$100.00), the waiver penalty for which shall be fifty dollars (\$50.00).

(Ord. of 11-10-14)

17-9 Notification and posting of turf grass and landscape pesticide application.

(a) *Policy.* It is the policy of the city to take note of and respond to continuing concerns about health effects from toxic chemicals. Toxic chemicals classified as pesticides are designed to kill a variety of plants and animals; relatively little is known about their long-term effects upon humans and the environment. In light of this uncertainty, the city considers all pesticides detrimental to human health unless proven otherwise. In order to prevent unnecessary exposure to such chemicals, the city council, upon recommendation from the board of health, has enacted the following provisions.

(b) *Definitions.* As used in this section, the following terms are defined below:

Application of a pesticide: The placement for effect of any pesticide at or on the site where pest control or other response is desired.

Commercial applicator: Any person, certified or not, who uses or applies pesticides in the course of employment.

Landscape plants: Any ornamental and flowering shrubs and plants, shade trees, or plants designed and/or considered to add to the aesthetic environment.

Pesticide: Any substance produced or distributed for preventing, destroying or repelling any insects, weeds, rodents, fungi, nematodes, mites, spiders or other forms of plant or animal life or viruses (i.e., any herbicide, insecticide, fungicide, acaricide, nematicide or rodenticide) except viruses on or in living humans or other animals. This includes any fertilizer mixture which contains pesticides within it.

Resident: Any person who owns or manages the private property on which pesticides are applied.

Tributaries of Lake Champlain: Those streams and/or drainage systems that flow during the spring and early summer including the following:

- (1) Winooski River;

- (2) Centennial (Muddy Brook): being three (3) branches running north and east from the area of Bilodeau Court and the border with South Burlington, joining below UVM's retention pond, and then under Grove Street to the Winooski River;
- (3) Englesby Ravine: beginning east of UVM's Redstone Campus and running south and west through the "Hill Section," and then under Shelburne and Pine Streets to Lake Champlain;
- (4) The stream running westerly from North Avenue, bordered on the south by Little Eagle Bay and on the north by Lakewood Estates, and into Lake Champlain;
- (5) Appletree Point Stream: being two (2) branches running south from Appletree Point Lane into Lake Champlain;
- (6) North Beach Stream: beginning south of Institute Road running south to Lake Champlain;
- (7) Intervale: being the area bounded by the "Northern Connector," the Winooski River and the railroad right-of-way;
- (8) Reeves Brook: beginning at Trinity College running north to Reeves Pond (at Riverwatch) then under Riverside Ave. to the Winooski River.

Turf grass: A covering of mowed vegetation growing together with an upper soil stratum of intermingled roots and stems.

(c) *Commercial applicators contract requirements.* No outdoor application of pesticides to turf grass or landscape plants shall be made on single-or multifamily residential properties, nor on public or private nonresidential properties, including, but not limited to, athletic fields, schoolyards, university greens, corporate lawns, parks and cemeteries, without the following provisions having been met:

- (1) Prior to initial application by a commercial applicator, the applicator or her/his employer must enter into a written contract with the customer specifying the approximate date(s) of application(s), the number of applications and the posting required by this section.
- (2) With the written contract, the applicator or her/his employer must provide the customer with the following information, in writing:
 - a. A list of the pesticide(s) to be applied, including brand and chemical names;
 - b. Label warnings from all the listed pesticides;

- c. Name, address and phone number of the company or non-commercial facility providing service;
 - d. EPA registration number(s) and if applicable applicator(s) certification number(s);
 - e. Current fact sheets approved by the Burlington Board of Health that include relevant information from the Environmental Protection Agency (EPA) and/or the Government Accounting Office (GAO) and/or Material Safety Data Sheet(s) (MSDS) that identify potential health and environmental hazards.
- (d) *Posting and notification:*
- (1) Before beginning each application, the applicator(s) shall post signs on the treated property at intervals no greater than one hundred (100) feet along all public and private rights-of-way. All properties, regardless of size, must post a minimum of two (2) signs at conspicuous points of access to the property. The specifications of the sign shall be as follows:
 - a. Shall be at least four (4) Ð—five (5) inches, of sturdy, weather-resistant material;
 - b. Shall be with contrasting colors using the indicated point type size;
 - c. Shall display the following warning on the front of the sign:

CAUTION
PESTICIDE APPLICATION
CAUTION
KEEP OFF
WHILE POSTED
CUSTOMER:
PLEASE REMOVE
AFTER 24 HOURS.

Both the fluorescent green symbol commonly known as "Mr. Yuk" and the international slash in a circle superimposed upon representational figures of an adult, child and dog as well as instructions that signs must remain posted for at least twenty-four (24) hours;

- d. Shall be posted at least twelve (12) inches above the ground;
- e. Shall contain the date and time of application on the back of the sign;

- f. The back of the sign shall contain the emergency numbers for poison control and 911, the city health officer's number for complaints, the brand or chemical name and concentration, and the name of the applicator's company.
- (2) All commercial outdoor pesticide applicators and all private outdoor applicators applying pesticides on an area greater than two hundred (200) square feet per property within the span of one year must give occupants of treated property and occupants of any adjacent property notice of any pesticide application(s). The notice may be distributed up to ten (10) days but not less than twenty-four (24) hours in advance of the application. The notice shall indicate when the pesticide shall be applied, which shall be within a five-business-day timeframe set forth in the notice. This written notice, approved by the board of health, must include the same information described in subsection (c)(2). The two hundred (200) square foot exemption applies only to ground applications; any application to trees and shrubs requires both prenotification and posting as described. Any property with more than twenty (20) units, or any property required to notify residents of more than twenty (20) adjacent properties, has the option of proposing a notification plan, in lieu of individual notification, to the board of health for approval.
- (3) Fenced, private nonresidential properties shall post written notices as described below in visitor reception areas and at all employee entrances.
- a. The written notice shall contain information as specified under subsection (c)(2) as well as the specific location where each pesticide is to be applied.
 - b. The notices shall be posted at least twenty-four (24) hours prior to application and shall remain in place for at least twenty-four (24) hours after application.
 - c. Upon request, copies of any or all material listed under subsection (c)(2) shall be made available to any visitor or employee.
 - d. All adjacent property owners must be notified by the grounds superintendent or equivalent at least twenty-four (24) hours prior to pesticide application. Copies of all materials listed under subsection (c)(2) must be provided to all adjacent property owners.
- (4) Pesticide applications made on golf course turf grass or landscape plants shall require posting of a written notice on the clubhouse bulletin board, in all locker rooms, and on the first and tenth tee. This notice shall be posted by the course superintendent or his/her designee.

- a. The written notice shall contain information specified in subsection (c)(2) and shall include the specific location and number of each fairway, green, tee, driving area, etc., where pesticide is to be applied.
- b. The notice shall be posted at least twenty-four (24) hours prior to application and must remain posted at all designated places for at least twenty-four (24) hours after application. Copies of the posted material shall be made available to any individual using or employed by the facility.
- c. The golf course superintendent shall notify all adjacent property owners of her/his intent to apply pesticides at least twenty-four (24) hours prior to application. The superintendent shall provide all materials listed in subsection (c)(2) to all adjacent property owners.

(5) This regulation requires that those responsible for rights-of-way and utility applications of pesticides post described signs or submit an alternative posting plan to the board of health for its approval.

(6) No pesticides may be applied outdoors within five hundred (500) feet of Lake Champlain or any of its tributaries without specific approval from the board of health. Criteria for this approval are defined by the board of health's statutory authority to protect public health.

(7) No licensed child care center, registered day care home, preschool, primary or secondary school (K—12) may use any turf grass or landscape pesticide on its grounds without specific approval from the board of health.

(e) *Records.* Each applicator shall keep written records of the parties who have been notified pursuant to subsections (c) and (d) of this section. Such records shall be made available to the board of health upon request by the board or by the office of the city attorney.

(f) *Sign requirements and enforcement:*

(1) The department of public works (DPW) shall have signs available to applicators that meet the notification and posting requirements of this section. DPW may charge a fee for the issuance of the signs to cover its administrative costs. No fee shall be assessed against any city department.

(2) The applicator shall be the individual responsible for correctly posting the signs in accordance with the requirements of subsection (d) of this section.

- (3) a. First offense. A first offense of any provision of this section during any twenty-four-month period shall be a civil ordinance violation punishable by a penalty of a minimum fine of two hundred dollars (\$200.00) to a maximum fine of five hundred dollars (\$500.00). The waiver penalty for a first offense shall be a fine of two hundred dollars (\$200.00).
- b. Second offenses. A second offense during a twenty-four (24) month period shall be a civil offense and shall be punishable by a fine of five hundred dollars (\$500.00). The waiver penalty shall be a fine of three hundred dollars (\$300.00).
- c. The third and any subsequent offense within a twenty-four (24) month period shall be a criminal offense punishable by a fine of five hundred dollars (\$500.00).
- d. Any law enforcement or code enforcement officer may issue a municipal complaint ticket or criminal citation for offenses of this section.

(Ord. of 6-22-92; Ord. of 2-20-96; Ord. of 2-19-08(2), eff. 4-9-08)

17-10 Reserved.

ARTICLE II. HUMANE TREATMENT OF ANIMALS

17-11 Definitions.

The following definitions shall apply to this article:

Aggressive animal shall mean an animal who attacks, bites, gores or kicks a person or other domestic pet while the animal is at large, and the person or pet injured requires medical attention.

At-large shall mean not under the control of the owner, or another individual either by leash, lead-line, cord, rope, chain, or other similar means of physical restraint that is attached to the animal and held by the owner or another individual to whom the animal has been entrusted.

Cruelly shall mean designed to inflict pain or performed severely and/or mercilessly regardless of intent.

Enforcement official shall mean any animal control officer, police officer, community service officer of the Burlington police department, humane officer, code enforcement officer, health officer, deputy health officer, or other individual specifically designated by the city council to enforce the provisions in this chapter.

Husbandry means the raising, management and using of animals to provide humans with food, fiber, companionship, therapy or transportation in a manner consistent with husbandry practices set forth for the species within this chapter.

Torture or *torment* shall mean an act by any person whereby physical pain, suffering or death is caused or permitted to be caused to an animal, excluding an act of slaughter conducted in compliance with the provisions of Section 17-73, Regulation of the slaughter of chickens, rabbits, goats, and sheep.

(Ord. of 10-13-15(1))

17-12 At-large prohibited.

(a) *Prohibition.* Except as exempted below, no owner or guardian of rabbits, chickens, sheep, and goats shall allow said animals to be at-large as defined in Section 17-11 or to trespass upon the property of another, public or private.

(b) *Exemptions.* The animals listed in subsection (a) of this section may be at-large if it is safely and securely retained:

- (1) On the premises of its owner;
- (2) On the premises of its guardian;
- (3) On the premises of another person as long as that person has given permission for the animal to be at-large.

(Ord. of 10-13-15(1))

17-13 Registration.

(a) The owner(s) of the chickens, goats, sheep, or rabbits subject to the registration fee required by Section 17-14 shall file a complete annual registration form with the health officer on or before January 1, 2016, and pay the fee to the health officer at the time of filing. The registration form shall ask for information that the health officer deems is necessary to enforce the provisions related to the humane treatment of animals subject to the code of ordinances.

(b) The certificate shall be in effect for two (2) years following the registration deadline. There is a continuing obligation to notify the health officer of any changes in the information required in the registration during the periods between the required filings of the registration applications.

(c) Upon issuance, a certificate of registration shall be issued by the health officer. It shall be posted in clear view on the outside of the animal's shelters or houses. Certificates shall be protected from the elements and must remain legible throughout the term of the registration period.

(Ord. of 10-13-15(1))

17-14 Registration fee.

Owners shall be charged a registration fee as follows:

- (a) Five (5) or more chickens: twenty-five dollars (\$25.00);
- (b) Two (2) or more goats, seven (7) or more kids, or one (1) doe or more with two (2) or more kids: fifty dollars (\$50.00);
- (c) Two (2) or more sheep, seven (7) or more lambs, or one (1) ewe with two (2) or more lambs: fifty dollars (\$50.00);
- (d) Nine (9) or more adult rabbits, or four (4) or more does with a litter: twenty-five dollars (\$25.00).

(Ord. of 10-13-15(1))

17-15 Commercial and noncommercial use allowed.

The City of Burlington allows chickens, goats, sheep, or rabbits to be raised and kept for both personal and commercial purposes when undertaken in full compliance with all applicable federal, state, and city regulations. Roosters are prohibited except as allowed pursuant to Section 17-72.

(Ord. of 10-13-15(1))

17-16 Handling, storage, and disposal of wastes.

- (a) Chicken, goat, sheep, or rabbit manure shall be handled and stored in a manner that prevents it from:
 - (1) Being transported by or into stormwater runoff or surface waters; or
 - (2) Spilling onto a neighboring property.

- (b) All stored manure shall be covered by a fully enclosed container or compost bin. No more than one (1) twenty (20) gallon container of manure shall be stored on any one (1) property housing a chicken, goat, sheep, or rabbit.
- (c) All other manure shall be removed from the property where it originates and disposed in compliance with all applicable city and Central Vermont Solid Waste Management District requirements.
- (d) The chicken, goat, sheep, or rabbit enclosures and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

(Ord. of 10-13-15(1))

17-17 Dead animal removal.

If an animal dies, it must be removed promptly and disposed of in accordance with all federal, state and local solid waste district regulations.

(Ord. of 10-13-15(1))

17-18 Predators, rodents, insects and parasites.

The chicken, goat, sheep, or rabbit owner shall take all reasonable action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation. Violations of this section may result in impoundment of the chicken, goat, sheep, or rabbit by the city, through the Burlington police department and/or city authorized animal control or humane officer designee, and the cost of the same shall be borne by the owner as provided in Section 17-31.

- (a) *Food stores.* Food stores for chickens, goats, sheep, or rabbits shall be kept in containers designed to deny access to domestic animals such as dogs and cats, wild animals (including but not limited to coyotes, foxes, weasels, opossums, raccoons, rats, mice, or wild birds), and insects.
- (b) *Protection from predators.* The structures and fencing used to house and contain all chickens, goats, sheep, or rabbits must be constructed according to generally recognized best management practice standards to exclude predators on the ground and in the air.
- (c) *Live trapping.* In the event that predator removal by exclusion is not possible or unsuccessful, live trapping may be used. Live traps must be checked twice daily. All other

forms of traps are prohibited, including snares and leg-hold traps. Please note that it is illegal to relocate skunks, raccoons, woodchucks, bats and foxes in the state of Vermont.

- (d) *Poisons.* The use of poisons against animal predators is prohibited.
- (e) *Glue boards.* The use of glue boards for the control of rodents is prohibited.
- (f) *Lethal control.* In the event that predator removal by exclusion or live trapping is not possible or unsuccessful, then as a last resort lethal control of specific predators may be carried out when these are causing an immediate threat to chickens, goats, sheep, or rabbits. Lethal control or euthanasia of predators (including rodents) must result in instantaneous irreversible unconsciousness and death.

(Ord. of 10-13-15(1))

17-19 Shelters and housing.

All chickens, goats, sheep, or rabbits shall be provided continuous access to shelter. All shelters and housing required by this chapter shall meet the following criteria:

- (a) *Protection from the elements.* Housing or shelter shall protect chickens, goats, sheep, or rabbits from weather extremes, including high winds, heat and cold, rain, sleet and heavy snows, and sun.
- (b) *Fresh air.* Shelters and housing shall be well-ventilated and allow fresh air to enter.
- (c) *Dry footing.* Chickens, goats, sheep, or rabbits shall have at all times a sheltered area available that provides dry footing so they are not forced to stand in mud or manure. Manure shall be removed as stipulated in Section 17-16. The shelter or house shall be managed to eliminate ammonia, dampness and mold.
- (d) *Natural light.* Shelters and housing shall allow natural light to enter. Chickens, goats, sheep, or rabbits shall not be subjected to dim and/or continuous lighting or kept in permanent darkness.
- (e) *Solid floor.* Shelters and housing shall have solid floors. Floors may be natural or artificial. An area of wire or slat under a drinker or other water source shall be deemed drainage, not a floor.
- (f) *Heat provided.* In cold temperatures, heat shall be provided as necessary to keep animals comfortable.

- (g) *Location of enclosures.* All enclosures and fenced areas shall be kept no less than ten (10) feet from all property lines. This requirement may be reduced to five (5) feet from a property line with written approval from the neighboring property owner.
- (h) *Condition of enclosures.* Enclosures shall be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impacts.
- (i) *Access to electrical wiring prevented.* Chickens, goats, sheep, or rabbits must be safely and securely protected from direct access to electrical wiring and heat sources and other dangerous hazards.
- (j) No livestock are permitted to shelter in areas intended for human habitation whether currently inhabited by humans or not. Rabbits and baby chicks are an exception to this rule, and may be sheltered in human living areas.

(Ord. of 10-13-15(1))

17-20 Bedding.

Within housing or shelter, chickens, goats, sheep, or rabbits shall have continuous access to species-appropriate bedding. Chickens, goats, sheep, or rabbits bedding shall be clean, dry and free of mold. Consistent with the needs of specific species as set forth below in Divisions 3 through 6 of this article, chickens, goats, sheep, or rabbits shall have a sufficient amount of bedding to accommodate the number of animals sharing it comfortably and to insulate against the cold in the cold months. Bedding shall be maintained in a manner that prevents discomfort or harm to the animals. Bedding from timber-based products sourced from chemically-treated wood is prohibited.

(Ord. of 10-13-15(1))

17-21 Fencing.

When an outdoor pen, paddock or pasture is required, fencing and gates shall be sturdy, secure and well-maintained. Barbed wire is prohibited. Electric fencing shall only be used as an interior fence. All electric fencing shall have warning signs affixed at likely points of public contact.

(Ord. of 10-13-15(1))

17-22 Handling.

- (a) *Gentle handling.* Handling of chickens, goats, sheep, or rabbits by the owner and caretakers may be considered in the assessment of humane treatment by law enforcement. Livestock handling shall be gentle and shall not cause the animal fear or discomfort.
- (b) *Good traction.* All areas regularly accessed by chickens, goats, sheep, or rabbits shall provide good traction and be kept well-drained and free of ice.
- (c) *Hot prods and electric shocks.* The use of hot prods or electric shocks on any chickens, goats, sheep, or rabbits for any purpose is prohibited.
- (d) *Loading facilities.* All chutes and facilities for loading shall be designed to minimize stress to chickens, goats, sheep, or rabbits, including restricted breathing.
- (e) *Sport.* Chickens, goats, sheep, or rabbits shall not be used for sport.
- (f) *Mulesing.* Mulesing (the removal of strips of wool-bearing skin from around the breech (buttocks) of a sheep to prevent flystrike (myiasis)) of any sheep is prohibited.

(Ord. of 10-13-15(1))

17-23 Veterinary record-keeping.

In the interest of public health and safety, and the health and safety of the chickens, goats, sheep, or rabbits, the chickens', goats', sheep's, or rabbits' owner shall keep complete records of the administration of veterinary medical products, including:

- (a) Name of product.
- (b) Date of purchase of product.
- (c) Quantity purchased.
- (d) Identity of all livestock treated.
- (e) Symptoms or illness treated.
- (f) Dates of start and finish of treatment.

(Ord. of 10-13-15(1))

17-24 Mutilations.

Any mutilations or physical alterations including but not limited to de-horning, de-tusking or castrations shall be performed under anesthesia by a Vermont-licensed veterinarian. Tail-docking, nose rings, de-beaking, de-clawing, de-spurring, de-toeing, hole punching, pinioning, notching, wattle trimming, and comb trimming are prohibited.

(Ord. of 10-13-15(1))

17-25 Euthanasia.

Any chickens, goats, sheep, or rabbits experiencing pain or suffering from which they are unlikely to recover shall be immediately and humanely euthanized. Euthanasia shall be performed in a manner that renders the animal immediately insensible to pain. Downed chickens, goats, sheep, or rabbits shall be euthanized where they lie in a manner that renders them immediately insensible to pain.

(Ord. of 10-13-15(1))

17-26 Chickens, goats, sheep, or rabbits welfare audit.

The city may conduct, at any time, an audit of chickens, goats, sheep, or rabbits by a city designee who is recognized as an expert in chickens, goats, sheep, or rabbit husbandry and waste management. The audit may examine, among other things, the chickens, goats, sheep, or rabbits husbandry practices of Burlington chickens, goats, sheep, or rabbits owners to monitor urban agriculture trends, treatment and the general welfare of chickens, goats, sheep, or rabbits, and adherence to the provisions of this chapter. Owners of chickens, goats, sheep, or rabbits shall cooperate fully with the designated chickens, goats, sheep, or rabbits welfare auditor. Failure to do so may result in penalties as set forth in Section 17-27.

(Ord. of 10-13-15(1))

17-27 Penalties.

An offense of any provision of this chapter by any person shall be deemed a civil ordinance violation and shall be punishable by the following penalties:

- (a) *First offense.* A first offense of any provision of this chapter in any twelve (12) month period shall be punishable by a fine of no less than one hundred dollars (\$100.00) and no more than one hundred fifty dollars (\$150.00). The waiver fine shall be one hundred dollars (\$100.00).

(b) *Second offense.* A second offense of any provision of this chapter in any twelve (12) month period shall be punishable by a fine of no less than one hundred fifty dollars (\$150.00) or no more than two hundred fifty dollars (\$250.00). The waiver fine shall be one hundred fifty dollars (\$150.00).

(c) *Third and subsequent offenses.* A third or subsequent offense of any provision of this chapter shall be punishable by a fine for no less than two hundred fifty dollars (\$250.00) and no more than five hundred dollars (\$500.00). The waiver fine shall be two hundred fifty dollars (\$250.00).

In addition to the penalties provided in this section, any animal found in violation of this chapter may be impounded as provided in Section 17-31.

(Ord. of 10-13-15(1))

17-28 Enforcement.

Any violation of this chapter may be enforceable by injunction or other action available at law.

(Ord. of 10-13-15(1))

17-29 Separability.

In the event that any section, subsection or portion of this chapter shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this chapter.

(Ord. of 10-13-15(1))

17-30 Zero tolerance policy for inhumane treatment.

The City of Burlington holds a zero tolerance policy for inhumane treatment of any chickens, goats, sheep, or rabbits. Any person who shall torture, torment or neglect to provide with necessary care as outlined in relevant sections of this chapter (including but not limited to failing to provide protection from predators), or shall cruelly beat or needlessly mutilate or illegally kill any animal, or any person who shall cause any animal to be tortured, tormented, or fight with other animals, or deprived of necessary sustenance or to be cruelly beaten or needlessly mutilated or illegally killed shall be subject to the penalties set forth in Section 17-27 and to any of the following additional remedial measures:

- (a) *Mandatory education.* Any owner or guardian who treats their chickens, goats, sheep, or rabbits inhumanely shall be mandated to attend a city-approved education course on proper humane treatment of chickens, goats, sheep, or rabbits, and thereafter deemed fit to retain ownership of his or her chickens, goats, sheep, or rabbits by a city-designated humane educator. The humane educator shall make a formal report to the city regarding this decision.
- (b) *Impoundment or seizure.* Inhumane treatment of chickens, goats, sheep, or rabbits may result in impoundment of the offender's chickens, goats, sheep, or rabbits as provided in Section 17-31, or seizure of the animal in which the offender immediately loses ownership of the chickens, goats, sheep, or rabbits.

(Ord. of 10-13-15(1))

17-31 Impoundment.

- (a) *Authority to impound.* Animals in violation of any provision of this chapter may be taken by the enforcement officer or code enforcement official and impounded according to the procedures set by the director of code enforcement and confined in a humane manner.
- (b) *Impoundment fees.* Any animal(s) impounded under the provisions of this chapter shall be released only on payment of fifty dollars (\$50.00) impoundment fee.
- (c) *Boarding fee.* In addition to the impoundment fee charged herein there shall be an additional charge per day for board for each day the animal is impounded. The boarding fee shall be set annually by the director of code enforcement based on a fee schedule set by contract with the boarding agency.
- (d) It shall be the duty of the boarding agency to collect all pound and board fees before releasing an animal.
- (e) *Disposition of unredeemed animals.* If any impounded domestic farm animal is not redeemed within seven (7) days of its impoundment, it shall be sold or given away.
- (f) *Interference with impoundment.* Any person who interferes with the impounding of an animal under provisions of this article or releases, or who attempts to release, an impounded animal contrary to this article shall be in violation of this chapter.
- (g) *Notice of impoundment.* Within twenty-four (24) hours of the impoundment of any animal under this chapter, the enforcement officer shall make every reasonable attempt to notify the owner of the impounded animal of such impoundment. Such notice shall include

either personal contact with the owner or a written notice posted at the dwelling house of the owner.

(Ord. of 10-13-15(1))

17-32 Notice and permission and responsibility of property owner.

- (a) Any chicken, goat, sheep, or rabbit owner raising any such animal on property not owned by the animal owner must notify in writing the property owner on which the animal is to be housed or grazed that such animal husbandry activity is being planned.
- (b) Written permission from the property owner must be obtained by the animal owner before any such animal may be housed or grazed on land owned by the property owner.
- (c) The animal owner shall assume full legal responsibility for all aspects of animal ownership. The property owner may, however, also be held legally liable for any animal activity that takes place or occurs on property owned by the property owner.

(Ord. of 10-13-15(1))

17-33 Number and type of poultry allowed.

The maximum number of chickens, excepting roosters which are prohibited, allowed per lot shall be determined by square footage of the animal enclosure, in order to comply with the enclosure provisions of Section 17-34.

(Ord. of 10-13-15(1))

17-34 Enclosures.

- (a) *Chicken pen.* Chickens shall be kept in an enclosure, chicken tractor, or fenced area (poultry pen) at all times during daylight hours. The minimum space requirement for each chicken is three (3) square feet of pen space. The pen shall provide adequate sun and shade and shall be reasonably protective against rodents, wild birds, and predators, including dogs and cats. Pens housing chickens shall be constructed to be reasonably predator- and bird-resistant to keep predators out and the chickens in.
- (b) *Chicken coop.* Chickens shall be secured within a coop during nondaylight hours. The minimum space requirement for each chicken is one and one-half (1.5) square feet of coop space. The coop shall be enclosed on all sides and shall have a roof and doors. Access doors

must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-resistant sturdy wire fencing.

- (c) *Perches.* Chickens shall have access to an aerial perch that is at minimum seven (7) inches long, is nonslip, has no sharp edges, and allows the bird to grip it securely.
- (d) *Nest boxes.* Nest boxes shall be provided in the quantity of at minimum one (1) box for every five (5) laying hens. The minimum space requirement for communal nest boxes is twenty (20) square inches. Nest boxes shall be dark and located in a secluded area. Nest boxes shall be weatherproof, dry and ventilated.
- (e) *Nesting material.* Laying hens shall be provided friable nesting material within nest boxes.
- (f) Coops shall not be located in any part of a home.

(Ord. of 10-13-15(1))

17-35 Feed and water.

- (a) *Water.* Fresh, clean water shall be available to all chickens at all times. Chickens shall not be required to break through ice or eat snow for their water.
- (b) *Feed.* Chickens must be minimally provided access to commercially-produced species-specific feed at all times in a sufficient quantity to maintain their health and well-being. All feed shall be rotated and kept dry.
- (c) *Calcium.* A source of calcium, such as crushed oyster shells, shall be provided for daily consumption.
- (d) *Gravel.* Chickens shall be provided daily access to gravel to aid with food digestion.

(Ord. of 10-13-15(1))

17-36 Aggression between birds.

Passive birds shall be provided a secluded place to hide from aggressive birds. Feather-pecking and cannibalism shall be deterred.

(Ord. of 10-13-15(1))

17-37 Enrichment.

- (a) *Normal behaviors.* Chickens shall be provided opportunity to engage in normal species-specific behaviors and given daily opportunity for scratching at the ground, pecking, dust bathing, walking, and perching.
- (b) *Socialization.* Chickens are social birds and shall not be kept in isolation, unless ordered by a veterinarian or for the purpose of quarantine.

(Ord. of 10-13-15(1))

17-38 Health.

- (a) *De-worming.* Chickens shall be de-wormed at minimum once per year.
- (b) *Veterinary care.* It is prohibited to withhold veterinary care from an injured, sick or lame animal.
- (c) *Forced egg laying.* Starvation and forced molting is prohibited.
- (d) *Lame stock.* An owner shall not purchase stock known to develop lameness or malformed bones.
- (e) *Mutilations prohibited.* The following physical alterations are prohibited in applicable species: de-beaking, de-clawing, de-spurring, de-toeing, hole punching, pinioning, notching, wattle trimming, and comb trimming.
- (f) *Wing clipping.* Wing clipping shall only be performed humanely by those with training and experience to do so without pain or stress.

(Ord. of 10-13-15(1))

17-39 Catching chickens.

Any routine catching shall be performed avoiding all undue stress and physical harm to birds. Chickens shall be caught and carried around the body or by both legs. Single leg catching is prohibited. Any injuries caused by chasing or catching chickens shall be treated immediately. Sick, injured and/or suffering birds discovered during the catching process that are not expected to recover shall be euthanized.

(Ord. of 10-13-15(1))

17-40 Number and type of goats allowed.

- (a) The maximum number of goats allowed per lot shall be determined by square footage of the animal enclosure, in accordance with the enclosure provisions of Section 17-41.
- (b) There is no restriction on goat species or gender.

(Ord. of 10-13-15(1))

17-41 Enclosures.

- (a) *Housing.* Goats shall have access to a goat house or barn that is dry, shaded and clean, and provides adequate light and ventilation. The following minimum space allowances are required for an indoor bedded lying area:

- (1) Goats (buck/doe): sixteen (16) square feet.
- (2) Kids: four (4) square feet.
- (3) Doe with one (1) kid: twenty-two (22) square feet.
- (4) Any additional kid: four (4) square feet.

Overcrowding or an insufficient feeding area are prohibited, as such offenses may cause weaker goats to be excluded from the food source.

- (b) *Outdoor pen.* Goats shall be allowed daily access to an outdoor, fenced-in pen for grazing. The minimum space allowance in the outdoor pen for each goat is one hundred fifty (150) square feet.

(Ord. of 10-13-15(1))

17-42 Feed and water.

- (a) *Water.* Fresh, clean water shall be available to all goats at all times. Goats should not have to break through ice or eat snow for their water.

- (b) *Feed.* Goats shall have good quality forage or mixed ration available or be able to graze on adequate pasture in a sufficient quantity to maintain the health and well-being of all goats. Supplemental grain shall be provided if needed to meet the additional nutritional demands of lactation, gestation, growth, cold weather, or to compensate for poor forage or pasture quality. To ensure proper rumen function, goats shall be provided with seventy (70) percent long fiber roughage/forage in their diet on a daily basis from weaning onwards.

- (c) *Salt.* Salt blocks of either white salt or trace mineralized salt (red blocks) shall be available.

(Ord. of 10-13-15(1))

17-43 Enrichment.

- (a) *Food-seeking.* In order to satisfy a goat's food-seeking behavior, goats shall be allowed to explore their natural environment on a daily basis.
- (b) *Socialization.* Goats thrive in herds, and livestock management should support such arrangements. It is prohibited to keep a goat in constant isolation. Goats living in isolation from other goats shall receive at least one (1) hour of interaction with a human or compatible animal daily.

(Ord. of 10-13-15(1))

17-44 Health.

- (a) *Vaccinations.* Goats shall be vaccinated for rabies and other routine vaccinations as recommended by a Vermont-licensed veterinarian.
- (b) *De-worming.* Goats shall be de-wormed at least twice a year.
- (c) *Veterinary care.* It is prohibited to withhold veterinary care from an injured, sick or lame animal.
- (d) *Hoof care.* Goats' hooves shall be trimmed at least once a year or as needed.

(Ord. of 10-13-15(1))

17-45 Number and type of sheep allowed.

- (a) *Number.* The maximum number of sheep allowed per lot shall be determined by square footage of the animal enclosure, in accordance with the enclosure provisions of Section 17-46.
- (b) *Type.* There are no restrictions on sheep breed or gender.

(Ord. of 10-13-15(1))

17-46 Enclosures.

(a) *Shelter.* Sheep shall be provided a barn or three (3) walled, roofed shelter (such as a lean-to) that is dry, shaded and clean and provides adequate light and ventilation. The following minimum space allowances are required for an indoor bedded lying area:

- (1) Sheep (ram/ewe): sixteen (16) square feet per sheep.
- (2) Lamb: four (4) square feet per lamb.
- (3) Ewe with one (1) lamb: twenty-two (22) square feet per pair.
- (4) Any additional lamb: four (4) square feet per additional lamb.

Overcrowding or an insufficient feeding area are prohibited, as such offenses may cause weaker sheep to be excluded from the food source.

(b) *Outdoor pen.* Sheep shall be allowed daily access to an outdoor, fenced-in pen for grazing. The minimum space allowance in the outdoor pen for each goat is one hundred fifty (150) square feet.

(Ord. of 10-13-15(1))

17-47 Feed and water.

(a) *Water.* Fresh, clean water should be available at all times. Sheep should not have to break through ice or eat snow for their water.

(b) *Feed.* Sheep shall have good quality forage or mixed ration available in a sufficient quantity to maintain the health and well-being of all sheep, or be able to graze on adequate pasture that is free of manure. Supplemental grain shall be provided if needed to meet the additional nutritional demands of lactation, gestation, growth, cold weather, or to compensate for poor forage or pasture quality. Feed mixture must be specifically formulated for sheep, as other feed may poison sheep. All feed shall be rotated and kept dry.

(c) *Salt.* White salt block shall be available at all times. It is prohibited to feed sheep red salt block, as red salt may poison sheep.

(Ord. of 10-13-15(1))

17-48 Enrichment.

- (a) *Foraging.* Sheep shall have daily access to the ground to satisfy their natural desire to forage.
- (b) *Socialization.* Sheep thrive in herds, and livestock management should support such arrangements. It is prohibited to keep a sheep in constant isolation. Sheep living in isolation from other sheep shall receive at least one (1) hour of interaction with a human or compatible animal daily.

(Ord. of 10-13-15(1))

17-49 Health.

- (a) *Vaccinations.* Sheep shall be vaccinated for rabies and any other routine vaccinations as recommended by a Vermont-licensed veterinarian.
- (b) *De-worming.* Sheep shall be de-wormed at minimum twice a year to prevent disease.
- (c) *Veterinary care.* It is prohibited to withhold veterinary care from an injured, sick or lame animal.
- (d) *Hoof care.* Sheep shall have their hooves trimmed once a year.
- (e) *Shearing.* Sheep shall be sheared each spring to prevent matting and infestation with maggots (fly strike).

(Ord. of 10-13-15(1))

17-50 Number and type of rabbits allowed.

- (a) The maximum number of rabbits allowed per lot shall be determined by square footage of the animal enclosure, in accordance with the enclosure provisions of Section 17-51.
- (b) There are no restrictions on rabbit species or gender.

(Ord. of 10-13-15(1))

17-51 Enclosures.

- (a) *Housing.* Rabbits shall be provided with a house or hutch that is roofed and contains a solid, nonwire surface to stand on. The following minimum space allowances are required for a rabbit house or hutch:

- (1) Male or female adult: three (3) square feet per rabbit.
 - (2) Doe and litter: eight and one-half (8.5) square feet per doe and litter.
 - (3) Rabbit from weaning to eight (8) weeks: one and one-half (1.5) square feet per rabbit.
 - (4) Rabbit from eight (8) weeks to slaughter: two and one-half (2.5) square feet per rabbit.
- (b) *Fenced-in pen.* Rabbits shall be provided with a fenced-in pen that is impermeable to rodents, birds of prey, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least twelve (12) inches in the ground or securely wrapped on all sides and the bottom. The pen must be covered with wire, aviary netting, or solid roofing. The minimum space allowance for a rabbit pen is twenty-five (25) square feet per rabbit.
- (c) *Enclosed pens.* Fully enclosed (covered) pens shall only be used when there is a predator risk that cannot be controlled by other means. The minimum height allowance for the roof of a fully enclosed pen is four (4) feet high.
- (d) *Nest boxes.* Does about to give birth shall be provided with individual burrows in the form of nest boxes. The minimum space allowance for each nest box is eighteen (18) inches long by ten (10) inches wide by nine (9) inches high. The following standards also apply:
- (1) Nest boxes shall be located in a dark and secluded area.
 - (2) Nest boxes shall be weatherproof.
 - (3) Nest boxes shall be clean.
 - (4) Nest boxes shall be located in an area that provides ventilation.
- (5) Nest boxes shall make it possible for littering does to seclude themselves, as infanticide may otherwise result.
- (6) Prior to kindling, nest boxes shall be amply bedded with fresh, dry bedding that the doe can manipulate.
- (e) *Areas of retreat.* Areas of retreat or cover shall be available to the rabbits and provided in a manner that allows maximum use of the ranging and foraging areas available.

(Ord. of 10-13-15(1))

17-52 Feed and water.

- (a) *Water.* Rabbits shall have access to fresh, clean water at all times. Rabbits should not have to break through ice or eat snow to get their water.
- (b) *Feed.* Rabbits shall be fed commercially-produced pellets in a sufficient quantity to maintain the health and well-being of all rabbits. All feed shall be rotated and kept dry.
- (c) *Hay.* Rabbits shall have constant access to dry grass hay. Hay shall be free of dust and mold.
- (d) *Leafy greens.* Rabbits shall be provided one (1) cup of fresh leafy greens for every four (4) pounds of body weight per day.

(Ord. of 10-13-15(1))

17-53 Enrichment.

- (a) *Normal behaviors.* Rabbits shall be allowed to engage in their normal physical and social behaviors every day, including self-isolation, running, hopping and digging.
- (b) *Foraging.* Rabbits shall be allowed to explore the ground and their natural environment every day.
- (c) *Ranging and foraging.* Continuous ranging and foraging area access is required for all rabbits from the age of twenty-one (21) days onward.
- (d) *Does.* Does shall not be confined within individual nest boxes either before or after kindling.

(Ord. of 10-13-15(1))

17-54 Health.

- (a) *De-worming.* Rabbits with outdoor access shall be de-wormed at least twice a year or as recommended by a Vermont-licensed veterinarian.
- (b) *Veterinary care.* It is prohibited to withhold veterinary care from an injured, sick or lame animal.
- (c) *Birthing age.* Young does from small breeds shall not give birth before eight (8) months of age. Young does from large breeds shall not give birth before ten (10) months of age.

- (d) *Rebreeding.* Does shall only be rebred after weaning.
- (e) *Plucking.* Plucking rabbit hair is prohibited.
- (f) *Shearing.* Rabbits may not be sheared more than four (4) times a year. Rabbits shall have from one-quarter (0.25) to one-half (0.5) inch of wool left on the body and shall not be sheared during particularly cold months.
- (g) *Cold.* When temperatures drop to thirty-five (35) degrees Fahrenheit or less, rabbits shall be provided with warm quarters and a nest box until their wool has reached at least one (1) inch in length.

(Ord. of 10-13-15(1))

17-55 Catching rabbits.

Any routine catching shall be performed avoiding all undue stress and physical harm to rabbits. Rabbits shall be caught upright and carried round the body. Catching or holding a rabbit by the legs or ears is prohibited. Any injuries caused by chasing or catching rabbits shall be treated immediately. Sick, injured and/or suffering rabbits discovered during the catching process that are not expected to recover shall be euthanized.

(Ord. of 10-13-15(1))

17-56 Weaning.

Husbandry systems shall allow kits to remain in the herd with their mothers until weaning occurs naturally. Newly weaned kits shall be kept with their litter mates. Separation of the rabbit from the doe shall involve methods designed to cause as little stress as possible. After separation, rabbits and does shall either be kept in adjacent pens where they can see, hear and sniff/lick each other or be completely out of sight and hearing of each other. Kits shall be consuming solid food by the time of weaning. Weaning small breed kits at less than six (6) weeks of age is prohibited. Weaning large breed kits at less than eight (8) weeks of age is prohibited.

(Ord. of 10-13-15(1))

17-57—17-71 Reserved.

DIVISION 7. ANIMALS NOT TO BE RAISED IN CITY

17-72 Species prohibited from being raised in the city.

Unless these species are being raised in a zoning district where agriculture is a permitted or conditionally permitted use, roosters, ostriches, emu, cattle, swine, and camels are prohibited from being raised in the city due to the size and behavioral issues associated with these animals.

(Ord. of 10-13-15(1))

ARTICLE III. REGULATION OF THE SLAUGHTER OF CHICKENS, RABBITS, GOATS, AND SHEEP

17-73 Regulation of the slaughter of chickens, rabbits, goats, and sheep.

(a) *Purpose.* The purpose of this section is to establish minimum standards for the humane and sanitary slaughter of chickens, rabbits, goats, and sheep, and sanitary post-mortem meat and waste management of both commercial and noncommercial chickens, rabbits, goats, and sheep within the city. The slaughter of chickens, rabbits, goats, and sheep is intended to be permitted within the City of Burlington only when it is for the purpose of harvesting the animal for use as food or euthanizing an animal raised for food or fiber production, and only when conducted in strict compliance with all other provisions of this section.

(b) *Standards for the slaughter of chickens, rabbits, goats, and sheep.* The slaughter of chickens, rabbits, goats, and sheep for commercial purposes and/or the personal consumption by the animal's owner, the animal owner's household, nonpaying guests or employees shall be undertaken in accordance with all applicable federal statutes and regulations, including but not limited to Chapter 48 of Title 7 of the United States Code (Humane Methods of Livestock Slaughter) and 9 CFR Part 313 (Humane Slaughter of Livestock), all applicable Vermont statutes and regulations, including but not limited to 6 V.S.A. Chapters 102, 201 and 204 and the regulations promulgated by the Agency of Agriculture, and any other laws that are applicable to the slaughter for commercial purposes of chickens, rabbits, goats, and sheep and the waste management of animal remains.

(c) *Appropriate waste disposal for both commercial and noncommercial chickens, rabbits, goats, and sheep.*

(1) Chicken, rabbit, goat, and sheep remains following slaughter are the sole responsibility of the owner and shall be disposed of in accordance with applicable Vermont Department of Environmental Conservation Waste Management Procedures,

Chittenden Solid Waste District regulations, and City of Burlington sewer, waste water, stormwater and solid waste ordinances and regulations. Such waste shall be disposed of in a way which does not adversely affect groundwater or surface water quality (including stormwater runoff into private or municipal separate storm sewer systems), air quality, or the residential or urban character of the city or become a nuisance to the surrounding properties, the local neighborhood and which is safe and healthy for humans, wild and domestic animals and the environment.

- (2) Slaughtered animal remains shall be packaged in leak-proof, odor-proof, and puncture-resistance containers and/or bags and delivered by the livestock owner to the appropriate Chittenden Solid Waste District drop-off site.
 - (3) Animal remains shall be disposed of immediately following slaughter.
 - (4) Chickens, rabbits, goats, and sheep found to carry any highly infectious disease may require bio-secure incineration based on Vermont State Veterinarian recommendation.
 - (5) All disposals of remains shall be the owner's responsibility and shall be at the owner's expense.
 - (6) Composting and/or burial of chickens, rabbits, goats, and sheep remains within the City of Burlington is prohibited.
- (d) *Nuisances—Slaughter out of sight and sound of other people and animals.* Chicken, rabbit, goat, and sheep slaughter shall not be conducted in a manner that constitutes a nuisance and shall occur out of sight and sound from all neighbors, tenants, passers-by and other livestock, poultry, and pets.
- (e) *Penalties.*
- (1) *First offense.* A first offense of any provision of this chapter in any twelve (12) month period shall be punishable by a fine of no less than one hundred dollars (\$100.00) and no more than one hundred fifty dollars (\$150.00). The waiver fine shall be one hundred dollars (\$100.00).
 - (2) *Second offense.* A second offense of any provision of this chapter in any twelve (12) month period shall be punishable by a fine of no less than one hundred fifty dollars (\$150.00) and no more than two hundred fifty dollars (\$250.00). The waiver fine shall be one hundred fifty dollars (\$150.00).
 - (3) *Third and subsequent offenses.* A third or subsequent offense of any provision of this chapter in any twelve (12) month period shall be punishable by a fine of no less than

two hundred fifty dollars (\$250.00) and no more than five hundred dollars (\$500.00). The waiver fine shall be two hundred fifty dollars (\$250.00).

(4) In addition to the above civil penalty, chicken, rabbit, goat, and sheep owners shall be liable for the damages caused as a direct result of the violation that are suffered by the city and/or any other person so damaged, including but not limited to all costs for clean-up and legal fees.

(5) Any property owner holding property upon which regulated slaughter of chickens, rabbits, goats, and sheep is conducted may be held liable to the above civil penalty, and may be held liable for the damages caused as a direct result of the violation that are suffered by the city and/or any other person so damaged, including but not limited to all costs for clean-up and legal fees.

(Ord. of 10-13-15(2))

Chapter 18 HOUSING¹

Article I. In General

18-1 Short title.

18-2 Definitions.

18-3, 18-4. Reserved.

18-5—18-14. Reserved.

Article II. Administration and Enforcement

Division 1. Generally

18-15 Registration required.

18-16 Inspection required.

18-17 Administration of housing inspection program.

18-18 Certification of compliance or interim rental permit required.

18-19 Issuance of certificates and permits; terms of inspection.

18-20 Suspension and revocation of certificate.

18-20.1. Reserved.

- 18-21 Availability of certificate.**
- 18-22 Authority to enter dwellings for inspections.**
- 18-23 Authority to obtain search warrants.**
- 18-24 Investigation of complaints.**
- 18-25 Orders.**
- 18-25A Procedures for adoption of equivalency protocols for the Minimum Housing Code.**
- 18-26 Service.**
- 18-27 Reinspection.**
- 18-28 Relocation services.**
- 18-29 Retaliatory eviction.**
- 18-29a Termination of rental housing tenancy; rental housing rent increase.**
- 18-30 Fees.**
- 18-31 Enforcement and penalties.**
- 18-32 Effective date.**

18-33, 18-34. Reserved.

Division 2. Housing Board of Review

- 18-35 Created.**
- 18-36 Composition; appointment.**
- 18-37 Terms.**
- 18-38 Terms limited.**
- 18-39 Officers of board.**
- 18-40 Clerk of board; duties of clerk.**
- 18-41 Reserved.**

18-42 Powers of board.

18-43—18-47. Reserved.

Division 3. Hearings

18-48 Open hearings to be held upon request.**18-49 When requests to be filed and when hearings to be held.****18-50 Copy of request for hearing to be forwarded to inspector.****18-51 Time for hearing to be set by board.****18-52 Notice of time and date of hearing to be given.****18-53 Request for hearing to stay actions upon which request made; exception.****18-54 Majority of board to be present at hearings; exception.****18-55 Rights of parties.****18-56 Authority to compel attendance of witnesses.****18-57 Decision of board.****18-58 Written findings of fact and conclusions may be requested.****18-59 Court review of hearings.**

18-60—18-69. Reserved.

Article III. Minimum Standards

Division 1. Generally

18-70 Compliance with article required.**18-71 Foundation, exterior walls and roofs.****18-72 Floors, interior walls and ceilings.****18-73 Windows and exterior doors.****18-74 Stairways and porches.**

18-75—18-77. Reserved.

Division 2. Plumbing Facilities and Fixture Requirements

18-78 Toilet and plumbing facilities generally.

18-79 Plumbing connections.

18-80 Plumbing standards for roominghouses.

18-81 Water heating facilities.

18-82—18-83. Reserved.

Division 3. Light, Ventilation, Space and Mechanical Requirements

18-84 Windows for light and ventilation.

18-85 Electrical facilities.

18-86 Heating.

18-87 Allocation of heating costs.

18-88, 18-89. Reserved.

Division 4. Space and Occupancy

18-90 Space.

18-91 Floor area for bedrooms.

18-92 Cellars and other prohibited occupancies.

18-93 Calculation of floor area.

Division 5. Fire Safety Requirements

18-94 Fire safety generally.

18-95 Means of egress.

18-96 Accumulations and storage.

18-97 Fire resistance ratings.

18-98 Fire protection systems.**18-99 Smoke detectors.****18-100 Interpretation and relationship to other fire protection and life safety code requirements.****18-101 Carbon monoxide (CO) detectors.**

18-102—18-103. Reserved.

Division 6. Responsibilities of Owners and Occupants

18-104 General working conditions.**18-105 Sanitation.****18-106 Premises to be kept clean and sanitary.****18-107 Extermination of vermin.****18-108 Adequate heat to be furnished.****18-109 Removal of required facilities prohibited.****18-110 Transfer of responsibility.****18-111 Accumulation of garbage, trash, abandoned vehicles, appliances and furniture on any property within the city prohibited.****18-112 Paint.**

18-113—18-119. Reserved.

18-120 Deposits.

18-121—18-129. Reserved.

Division 7. Minimum Energy Efficiency Standards

18-130 Applicability of minimum energy efficiency standards.**18-131 Work related to meeting minimum energy efficiency standards.****18-132 Minimum energy efficiency standards.**

18-133—18-199. Reserved.

Article IV. Housing Discrimination

18-200 Purpose.

18-201 Definitions.

18-202 Adverse housing action.

18-203 Penalty; civil remedies.

18-204—18-299. Reserved.

Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives

18-300 Statement of purpose.

18-301 Authority and applicability.

18-302 Exemptions.

18-303 Definitions.

18-304 Notice to tenants.

18-305 Right of tenant organizations, public entities, nonprofit corporations, and individual tenants to purchase.

18-306 Application fee.

18-307 Condominium conversion fee.

18-308 Circumventing of this article.

18-309 Penalty; civil remedies.

18-310 Severability.

18-311 Additional regulations to administer this article.

18-312 Relocation costs.

18-313—18-399. Reserved.

Article VI. Housing Trust Fund

18-400 Statement of purpose.

18-401 Definitions.

18-402 Establishment of the housing trust fund.

18-403 Management of the trust fund.

18-404 Distribution and use of the housing trust fund's assets.

18-405—18-499. Reserved.

Article VII. Reserved

18-500—18-512. Reserved.

¹ **Cross reference**—Buildings and building construction, Ch. 8; electricity, Ch. 12; fire protection and prevention, Ch. 13; garbage and refuse, Ch. 14; gas, Ch. 15; health, Ch. 17; plumbing, Ch. 25; sewers and water pollution control, Ch. 26; water, Ch. 31; zoning, App. A.

State law reference—Municipal housing codes, 24 V.S.A. § 5001 et seq.

ARTICLE I. IN GENERAL

18-1 Short title.

This chapter shall be known and may be cited as the "Minimum Housing Standards Ordinance of the City of Burlington."

(Rev. Ords. 1962, § 921)

18-2 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations, shall have the meanings given herein:

Action of the inspectors shall include, but shall not be limited to, the inspection of a dwelling or dwelling unit, the issuance of an order, the failure to inspect a dwelling unit or the failure to issue an order by the inspectors.

Aggrieved person shall include, but not be limited to, persons against whom orders of the inspectors have been issued, occupants of buildings inspected by the inspectors and persons who file written or oral complaints with the inspectors.

Attic shall mean the volume, if any, between the roof and the ceiling over the interior finished space nearest the roof.

Basement shall mean a portion of any dwelling located partly underground but having less than one-half (1/2) its clear floor-to-ceiling height below the average grade of the adjoining ground.

Box sills shall mean the cavity created by the floor joists resting on the foundation, and the outer band joist.

Cellar shall mean a portion of any dwelling having one-half (1/2) or more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Certified lead inspector means a person who has been licensed by the Vermont Department of Health to conduct lead inspections.

Dormitory shall mean a multi-unit student residential unit owned and operated by a university or college.

Dwelling shall mean 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.

Dwelling unit shall mean 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.

EMP shall mean essential maintenance practices required by 17 V.S.A § 1759.

Enforcement agency shall mean the agency, department, division or office designated by the city council as the entity responsible for the administration and enforcement of the minimum housing standards ordinance.

Enforcement officer shall mean the director or individual responsible for the administration of the enforcement agency.

Guest means a person who, in exchange for compensation, rents a short term rental.

Habitable room shall mean 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.

Heated space shall mean any living space within the exterior boundaries defining the building into which heat is intentionally introduced during the heating season.

Host means a person who operates a short term rental (whole or partial unit). The host is the primary contact for guests to make reservations and to contact during their stay. The host oversees compliance of the short term rental with all applicable rules and regulations, receives guests' payment for short term rental stays, and is responsible for remitting all taxes imposed on a guest's occupancy. The host may be the property owner or tenant.

Hotel or motel means an establishment which holds itself out to the public by offering temporary (less than thirty (30) days) sleeping accommodations for compensation and is subject to the Vermont rooms and meals tax. "Hotel or motel" is defined as lodging in the comprehensive development ordinance. Hotel or motel does not include short term rental.

Inspector shall mean any minimum housing inspector or any other person specifically designated by the enforcement officer to enforce the provisions of this chapter.

Multifamily dwelling shall mean any dwelling or part thereof containing three (3) or more dwelling units.

Normal wear and tear shall mean the deterioration which occurs, based upon the reasonable use for which the dwelling unit or rooming unit is intended, without negligence, carelessness, accident or abuse of the premises or supplied equipment or appliances by the occupant or members of his household or their invitees or guests.

Occupant shall mean any person including an owner living and sleeping in a dwelling unit or rooming unit.

Openable area shall mean the part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Owner shall mean any person who, alone, jointly or severally with others, holds legal or equitable title to any dwelling, roominghouse, dwelling unit or rooming unit.

Plumbing shall mean water-heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clotheswashing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water or sewer lines.

Premises shall mean a lot, plot or parcel of land, including the buildings and structures thereon.

Pre-renovation rule means the EPA 406b Rule, or any subsequent superseding rule that is in effect and applicable, that relates to renovations performed in pre-1978 housing which are performed for compensation. For purposes of this definition, "renovation" means any modification of all or part of any existing structure in the housing that disturbs painted surfaces. "Renovation" includes: removal or modification of painted surfaces, components, or structures, surface preparation activities (i.e. sanding/scraping/other activities that may create paint dust) or window replacement. "Compensation" is the receipt of anything of value and may include exchanges of money, goods, or services or the payment of rent to landlords or property managers.

Program administrator shall mean the director of permitting and inspection or their designee.

Rental property shall mean the building or buildings at a given property address that contains any rental units.

Rental target housing means target housing offered for lease or rental under a rental agreement as defined in 9 V.S.A. § 4451. "Rental target housing" does not include a rented single room located within a dwelling in which the owner of the dwelling resides unless a child six (6) years of age or younger resides in or is expected to reside in that dwelling.

Rental unit shall mean any structure, a part of which is rented out and occupied as a residence by another, for compensation, including duplex units, so called. Rental unit shall also include short term rental. The portion of any such unit being occupied as a residence by the owner shall be considered a rental unit.

Resident shall mean a natural person who is domiciled in a dwelling unit and has the intent to maintain the unit indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent, notwithstanding whether or not the person is a "tenant."

Roof shall mean the surface on the top of a building which separates the building from the outdoors.

Roominghouse shall mean any dwelling or that part thereof containing one (1) or more rooming units in which space is let to three (3) or more persons for thirty (30) consecutive days or more.

Rooming unit shall mean 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. A

rooming unit does not include short term rental.

Short term rental (STR) shall mean a dwelling unit that is rented to guests for less than thirty (30) consecutive days and for more than fourteen (14) days during any rolling twelve (12) month period, is subject to the Vermont rooms and meals tax, and is either a:

- (1) *Partial unit*, meaning a room located within a host's primary residence that is used primarily for sleeping purposes by human occupants and that contains at least seventy (70) square feet of floor area; or
- (2) *Whole unit*, meaning an entire dwelling unit.

Skilled manner shall mean executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work. To be executed in a "skilled manner," maintenance or repair work must be performed in a manner consistent with work done by a skilled craftsperson. In general, floors should be level, walls plumb and square and windows installed so that they operate easily and fit within the rough opening to exclude the elements. The use of proper tools, methods and materials is necessary for skilled manner work unless unusual circumstances exist.

Supplied shall mean installed, furnished or provided by the owner at his expense.

Target housing means any dwelling constructed prior to 1978, except any zero (0) bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of the elderly or persons with disabilities, unless a child six (6) years of age or younger resides in or is expected to reside in that dwelling. "Target housing" does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for less than thirty (30) days.

Tenant shall mean a person under a rental agreement to occupy a dwelling unit or rooming unit to the exclusion of others.

Two-family dwelling shall mean any dwelling containing two (2) dwelling units.

Yard shall mean all ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a dwelling.

(Rev. Ords. 1962, § 922; Ord. of 4-24-75; Ord. of 10-27-86; Ord. of 2-1-88; Ord. of 4-12-93; Ord. of 8-14-95; Ord. of 2-23-09; Ord. of 12-1-14(1); Ord. of 6-25-18(2); Ord. of 5-10-21; Ord. of 6-27-22)

18-3, 18-4 Reserved.

Editor's note—An ordinance adopted April 12, 1993, deleted §§ 18-3 and 18-4 in their entirety. Formerly, § 18-3 pertained to penalties and derived from an ordinance adopted March 9, 1971; and an ordinance adopted October 27, 1986. Section 18-4 formerly pertained to violations declared nuisances and derived from § 931 of the Revised Ordinances of 1962; § 931 of the 1969 Cumulative Supplement; and an ordinance adopted March 9, 1971.

18-5—18-14 Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

18-15 Registration required.

- (a) The owners of all rental units subject to inspection pursuant to Section 18-16 and the hosts of all short term rentals shall be required to file a registration application and fee with the enforcement agency, which shall be renewed annually on or before April 1.
- (1) All owners or hosts must complete a rental property information form to be provided by the enforcement agency which contains the following information:
- a. The address of the property.
 - b. The number of dwelling units at that address.
 - c. The number of rental units at that address.
 - d. The maximum number of residents or guests in each rental unit.
 - e. The number of sleeping rooms in each rental unit.
 - f. The number of vehicles owned or used by residents or guests at the premises and the number of parking spaces that are dedicated for the rental units at the property.
 - g. The name, address, phone number, email address, date of birth, drivers license and state and military status (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent and the president of the corporation and their name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners.
 - h. The name, address, phone number, and email address, of:

1. Any local (within Chittenden County) managing agent. All owners or hosts who do not live within Chittenden County are required to designate a managing agent located in Chittenden County who is empowered to represent the owner or host in matters concerning compliance with this chapter.
 2. An emergency contact for this property. All properties must have an emergency contact within Chittenden County.
 3. A designated person within the state for service of process for this property. All owners or hosts who do not live within Chittenden County are required to designate a managing agent located in Chittenden County for service of process.
 4. If any of the individuals designated pursuant to this subsection move out of Chittenden County or leave Chittenden County for more than thirty (30) days during the rental unit's annual registration period, the owner or host shall submit updated contact information to the enforcement agency.
- (2) All owners of rental units rented for thirty (30) days or more (i.e., other than short term rentals) must also provide the following information:
- a. The number of families living in each rental unit.
 - b. The number of unrelated adults in each rental unit.
 - c. State yes or no to the following question: If the number of unrelated adults above is greater than four (4), do those adults purport to reside in the rental unit as a "functional family" as that term is defined in the Burlington Zoning Ordinance?
- (3) All hosts of short term rentals must also provide the following information:
- a. The number of whole unit or partial unit short term rentals within the building, or in the case of multiple buildings on a parcel of land, on the entire lot.
 - b. For hosts who are tenants, the name, address, phone number, email address, date of birth, drivers license and state and military status (active or not) of the host, and written permission from the owner of the rental unit that the tenant may register it as a short term rental.
 - c. Written proof of the host's primary residence. For hosts who are owners of the short term rental, this shall be proven by a declaration of homestead pursuant to 32 V.S.A. § 5410. For hosts who are tenants, the enforcement agency may accept other written proof of permanent residency at its discretion, relying on criteria such as the

address listed on the host's drivers license, car or voter registration forms, on utility bills or bank accounts, or on the host's individual tax returns.

(b) Upon purchase or transfer of property containing a rental unit, or upon a change in the host of a short term rental, the purchasers, transferees, or new host shall file a new registration application and a fifty dollar (\$50.00) fee. The payment of this fee shall cover one (1) or more rental properties being transferred to a new owner or host on the same date.

(c) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner or host shall file an application for registration with the agency and pay the required fee which shall be the pro rata portion of the fee due for that year based on the date of registration.

(d) It shall be a violation of the city minimum housing ordinance for an owner or host of any rental unit within the city to fail to register a rental unit as required by this section.

(e) Property owners and hosts shall have a continuing obligation to notify the enforcement agency of any changes in the information required under subsection (a) of this section during the periods between the required filings of the registration applications.

(f) In addition to registration requirements for all rental units noted in subsections (a) through (e) of this section, all short term rentals shall be subject to the following standards:

(1) A host may register their primary residence as one (1) whole unit short term rental or the host may register up to three (3) rooms within their primary residence as a partial unit short term rental.

(2) In buildings or lots with less than five (5) dwelling units, a host may register a dwelling unit within the same building or lot as their primary residence as one (1) whole unit short term rental.

(3) A host may register a dwelling unit that is not within the same building or lot as their primary residence as one (1) whole unit short term rental only if either:

a. The dwelling unit is indicated as a seasonal home by the Burlington assessor; or

b. The dwelling unit is within a building with two (2) or more dwelling units and the host rents another dwelling unit within the same building or lot, in excess of any applicable required inclusionary units, that meets the affordability criteria of Article 9, Inclusionary Zoning, of the comprehensive development ordinance or is rented to a tenant receiving Federal or State rental assistance.

(4) A host may not register more than one (1) whole unit short term rental. If a host registers one (1) whole unit short term rental that is not their primary residence, they may still rent a partial short term rental in their primary residence. A host who is a tenant may only register a short term rental in their primary residence. A host may not use multiple corporations or other entities to register more than one (1) whole unit short term rental.

(g) The enforcement agency shall create and maintain a registry of all rental units that includes the registration data required by subsection (a) of this section. Upon request and at least annually, the enforcement agency shall provide to the city council a summary of the registry, including the number of registered rental units, the number of registered short term rental units, and any other requested data collected by the registry.

(Ord. of 4-12-93; Ord. of 4-24-95; Ord. of 9-11-00; Ord. of 6-27-22)

18-16 Inspection required.

The enforcement officer or their delegate shall make inspections of rental units within the city, including hotel and motel rooms which are regularly let to the same tenant(s) for a period of thirty (30) days or more, for the purpose of determining whether a violation of this chapter exists.

Excluded from periodic inspection shall be all owner-occupied dwellings containing one (1) or two (2) rooms which are rented out for compensation and partial unit short term rentals. Also excluded from inspection are university and college dormitories that conduct regular, comprehensive inspection programs and annually certify compliance with the minimum housing standards ordinance to the enforcement agency. Inspections of dwellings and dwelling units other than those that are subject to periodic inspections, or of hospital rooms, hotel and motel rooms or dormitories not subject to periodic inspections as provided for in this section, shall be made only upon complaint or upon request of the owner thereof.

All records, including inspection reports, records of complaints received and investigated, and plans for inspections of rental units, shall be available for public inspection.

(Ord. of 4-12-93; Ord. of 9-11-00; Ord. of 6-27-22)

18-17 Administration of housing inspection program.

The director of the enforcement agency is the enforcement officer of the provisions of this chapter. The enforcement officer may take such measures as are necessary for the proper administration of the chapter. The enforcement officer may delegate his/her powers and

duties under this chapter to an appropriate administrator or any inspector designated by the agency.

(Ord. of 4-12-93)

18-18 Certification of compliance or interim rental permit required.

- (a) The owner of a rental unit subject to inspections pursuant to Section 18-16 shall not rent, offer for rent or allow any person to occupy any dwelling or dwelling unit without a certificate of compliance or interim certificate.
- (b) Upon the expiration of a certificate of compliance or the creation of a rental unit that is not a newly built or substantially renovated unit that has been issued a certificate of occupancy, the enforcement agency shall have been deemed to have issued an interim certificate for each rental unit; provided, that the owner has submitted a completed registration application, paid all registration fees for all rental units on the property and paid all other fees owed pursuant to this chapter. Although a single certificate may be issued listing all of the rental units located within a particular property, a separate and distinct certificate shall be considered to have been issued for each rental unit. The interim certificates shall be valid until the unit is inspected. During the term of the interim certificate, the agency shall contact the property owner or agent to schedule an inspection of the rental property. Once an inspection has been conducted, the agency shall issue a certificate of compliance and/or any such other appropriate orders pursuant to this chapter. If the property owner fails to schedule an inspection as requested by the agency, the interim certificate shall be revoked. Rental properties that have outstanding orders to correct violations as listed in Section 18-19(g) or (h)(1)—(8), are exempt from this subsection, and thus may not receive an interim certificate. Prior to the issuance of any certificate of compliance, all registration and other fees owed pursuant to this chapter shall be paid to the agency.

(Ord. of 4-12-93; Ord. of 8-14-95; Ord. of 9-11-00; Ord. of 12-1-14(1))

18-19 Issuance of certificates and permits; terms of inspection.

- (a) All current certificates of compliance or interim certificates will remain in effect until a new certificate is issued pursuant to the terms of this section unless the certificate expires due to the failure of an owner to (1) file a timely registration application or pay all fees owed pursuant to this chapter by April 1, the time of registration, or (2) the certificate is suspended or revoked pursuant to the provisions of Section 18-20 or (3) the owner fails to schedule a periodic inspection.

(b) The agency shall issue a certificate of compliance which shall expire five (5) years from the date of issuance for rental properties that have been newly built or substantially renovated, such certificate of compliance becoming effective on the same date as the certificate of occupancy for the property is effective. Rental property shall be deemed substantially renovated if the cost of renovation exceeds fifty (50) percent of the assessed value of the building prior to renovation. The certificate shall apply to all rental units within the rental property.

(c) The agency shall issue a certificate of compliance which shall expire five (5) years from the date of issuance for rental properties that have had a periodic inspection and no violations of the minimum housing standards were found. The certificate shall apply to all rental units within the rental property.

(d) Upon completion of a periodic inspection of a rental property, if an individual unit contains five (5) or fewer violations of the minimum housing standards and no major or life-threatening violations and if the violations are all corrected within the time set for compliance, the agency shall issue a certificate of compliance which shall expire four (4) years from the date of the agency's notice of compliance. The certificate shall apply to all rental units within the rental property.

(e) Upon completion of a periodic inspection of a rental property, if an individual unit contains between five (5) and ten (10) minimum housing standards violations but no major or life-threatening violations, and if the violations are all corrected within the time set for compliance, the agency shall issue a certificate of compliance which shall expire three (3) years from the date of the agency's notice of compliance. The certificate shall apply to all rental units within the rental property.

(f) Upon completion of a periodic inspection of a rental property, if an individual unit contains up to ten (10) violations of the minimum housing standards that are not major or life-threatening violations and the violations are corrected but not within the time set for compliance, the agency shall issue a certificate of compliance which shall expire two (2) years from the date of the initial periodic inspection that found the violations. The certificate shall apply to all rental units within the rental property.

(g) Upon completion of a periodic inspection of a rental property, if an individual unit contains more than ten (10) minimum housing standards violations or is found to have any of the following conditions, and the violations are all corrected within the time set for compliance, the agency shall issue a certificate of compliance which shall expire one (1) year from the date of the initial periodic inspection that found the violations or conditions:

(1) The physical condition or use of any dwelling constitutes a public nuisance;

- (2) Any physical condition, use or occupancy of any dwelling or its appurtenances is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
- (3) Any dwelling that has unsanitary sewage or plumbing facilities;
- (4) Any dwelling that is designated as unsafe for human habitation or use;
- (5) Any property that is a fire hazard or is manifestly unsafe or unsecured as to endanger life, limb or property; including significant life safety violations such as missing smoke alarms and blocked escapes and exits;
- (6) Any dwelling from which the plumbing, heating or other facilities required by law 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;
- (7) Any property that is unsanitary or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- (8) Any dwelling 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 dwelling.

The certificate shall apply to all rental units within the rental property. In the event that the rental property with this number of violations or conditions is substantially rehabilitated and receives a certificate of occupancy, the provisions of subsection (b) of this section shall apply.

(h) Upon completion of a periodic inspection of a rental property, if an individual unit contains more than ten (10) minimum housing standards violations or is found to have any of the following conditions, and the violations are completed but not within the time set for compliance, the agency shall issue a certificate of compliance which shall expire six (6) months from the date of the initial periodic inspection that found the violations or conditions:

- (1) The physical condition or use of any dwelling constitutes a public nuisance;
- (2) Any physical condition, use or occupancy of any dwelling or its appurtenances is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
- (3) Any dwelling that has unsanitary sewage or plumbing facilities;

- (4) Any dwelling that is designated as unsafe for human habitation or use;
- (5) Any property that is a fire hazard or is manifestly unsafe or unsecured as to endanger life, limb or property, including significant life safety violations such as missing smoke alarms and blocked escapes and exits;
- (6) Any dwelling from which the plumbing, heating or other facilities required by law 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;
- (7) Any property that is unsanitary or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- (8) Any dwelling 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 dwelling.

The certificate shall apply to all rental units within the rental property. In the event that the rental property with this number of violations or conditions is substantially rehabilitated and receives a certificate of occupancy, the provisions of subsection (b) of this section shall apply.

- (i) Nothing in this section shall preclude the inspection of said properties more frequently than the term of the certificate of compliance.
- (j) The issuance of a certificate of compliance by the agency for a term of less than three (3) years shall be an order that is subject to appeal as provided in Sections 18-25 and 18-42.

(Ord. of 4-12-93; Ord. of 8-14-95; Ord. of 9-11-00; Ord. of 12-1-14(1))

18-20 Suspension and revocation of certificate.

- (a) *Suspensions.* Under the terms and provisions of this section, an owner's certificate of compliance for one (1) or more rental unit(s) may be suspended for up to one (1) year for failure to comply with the requirements of this chapter and the fault for noncompliance is determined to rest with the landlord, not the tenant(s). Suspensions may be carried over into a new certificate term. If suspensions have been imposed for at least one-half (1/2) of the total number of rental units located within the property, the enforcement officer may apply the suspension of the certificate of compliance to the entire rental property. The election of the enforcement officer to proceed under this section shall not prevent the enforcement officer from electing to file any action allowed under Section 18-31 or take any other lawful

action necessary to enforce this chapter. A certificate of compliance shall only be suspended upon a notice from, hearing before, and order of the housing board of review.

(1) *Suspension for noncompliance with Article II of this chapter (Administration and Enforcement).* A certificate of compliance may be suspended in the event that an owner fails to take the following actions as required by the provisions of Article II of this chapter after having been given two (2) notices of the particular failure within a six (6) month period:

- a. Register a rental unit;
- b. Pay registration, relocation, or reinspection fees;
- c. Schedule an inspection.

(2) *Suspension for noncompliance with Article III of this chapter (Minimum Standards).* A certificate of compliance may be suspended in the event that an owner is found to have violations of the city's minimum housing standards and the owner fails to abate the violation in the time required by the inspector without having appealed the finding or received an extension to abate the violation.

(3) *Suspension for noncompliance with an order of a fire, health, building, electrical, or plumbing official, city or State, related to the protection of health or fire prevention and building safety.* A certificate of compliance may be suspended in the event that an owner fails to bring a rental unit into compliance with an applicable fire, health, building, electrical, plumbing code, standard, rule, ordinance, or statute after being ordered to do so by a duly authorized fire, health, building, electrical, or plumbing official without having appealed the finding or received an extension to abate the violation.

(4) *Suspension for repeated criminal disturbances occurring on the rental property.* A certificate of compliance may be suspended where a resident of a rental unit or their invitees are:

- a. Adjudicated by a criminal court, with finality, to have violated federal or Vermont criminal law on the rental property on at least three (3) separate occasions within a twelve (12) month period; and
- b. Each adjudication involved disturbing the right of other residents of the property to the undisturbed use and enjoyment of the property, or disturbing the right of neighbors to the undisturbed use and enjoyment of their property; and
- c. The landlord has failed to attempt appropriate remedial action reasonably calculated to prevent the recurrence of the disturbances from emanating from the

rental unit or rental property after being notified of the adjudications.

(5) *Suspension for repeated public nuisances.* A certificate of compliance may be suspended where a resident of a rental unit or their invitees are:

- a. Adjudicated by a court of competent jurisdiction, with finality, to have, on at least three (3) separate occasions within a twelve (12) month period, violated Sections 21-12, 21-13, 21-17, 21-19, and 21-28; and
- b. Each adjudication involved disturbing the right of other residents of the property to the undisturbed use and enjoyment of the property, or disturbing the right of neighbors to the undisturbed use and enjoyment of their property; and
- c. The landlord has failed to attempt appropriate remedial action reasonably calculated to prevent the recurrence of the disturbances from emanating from the rental unit or rental property after being notified of the adjudications.

(6) *Exclusions.*

- a. Where an adjudicated crime or violation of listed ordinance involved coercion, abuse, or violence against a resident, neither that resident nor their unit shall be the subject of any notice of a suspension/revocation request based on such adjudication. This includes activity relating to, but not limited to, domestic violence, dating violence, sexual assault, or stalking if the resident is the victim or threatened victim of such activity.
- b. Where an adjudicated crime involves the violation of a federal law on marijuana and the behavior so adjudicated is not a violation of Vermont law, then the adjudication shall not be counted as an adjudication under subsection (a)(4)(a) of this section and shall not be a basis for a notice of suspension/revocation.

(7) Eviction and notice of termination of tenancy shall not be considered to be an appropriate remedial action unless other documented appropriate remedial action(s) have been taken and those actions have failed to end the criminal disturbances.

(8) Nothing in subsection (a)(4) or (5) of this section shall be construed to take away any rights and responsibilities that an owner or tenant has under the Vermont Residential Rental Agreement Act or other applicable federal or State law.

(b) *Revocation.* An owner's certificate of compliance for the entirety of a rental property may be revoked for the remainder of its term but in no case for a period of less than one (1) year upon a hearing before, and order of, the housing board of review if the provisions of this subsection are satisfied. Revocations may occur under the following circumstances:

- (1) More than one (1) suspension within eighteen (18) months; or
- (2) The failure to immediately commence the correction of a life threatening violation, or to immediately put in place the interim protections ordered by the minimum housing enforcement officer or a duly authorized fire, health, building, electrical, or plumbing official in order to preserve health, safety and welfare of those endangered by said violation; or
- (3) To fail to complete the correction of a life threatening violation within the time frame specified by the enforcement officer.

(c) *Notices.*

- (1) *Notice of request.* The enforcement officer shall file a request for an order of suspension or revocation with the board providing a description of the property for which action is sought, the basis under this section for the action, a short statement providing factual support for the basis, and a request for a hearing. The enforcement officer shall send a copy of the request to all the persons designated as the owner on the rental registration form, the person on the registration form listed as the person receiving service of process, and tenants of the subject rental unit or, if applicable, rental property. The copy sent to the tenants may be addressed to the "residents" unless the enforcement officer is in possession of a listing of tenants currently residing in the unit or the rental property, in which case the copy shall be sent to those tenants by first class mail. If the enforcement officer is in possession of a listing of tenants currently residing in the unit or property, the officer shall provide that list to the board for use in all notices required under this section. The enforcement officer shall also post a copy of the request in a prominent and conspicuous common area of the rental property.
- (2) *Notice of hearing.* Notice of a hearing shall be sent by the board to all the persons designated as the owner on the rental registration form, the person on the registration form listed as the person receiving service of process, and any property manager at the address provided on the rental registration form. Notice of the hearing shall also be sent by the board to the tenants. The notice to the tenants may be addressed to the "residents" unless the board is in possession of a listing of tenants currently residing in the unit or the rental property, in which case the copy shall be sent to those tenants by first class mail. The enforcement officer shall also post a copy of the request in a prominent and conspicuous common area of the rental property.

(d) *Hearings.* A suspension or a revocation hearing shall be held pursuant to the provisions of Article II, Divisions 2 and 3 of this chapter. In addition to the rights of owners to be heard as provided for by Article II, Divisions 2 and 3 of this chapter, residents of the affected

building shall have the right to be heard, to present evidence, and have their arguments considered at the suspension hearing.

(e) *Orders.* The board shall determine if each of the essential elements required for the requested action has been satisfied by a preponderance of the evidence. The determination of appropriateness of the remedial actions taken shall, in addition to subsections (a)(6) and (7) of this section, take into account the rights and responsibilities of owners and tenants under the residential rental agreement laws of the State of Vermont or other applicable federal or State laws and the full range of lawful options available to each under such laws. The order shall specify the time period the certificate of compliance is suspended or revoked for and the means by which the rental unit or property shall be managed during the term of suspension or revocation. The order shall also determine if it is necessary for the tenants of a rental unit to be relocated during the effectiveness of any suspension. An owner may request that the board vacate the order and reinstate the certificate after the suspension has been in effect for at least half of its scheduled duration under the following conditions:

- (1) Vacation of the order issued under subsection (a)(2) or (3) of this section may be granted if the entirety of the violation(s) which resulted in the suspension has been rectified.
- (2) Vacation of an order issued under subsection (a)(1) of this section may be granted if the owner shows by a preponderance of the evidence that the conditions that led to the failure(s) to comply have been abated and are not likely to be repeated.
- (3) Vacation of an order issued under subsection (a)(4) or (5) of this section may be granted if the owner shows by a preponderance of the evidence that the owner has sufficient controls, consistent with the rights and responsibilities of owners and tenants under the residential rental agreement laws of the State of Vermont or other applicable federal or State laws and the full range of lawful options available to each under such laws, necessary to prevent a repeat of the conduct that led to the suspension.
- (4) Vacation of an order issued under subsection (b)(1) of this section may be granted if the owner shows by a preponderance of the evidence that the conditions that led to the suspensions have been abated and are not likely to be repeated. Vacation of an order issued under subsection (b)(2) or (3) of this section may be granted if the violation(s) has been rectified or the protections put into place and the underlying conditions are not likely to be repeated and the protections are likely to remain in place.

(f) *Protection of tenants during suspension or revocation.* If, in the judgment of the board, it is necessary for the tenants of a rental unit to be relocated during the effectiveness of any suspension/revocation ordered, the owner shall be financially responsible to pay for the cost of such relocation to comparable housing that meets code requirements during the

relocation, as those costs are defined in Section 18-28. In the event that the owner fails to meet its obligations under this subsection, such costs shall be paid by the city and the costs and charges incurred shall constitute a lien upon the land upon which the dwelling or dwelling unit is situated, thereby becoming effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or interest in the property arises subsequent to the recording of the lien and shall be enforced within the time and in the manner provided for the collection of taxes on land. The enforcement officer shall take all actions required under Sections 18-26 and 18-28 needed to provide tenants with the protections provided under this section. The owner shall also be liable for an administrative fee of fifty dollars (\$50.00) for the cost of administering this section, such fee to be included in the lien.

(g) *Person responsible for management during suspension or revocation.* The board shall designate the person through which a unit or property is managed during the period of suspension or revocation. This manager must be in compliance with the provisions of this chapter throughout their term as manager. The board shall designate one (1) of the following persons to be the manager, as recommended by the enforcement officer, upon a determination of appropriateness:

- (1) A relative or business associate;
- (2) A property management company or similar entity; or
- (3) The property owner in the limited circumstance when there is only one (1) rental unit in a multi-unit property; provided, that safeguards are in place so that compliance with this subsection is ensured.

In addition, the board may also authorize the enforcement officer to petition the Vermont Superior Court to appoint a temporary manager of the property until the suspension/revocation has expired and request that the court shall advance the petition so it may be heard and determined with as little delay as possible.

(h) *Rent/funds.* During the term of suspension or revocation the rent due for the affected units or property shall be collected from the tenants by the appointed manager. The manager shall apply the rental funds in the following order of priority:

- (1) To compensate the appointed manager;
- (2) To correct the violations which led to the creation of the suspension or revocation;
- (3) For repairs and maintenance to the property;
- (4) To meet property tax and other municipal charges collected as taxes on land;

- (5) To remit to the owner in order to meet obligations owed to any mortgage holder or other creditor having a secured interest in such rental unit or property; and
- (6) To remit to the owner any and all remaining rental revenues.

Fifteen (15) percent of rents per month per unit may be charged by the appointed manager as compensation.

- (i) *Annual reporting.* The housing board of review shall, as part of its annual report to the city council, report on the number of requests submitted, hearings held and the number of residents known to have been affected.

(Ord. of 6-25-18(2); Ord. of 10-15-18)

Editor's note—An ordinance adopted June 25, 2018, repealed and replaced § 18-20, which pertained to suspension and revocation of certificate and derived from ordinances adopted September 11, 2000, and December 1, 2014.

18-20.1 Reserved.

Editor's note—An ordinance adopted Dec. 1, 2014, repealed § 18-20.1 which pertained to renewal of interim certificates of compliance and derived from ordinances adopted Apr. 12, 1993, and Sept. 11, 2000.

18-21 Availability of certificate.

Upon the request of an existing or prospective tenant, the owner or the owner's agent shall produce the certificate of compliance. A copy of all certificates issued under this chapter shall be displayed on the premises at all times.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-22 Authority to enter dwellings for inspections.

- (a) In the enforcement of this chapter, the enforcement officer and inspectors may enter, examine and survey all rental units within the city that are subject to periodic inspections pursuant to Section 18-16 at any reasonable time between the hours of 8:00 a.m. and 5:00 p.m. The owner and occupant shall cooperate with the agency so that such inspections shall be made so as to cause the least inconvenience to the owner or occupant of the rental unit, consistent with the efficient performance of the duties of the agency. The agency shall notify the owner of a rental unit in writing, at the address provided by the owner on the registration application, of its intention to schedule an inspection. The owner shall contact the agency to

arrange for an inspection within fourteen (14) days, and shall provide the occupant(s) with notice of an inspection not less than forty-eight (48) hours prior to the actual inspections as provided in 9 V.S.A. Section 4460. During the inspection, the owner shall provide access to the rental units.

- (b) If the inspector has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare or safety of the occupants of any dwelling or dwelling unit or the general public, he may enter, examine and survey the dwelling unit at any time.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-23 Authority to obtain search warrants.

If entry for inspection is resisted or refused, a search warrant for entry may be issued by the Vermont District Court upon presentation of affidavits establishing probable cause. Probable cause shall be considered established upon a showing that:

- (1) The dwelling or dwelling unit has not been inspected in more than a year;
- (2) The dwellings or dwelling units in the same building or under the control of the same owner are in violation of this chapter;
- (3) A violation of this chapter has been previously found in the dwelling or dwelling unit sought to be entered and the agency has no reason to believe that the violation has been corrected; or
- (4) A complaint has been filed with the agency and the agency has been barred or refused entry.

(Ord. of 4-12-93)

18-24 Investigation of complaints.

The enforcement officer or his/her delegate shall investigate each complaint received by the enforcement agency within seven (7) business days of its receipt to determine if violations exist and to commence correction of same. There shall be a written record of each complaint which includes the source of the complaint, the findings of the investigation and the action taken, if any. The name of any complainant shall be considered confidential information unless the complainant requests otherwise. If no violations exist at the time of inspection, this finding shall be noted on the written record and the case closed. A copy of the inspector's

written record shall be made available to the property owner on request. However, the name of the complainant shall be removed unless the complainant otherwise requests.

It is expressly provided that both owners and occupants may complain to the inspectors of violations under this chapter and all such complaints shall be treated in the same manner.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-25 Orders.

Where any inspection of the property by a duly authorized city code official, fire inspector, law enforcement officer or health officer indicates that a violation of [the chapters listed below] exists, the inspecting officer or his delegate shall issue a written order notifying the party responsible of the existence of the violation and the measure required to correct or eliminate it as soon as possible.

Chapter/ Sec. No.	Title or Subject of Violation
Ch. 8	Buildings and building construction
Ch. 13	Fire protection and prevention
§ 13-1	The Vermont Fire Protection Building Code
Ch. 14	Solid Waste
Ch. 17	Health
Ch. 18	Housing
Ch. 21	Offenses and miscellaneous provisions
§ 21-1	Abandoned iceboxes
§ 21-17	Emission of smoke
§ 21-19	Keeping unwholesome, noisome or offensive houses or places
§ 21-24	Urination and defecation in streets
§ 21-26	Posting indecent show bill, advertisement, sign or notice
§ 21-28	Use of buildings by disorderly persons

Chapter/ Sec. No.	Title or Subject of Violation
§ 21-29	Defacing buildings
§ 21-34	Keeping house of prostitution
Appendix A	Zoning (on file with the city)

Where there is a violation which materially affects health and safety, the enforcement officer will also notify the affected occupants of the rental units of the existence of said violation. At the discretion of the agency, the order may require the violations to be corrected within sixty (60) days or less unless otherwise noted in this Code or require that the premises be vacated and secured until the dwelling or dwelling unit meets the standards of this chapter. The latter requirement shall be based on a finding that the premises are a serious danger to the health, welfare and safety of the occupants or the general public. Orders may further direct:

- (1) That the premises be repaired so that they meet the standards of this chapter.
- (2) That the premises are unfit for human habitation because they constitute a serious danger to the health, welfare and safety of the occupants or the general public, and the dwelling unit be vacated and secured until the dwelling or dwelling unit is repaired so that it meets the standards of this chapter.
- (3) That the premises are unfit for human habitation because they constitute a danger to the health, welfare or safety of their occupants or the general public, and that the dwelling be demolished pursuant to the provision of chapter 8 of this Code.
- (4) Each order shall include notification to the party responsible for the violation of the administrative appeal procedure under this chapter. Any appeal of an inspector's order to the housing board of review shall be given priority in scheduling on the board's agenda.
- (5) When an owner or other person responsible such as a manager or receiver appeals an action of the enforcement officer or an inspector to the housing board of review, a temporary certificate shall be issued pending the board's decision, unless the board determines that the action of the inspector shall not be stayed.

(Ord. of 4-12-93; Ord. of 9-11-00; Ord. of 2-23-09)

18-25A Procedures for adoption of equivalency protocols for the Minimum Housing Code.

- (a) The code enforcement office may adopt and thereafter administer health and safety protocols with respect to any provision of the minimum housing code, provided such protocols establish substantially equivalent requirements for achieving health or safety as those standards contained in Division Three (Minimum Standards) of the minimum housing code. Such protocols are intended to provide owners with flexibility in meeting health and safety standards for housing while affording occupants substantially the same protection as those contained in the Code. Each protocol shall set forth one or more of the following means for achieving substantial equivalency to the Code: an exception, an alternative, an equivalent system or a variance from the strict requirements of the minimum housing code.
- (b) Determination of whether protocols should be adopted for any particular section of the minimum housing code may be initiated by the code enforcement office, or may be requested by the mayor or the city council or required by the adoption or amendment of an ordinance. In addition, the code enforcement office shall consider the adoption of a protocol upon receipt of a request for the same by petition of any ten (10) residents of Burlington who either own or rent property which is let to another for occupancy. If the code enforcement office rejects such a petition, it shall specify the reasons for the rejection, including any technical reasons why the particular provision of the Code is not susceptible to equivalent standards for compliance and inform the petitioners of their recourse under the ordinance.
- (c) No protocol shall be adopted or subsequently amended pursuant to this section without public notice of the proposed protocol and an opportunity for public comment with respect to the proposed protocol or any amendment thereof. All public comments shall be considered by the code enforcement office and a copy of the public comments shall be available to the public at least fifteen (15) days prior to the time the protocols are adopted or amended, but nothing herein is intended to imply that the code enforcement office must adopt any or all public comments.

(Ord. of 2-18-03)

18-26 Service.

- (a) When the agency investigates and issues an order pursuant to Section 18-22, or provides notice that a fee is due, inspection must be scheduled or another action is required such order or notice shall be sent to the owner of the dwelling or dwelling unit, or to the agent, administrator or executor of the owner, by regular mail to the address of the owner provided on the registration application. If the owner has failed to register the rental unit or where the agency determines that the nature of the violations requires immediate service, notice shall be made by posting a copy of the order or notice in a conspicuous place of the dwelling or in the building in which the dwelling unit is located. Orders shall take effect from the date of posting or within three (3) days of the date the letter was mailed to the owner, whichever is

earliest. In the case of those instances where occupant or owner or other responsible party is in violation of standards relating to maintenance or services such as heating, sanitation, fire safety or extermination, or where the responsible party is failing to maintain or perform an obligatory activity, the agency may issue an immediate order by hand delivery or by posting with mailed delivery to follow. The agency may send a copy of the order or otherwise notify the owner (if the occupant is the party responsible for the violation) or the occupant (if the owner is the party responsible for the violation) requesting that the owner and occupant cooperate with the agency to correct the violation.

(b) Orders issued pursuant to Section 18-25, or a notice thereof that identifies the order and states the name of the owner as grantor, the City of Burlington as grantee, a statement that the order may be examined in the office of the agency during business hours—with the address and phone number stated, and a tax map lot number or other description describing the property, shall be recorded in the office in which the deed to the property on which the dwelling unit is located is recorded, thereby becoming effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or interest in the property arises subsequent to the recording of the order. Once the violation(s) is certified by the agency to be corrected, such orders or notices may be removed from the record or otherwise indicated in the land records as having been corrected.

(Ord. of 4-12-93; Ord. of 12-1-14(1))

18-27 Reinspection.

Within fifteen (15) business days after the date on which required repairs are to be completed, but no later than thirty (30) days after the order is posted or received, the agency shall determine if the order issued has been complied with. Copies of any reports and orders made following reinspection shall be sent by regular mail to the owner and occupant of the dwelling or dwelling unit. If the order has not been complied with and if a written extension by the agency has not been granted or if an appeal to the housing board of review has not been taken, the agency shall issue a report and order and commence legal action against the party responsible for the violation. If the order has not been complied with and if a written extension has not been granted, a reinspection fee shall be billed to the owner and/or a notice thereof recorded, and shall constitute a lien on the rental property, thereby becoming effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or interest in the property arises subsequent to the recording and shall be enforced within the time and in the manner provided for the collection of taxes on land. If the repair is of a violation that is not major or life threatening, the enforcement officer may allow the property owner to self certify that the repairs have been done. Such self certification will be done by [on] a form provided by the enforcement officer and shall be subject to perjury. If

a property owner self certifies completion of a repair, any enforcement officer shall be entitled to spot check the property to confirm completion of the repair.

(Ord. of 4-12-93; Ord. of 9-11-00; Ord. of 12-1-14(1))

18-28 Relocation services.

- (a) In the event that any person is displaced from a dwelling or dwelling unit by enforcement of this chapter, including, but not limited, to any suspension or revocation of a certificate pursuant to Section 18-20 unless it is clearly determined by the enforcing agency that the tenant is responsible for the circumstance(s) that led to the order for relocation, the owner shall be responsible for paying the costs of relocation of the displaced person or persons.
- (b) Notice of the displacement and relocation costs shall be given to the owner, or to the agent, administrator or executor of the owner, in the same manner as that provided for service of orders in Section 18-26.
- (c) Costs shall include all reasonable costs of relocation of the displaced person or persons, including, but not limited to, moving expenses, required security deposits, required utility deposits and pro rata portion of any rent paid by the tenant for the month during which the relocation occurs.
- (d) If the owner fails to pay the relocation costs within three (3) business days from the date of receipt of the notice of the costs or the date of posting of the costs, whichever is earliest, the agency shall pay such costs and the costs and charges incurred shall constitute a lien upon the land upon which the dwelling or dwelling unit is situated, thereby becoming effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or interest in the property arises subsequent to the recording and shall be enforced within the time and in the manner provided for the collection of taxes on land. In addition to the actual costs of relocation, the owner shall also be liable for an administrative fee of fifty dollars (\$50.00) for the cost to the agency of administering this section, such fee to be included in the lien. The agency shall provide notice to the owner of the costs and fees due in the same manner as required for orders.

(Ord. of 4-12-93; Ord. of 9-11-00; Ord. of 12-1-14(1))

18-29 Retaliatory eviction.

- (a) No owner shall evict any tenant, regardless of the rental period, because of a complaint lodged by or on behalf of such tenant with an inspector concerning a possible violation by the

owner of the standards outlined in this chapter, when upon inspection pursuant to Sections 18-22 or 18-24 a violation is found to exist. Any filing of notice to vacate or service of an action for eviction or ejectment on a tenant or any other attempted eviction within ninety (90) days from the date such violation is certified by the inspector to be corrected or at any time if such violation is not so certified as corrected shall be presumed to be in violation of this section, and the burden of proof shall be on the owner to establish that the filing of such complaint was not the reason for the attempted eviction.

(b) No owner shall evict any tenant, regardless of the rental period, because of any public statement or written testimony concerning landlord/tenant problems or other aspects of such legal relationship represented by or on the direct behalf of any such tenant to any governmental body, board, commission or committee which is considering any aspect of landlord/tenant relationships. Any filing of notice to vacate or service of an action for eviction or ejectment within ninety (90) days from the date of such public statement or written testimony shall be presumed to be in violation of this section, and the burden of proof shall be on the owner to establish that such public statement or written testimony was not the reason for the attempted eviction.

(Ord. of 4-12-93)

18-29a Termination of rental housing tenancy; rental housing rent increase.

(a) In any case where there is no written rental agreement, no landlord may terminate a tenancy of rental housing without cause unless at least 90 (ninety) days' advance written notice to the tenant(s) has been provided in situations where the tenancy has been less than two (2) years in duration, nor may any such termination occur without at least one hundred twenty (120) days' advance written notice to the tenant(s) in situations where the tenancy has been for two (2) or more years.

(b) Unless inconsistent with the terms of a written rental agreement, no tenant may terminate a residential tenancy without providing actual notice to the landlord at least two (2) rental periods in advance of the termination date specified in such notice.

(c) No increase in rent for rental housing within the city shall be effectuated without at least 90 (ninety) days' advance written notice to the tenant(s).

(d) The provisions of this section do not apply to short term rentals, except that if a host terminates an existing tenancy in a rental unit or refuses to renew a written rental agreement for the purpose of converting a rental unit to a short term rental, the host shall be responsible for paying the costs of relocation for the affected tenant, as defined by Section

18-28(c), within ten (10) days after the tenant vacates the rental unit, as long as all rent due and payable has been paid by the tenant prior to the date on which the unit is vacated.

(Ord. of 10-29-04; Ord. of 6-27-22)

18-30 Fees.

(a) *Registration fee.* Pursuant to Section 18-15, a registration fee shall be charged to the owner of every rental unit in the city that is subject to periodic inspections and to the host of every short term rental. This fee shall be in an amount determined by and dedicated solely to the cost of providing rental housing inspection services, clerical, administrative and mediation support services for the housing board of review and landlord/tenant resource services. Any surplus remaining in this fund at the end of a fiscal year shall remain part of the fund and shall be carried forward to the next fiscal year. This fee shall be reviewed annually by the finance board. The fee shall be in the amount of one hundred ten dollars (\$110.00) per unit per year except for owner occupied dwellings with two (2) or less units and partial unit short term rentals, in which case the fee shall be eighty dollars (\$80.00). For whole unit short term rentals, an additional registration fee shall be charged in the amount of one hundred ten dollars (\$110.00) per unit per year.

A rental unit for which a registration fee as required in this section has not been paid shall be in violation of the city minimum housing ordinance and subject to the penalties set forth herein. In addition, if the enforcement agency determines that a person has failed to pay the registration fee due under this section or the transfer fee due under Section 18-15(b), the agency shall mail to such person a statement showing the balance due and shall add thereto a twenty-five dollar (\$25.00) late payment or interest at a rate of twelve (12) percent per year, whichever is greater. That unpaid balance and penalty total shall be subject to interest at a rate of twelve (12) percent per year from the due date until the date of payment. The charges levied in this chapter shall constitute a lien upon the property on which the rental unit is situated and may be enforced within the time and manner provided for the collection of taxes on property.

A rental unit shall be exempt from the registration fees required herein if:

- (1) That unit is currently maintained as part of a nursing facility or community care home under license from the State; or
- (2) That unit meets all three (3) of the following tests:
 - a. The unit is currently maintained as "affordable" housing for "low-income" or "very low-income" households, as these terms are currently defined by Section 8

programs of the U.S. Department of Housing and Urban Development; and

b. The unit is currently maintained as "affordable" housing for "low-income" or "very low-income" households using public subsidies provided by federal, State or municipal government(s); and

c. The unit is currently owned by a municipal corporation or a 501(c)(3) tax-exempt, nonprofit corporation whose purpose is creating or preserving affordable housing for low-income households;

(3) That unit is the owner-occupied portion of a rental unit which is subject to periodic inspections pursuant to Section 18-16.

(b) *Reinspection fee.* The following fees shall be paid by the owner of each property for a reinspection that is required due to the existence of violations of this division:

(1) First reinspection, per unit: seventy-five dollars (\$75.00).

(2) Second reinspection, per unit: one hundred fifty dollars (\$150.00).

(3) Third and subsequent reinspection, per unit: three hundred dollars (\$300.00).

Reinspection fees assessed under this provision shall be due within thirty (30) days of the date the enforcement agency provided the notice that these fees are owed. In the event the owner does not pay the reinspection fee that is owed, the agency shall mail a statement showing the balance due and shall add thereto a thirteen dollar (\$13.00) late payment or interest at a rate of twelve (12) percent per year, whichever is greater. That unpaid balance and penalty total shall be subject to interest at a rate of twelve (12) percent per year from the due date until the date of payment. The charges levied in this chapter shall constitute a lien upon the property on which the rental unit is situated and may be enforced within the time and manner provided for the collection of taxes on property. The failure to pay reinspection fees when due shall also be a violation of the city minimum housing ordinance and subject to the penalties set forth herein.

(c) *Complaint inspection fee.* If the agency receives a complaint regarding a rental unit that is exempt from periodic inspections under Section 18-16, a fee of fifty dollars (\$50.00) shall be charged to the property owner for the inspection of that unit should any violations of the minimum housing standards ordinance be found during the inspection.

Complaint inspection fees assessed under this provision shall be due within thirty (30) days of the date the enforcement agency provided the notice that these fees are owed. In the event the owner does not pay the complaint inspection fees that are owed, the agency shall mail a statement showing the balance due and shall add thereto a thirteen dollar (\$13.00) late

payment or interest at a rate of twelve (12) percent per year, whichever is greater. That unpaid balance and penalty total shall be subject to interest at a rate of twelve (12) percent per year from the due date until the date of payment. The charges levied in this chapter shall constitute a lien upon the property on which the rental unit is situated and may be enforced within the time and manner provided for the collection of taxes on property. The failure to pay reinspection fees when due shall also be a violation of the city minimum housing ordinance and subject to the penalties set forth herein.

No fee shall be charged if the unit is free from violations. The fee for reinspections shall be as described in subsection (b) of this section.

(d) A relocation cost administrative fee of fifty dollars (\$50.00) shall be assessed on all owners who fail to pay the relocation costs established in Section 18-28(c) within the time required in Section 18-28(d). In the event the owner does not pay the relocation costs and/or relocation cost administrative fee that is owed, the agency shall mail a statement showing the balance due and shall add thereto a thirteen dollar (\$13.00) late payment or interest at a rate of twelve (12) percent per year, whichever is greater. That unpaid balance and penalty total shall be subject to interest at a rate of twelve (12) percent per year from the due date until the date of payment. The charges levied in this chapter shall constitute a lien upon the property on which the rental unit is situated and may be enforced within the time and manner provided for the collection of taxes on property. The failure to pay reinspection fees when due shall also be a violation of the city minimum housing ordinance and subject to the penalties set forth herein.

(Ord. of 4-12-93; Ord. of 1-18-00; Ord. of 9-11-00; Ord. of 12-15-03, eff. 1-28-04; Ord. of 12-9-13; Ord. of 12-1-14(1); Ord. of 6-18-18(2); Ord. of 6-27-22)

18-31 Enforcement and penalties.

(a) The penalty for violation of this chapter, unless otherwise provided, is as follows:

(1) *Civil offense.*

a. The first violation of a provision in Article II, Administration and Enforcement, with the exception of Sections 18-29 and 18-29a, or Article III, Minimum Standards, by a person shall be deemed to be a civil ordinance offense punishable by a civil fine of one hundred dollars (\$100.00), the waiver penalty for which shall be seventy-five dollars (\$75.00). This penalty may also be waived and a warning issued, at the discretion of the enforcement officer, upon a finding that the person had no prior knowledge or reasonable basis to know of the violation prior to the finding of violation by the enforcement officer. The enforcement officer may also seek the

enforcement of any order issued regarding a violation of Article III, pursuant to subsection (b) of this section or any other remedy within the jurisdiction of the court.

b. If a person has been found (any appeal having been fully adjudicated) to have committed a first violation of a provision in Article II, Administration and Enforcement, with the exception of Sections 18-29 and 18-29a, or Article III, Minimum Standards, and has been issued an order by the enforcement officer to correct that violation, then the failure to correct the violation and bring the property into compliance with the standards within the time ordered by the officer shall be deemed to be a second violation of the applicable minimum standard. A second violation for the same property shall be a civil ordinance offense punishable by a civil fine of two hundred dollars (\$200.00), the waiver penalty for which shall be one hundred fifty dollars (\$150.00). The enforcement officer may also seek the enforcement of any order issued regarding a violation of Article III, pursuant to subsection (b) of this section, or any other remedy within the jurisdiction of the court.

(2) *Criminal offense.*

a. Any person found in violation of Article II, Administration and Enforcement, Sections 18-29 and 18-29a, and Article IV, Housing Discrimination, shall be deemed to have committed a criminal offense which shall be punishable by a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) and/or by imprisonment for not more than thirty (30) days. The enforcement officer may also seek the enforcement of any order issued regarding a violation of Articles II and IV pursuant to subsection (b) of this section or any other remedy within the jurisdiction of the court.

b. If a person has been found (any appeal having been fully adjudicated), to have committed a second violation of a provision in Article III, Minimum Standards, and has been issued an order by the enforcement officer to correct the violation, then the failure to correct the violation in the time required by the order on the second violation and bring the property into compliance with the standards shall be deemed to be a third violation of the applicable minimum standard. The third violation for the same property shall be a criminal ordinance offense which shall be punishable by a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) and/or by imprisonment for not more than thirty (30) days.

(3) *Nuisance abatement and continuing offenses.* A violation of this chapter, Articles II through IV, also is hereby declared to be a nuisance and subject to abatement upon a finding of violation by the court. The enforcement officer or inspector, in addition to the above penalty and nuisance abatement provisions, may seek the enforcement of any order issued regarding such violation, pursuant to subsection (b) of this section. Each day's violation of Articles II through IV shall constitute a separate offense.

(b) In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.

(Ord. of 4-12-93; Ord. of 1-8-96; Ord. of 4-27-98; Ord. of 9-11-00; Ord. of 9-10-12(2); Ord. of 8-24-20)

18-32 Effective date.

This division shall become effective thirty (30) days after publication.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-33, 18-34 Reserved.

18-35 Created.

There is hereby created for the city a housing board of review.

(Ord. of 3-9-71)

18-36 Composition; appointment.

The housing board of review shall consist of five (5) members who shall be appointed by the city council.

(Ord. of 3-9-71; Ord. of 12-1-14(2))

18-37 Terms.

Each member of the housing board of review shall serve for a term of three (3) years.

(Ord. of 3-9-71; Ord. of 12-1-14(2))

18-38 Terms limited.

At the expiration of their terms, members of the housing board of review may be reappointed for another term or a new member may be appointed. No person shall be appointed to serve for more than three (3) consecutive terms.

(Ord. of 3-9-71; Ord. of 12-1-14(2))

18-39 Officers of board.

The members of the housing board of review shall select from among themselves a chair who shall conduct all meetings and hearings of the board, and who may administer oaths and compel the attendance of witnesses, and a vice-chair who shall exercise the powers of the chair in the chair's absence.

(Ord. of 3-9-71; Ord. of 12-1-14(2))

18-40 Clerk of board; duties of clerk.

The clerk of the housing board of review shall be designated by the city attorney and shall keep the minutes of the proceedings of the board, records of all complaints coming to the board and all decisions, findings and other actions and records of the board. All records of the board shall be available.

(Ord. of 3-9-71; Ord. of 12-1-14(2))

18-41 Reserved.

Editor's note—An ordinance adopted Dec. 1, 2014, repealed § 18-41 which pertained to records to be filed with the city clerk and derived from an ordinance adopted Mar. 9, 1971.

18-42 Powers of board.

To carry out its duties pursuant to this chapter, the housing board of review shall have the following powers:

- (a) To hear and rule on requests for hearings;
- (b) To issue orders requiring the enforcement officer of the agency to enforce its decision regarding the application of Article III of this chapter with the exception of appeals of orders issued with respect to fire safety in Division 5 of that article;
- (c) To vary from the strict application of the requirements of this chapter where, by reason of an extraordinary and exceptional situation unique to the property or circumstance involved, the requirements of this chapter would result in peculiar and exceptional difficulties to, or exceptional and undue hardship upon, the person to whom the order has been issued; provided, however, that the board shall have the power to vary from the strict application of the requirements of this chapter only to the least extent necessary to relieve the difficulties or hardships involved, and only if such variance will not cause substantial detriment to the health, safety, morals and general welfare of the persons residing in the dwelling or dwelling units involved or to the general public and will not cause substantial impairment of the intent and purpose of this chapter; and
- (d) To reverse or affirm, in whole or in part, any order or other action of the inspector and to make such order, requirement, decision or determination as ought to be made, and to that end, the board shall have all the powers of the inspector.

(Ord. of 3-9-71; Ord. of 8-4-86; Ord. of 4-12-93)

18-43—18-47 Reserved.

18-48 Open hearings to be held upon request.

It shall be the duty of the housing board of review to hold open hearings on any request for a hearing filed by a party aggrieved by any action of the inspector.

(Ord. of 3-9-71; Ord. of 4-12-93)

18-49 When requests to be filed and when hearings to be held.

A request for a hearing provided by Section 18-48 shall be made by writing the enforcement officer within thirty (30) days of the action from which relief is sought. The request shall specify the grounds for the appeal and the relief which is requested. The enforcement officer shall notify the clerk of the housing board of review of the receipt of the notice of appeal forthwith.

(Ord. of 3-9-71; Ord. of 8-4-86; Ord. of 4-12-93; Ord. of 12-1-14(2))

18-50 Copy of request for hearing to be forwarded to inspector.

Upon the receipt of a request for hearing, the housing board of review shall send a copy of the request for hearing to the inspector, who shall transmit to the board forthwith all documents and evidence within his/her control.

(Ord. of 3-9-71; Ord. of 4-12-93)

18-51 Time for hearing to be set by board.

Upon the receipt of a request for a hearing, the board shall set a time for the hearing within a reasonable time of the filing of the request for hearing.

(Ord. of 3-9-71; Ord. of 12-1-14(2))

18-52 Notice of time and date of hearing to be given.

The housing board of review shall give notice of the date, time and place of the hearing to the party requesting the hearing and to the inspector and, in the case of a security deposit dispute, to the opposing party.

(Ord. of 3-9-71; Ord. of 4-12-93; Ord. of 12-1-14(2))

18-53 Request for hearing to stay actions upon which request made; exception.

When applicable, a request for a hearing shall stay the effectiveness of the action of the inspector forming the basis for the request for hearing, unless the inspector certifies to the board after the request for hearing is made that, by reason of the facts stated in the certificate, a stay would cause a serious hazard or imminent peril to the health or safety of the occupants of the dwelling or dwelling unit or of the public. Upon consideration of such certificate, the board may give written notice to the party requesting a hearing, specifying

that the action constituting the basis for the requested hearing shall be effective pending the hearing, in which case the effectiveness of the action shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction on application therefor and upon notice to the inspector and on good cause shown.

(Ord. of 3-9-71; Ord. of 4-12-93)

18-54 Majority of board to be present at hearings; exception.

In order to conduct a hearing pursuant to a request, a majority of the board must be present, provided that the board may, for purposes of expedition or in cases of emergency, designate one (1) or more of its members to sit as hearing officer(s) to hear and decide matters brought before the board. A concurring vote of a majority of the members of the board present at a hearing shall be necessary to decide the matter before the board.

(Ord. of 3-9-71)

18-55 Rights of parties.

The parties to the hearing shall have the right to be represented by legal counsel or a lay representative, to present oral or documentary evidence, and to present and confront witnesses. In addition to the foregoing, the parties shall have the right to inspect all the records transmitted to the board.

(Ord. of 3-9-71; Ord. of 4-12-93; Ord. of 12-1-14(2))

18-56 Authority to compel attendance of witnesses.

In connection with any proceeding under this division, the housing board of review may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under appeal.

(Ord. of 3-9-71)

18-57 Decision of board.

The decision of the housing board of review shall be made within a reasonable time after the hearing, but in no event shall the decision, which shall include findings of fact, be made later than thirty (30) days after the hearing. Any decision made by the board shall be made exclusively on the record constructed of the oral and documentary evidence introduced at

the hearing, documents submitted by the parties which each party has had an opportunity to inspect and stipulations of the parties.

(Ord. of 3-9-71; Ord. of 4-12-93; Ord. of 12-1-14(2))

18-58 Written findings of fact and conclusions may be requested.

Either party to a hearing may request written findings of fact and conclusions of law by the board.

(Ord. of 3-9-71)

18-59 Court review of hearings.

(a) Any person, including the inspector, aggrieved by any decision of the housing board of review may appeal to the county court in accordance with Chapter 102 of Title 12 of the Vermont Statutes Annotated. The appeal shall not stay proceedings upon the decision appealed from, but the court may on application, upon notice to the board and on due cause shown, grant a restraining order. The board shall not be required to return the original papers acted on by it, but it shall be sufficient to return certified or sworn copies thereof or such portions thereof as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(b) If upon the hearing it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm wholly or partly or may modify the decision appealed from.

(Ord. of 3-9-71; Ord. of 4-12-93)

18-60—18-69 Reserved.

¹**Editor's note**—An ordinance adopted April 12, 1993, amended §§ 18-15—18-27 to read as set out herein. Prior to such amendment, said sections pertained to administration and enforcement generally and derived from ordinances adopted Aug. 4, 1986; Feb. 1, 1988; March 21, 1988; and Sept. 23, 1991.

ARTICLE III. MINIMUM STANDARDS¹

18-70 Compliance with article required.

No person shall occupy as owner/occupant or shall let to another for occupancy any dwelling, roominghouse, dwelling unit or rooming unit which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section 18-2.

(Ord. of 8-4-86; Ord. of 12-1-14(1))

18-71 Foundation, exterior walls and roofs.

Every foundation, exterior wall and roof shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants.

- (a) *Foundations.* All foundation walls shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon and shall be maintained structurally intact and free from open cracks and leaks, so as not to be detrimental to public health and safety.
- (b) *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards, or timbers, and any other conditions which admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.
- (c) *Roofs.* Every roof shall be structurally sound, tight, and not have defects which might admit rain and roof drainage; and roof drainage shall be prevented from causing dampness in the walls or interior portions of the building. Flashing and other roof attachments shall be securely fixed to the structure and properly maintained.
- (d) Cross reference Section 18-131.

(Ord. of 8-4-86; Ord. of 5-10-21)

18-72 Floors, interior walls and ceilings.

The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants and to protect the occupants from the environment.

- (a) Floors shall be rodent-proof and shall be kept in sound condition and good repair and shall be capable of supporting the load which normal use may cause to be placed thereon. Bathroom and kitchen floors shall be constructed and maintained so as to be substantially impervious to water.
- (b) Interior walls and ceilings shall be maintained in sound condition and good repair. Cracked or loose plaster, peeling paint, decayed wood, and other deteriorated or damaged surface conditions shall be eliminated.
- (c) Lead-based paint shall not be applied to any interior or exterior surface of a dwelling or dwelling unit, including fences and outbuildings at these locations. For the purposes of this section, lead-based paint means the same as "lead-based paint" in 18 V.S.A. Chapter 38.

(Ord. of 8-4-86; Ord. of 6-22-92; Ord. of 2-23-09)

18-73 Windows and exterior doors.

Every exterior window, door and frame shall be constructed and maintained to prevent wind and water from entering the dwelling or structure. At a minimum the windows and doors shall meet the following standards:

- (a) Each window and exterior door shall be fitted reasonably in its frame and be weathertight. Weatherstripping shall be used to prevent wind or rain from entering the dwelling and shall be kept in sound condition and good repair.
- (b) Every window and door pane shall be fully and properly glazed.
- (c) Every openable window shall be capable of being easily opened and shall be held in position by window hardware.
- (d) All door and window hardware including door latches, door hinges and window locks shall be maintained in good condition. Exterior doors shall be fitted with door locks capable of tightly securing the door. First floor windows shall be fitted with interior window locks capable of securing the window from the inside.
- (e) All windows with frame sizes larger than four (4) square feet must be double glazed or be fitted with a storm sash.

(f) Cross reference Section 18-131.

(Ord. of 8-4-86; Ord. of 5-10-21)

18-74 Stairways and porches.

Every inside and outside stair, porch, railing and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be put thereon and shall be kept in sound condition and good repair. Specifically, all stairs and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that are worn, broken, warped or loose.

(Ord. of 8-4-86)

18-75—18-77 Reserved.

18-78 Toilet and plumbing facilities generally.

The provisions of this division shall govern the minimum plumbing facilities to be provided in each dwelling unit. All plumbing fixtures and facilities shall comply with the requirements herein prescribed insofar as they are applicable. The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with these requirements. Nothing in these requirements shall prohibit the imposition of more stringent standards where the applicable city and other plumbing codes require the stricter standard. The minimum facilities and fixtures include:

- (a) Toilet facilities. A room separate from habitable rooms, which affords privacy and a water closet supplied with cold running water.
- (b) A lavatory placed either in the bathroom or in close proximity to the door leading directly into the room containing the toilet. The lavatory must be supplied with hot and cold running water.
- (c) A bathtub or shower supplied with hot and cold running water, and which provides privacy to the person using the bathtub or shower.
- (d) A kitchen sink apart from the lavatory required under subparagraph (b) above supplied with hot and cold running water.
- (e) The occupants of two (2) dwelling units may share required facilities when the facilities are outside of each unit and accessible to both sets of occupants and where it is

unreasonable to require the installation of required facilities inside the units.

(Ord. of 8-4-86)

18-79 Plumbing connections.

All required plumbing fixtures shall be connected to an approved water and sewage system. Every required fixture shall be connected to both hot and cold water or cold water lines. Supply lines, plumbing fixtures, vents and drains shall be connected and maintained in good working order and kept free from obstructions, leaks and defects. A minimum flow of no less than three (3) gallons per minute shall be maintained at the most distant fixture from the meter or point of entry into the building and at all other required fixtures. This flow rate shall be achieved on a sustained basis.

(Ord. of 8-4-86)

18-80 Plumbing standards for roominghouses.

At least one water closet, lavatory basin and bathtub or shower connected to an approved water and sewer system shall be supplied for each six rooms within a rooming house, wherever said facilities are shared. Every lavatory basin, bathtub and shower shall be supplied with hot and cold water at all times.

(Ord. of 8-4-86)

18-81 Water heating facilities.

Water heating facilities shall be installed in an approved manner, maintained and connected to required fixtures. They shall be capable of heating water to a temperature so as to permit an adequate amount of water to be drawn at every required fixture at a temperature of not less than one hundred ten (110) degrees Fahrenheit.

(Ord. of 8-4-86)

18-82—18-83 Reserved.

18-84 Windows for light and ventilation.

The provisions of this section shall govern requirements of light and ventilation in dwelling units. The intent of this section is to ensure that all habitable rooms and spaces be provided with sufficient light and ventilation so as not to endanger health and safety:

- (a) Each habitable room shall have one window opening to the outdoors which can be opened. The minimum ventilation of the opened window area shall be four (4) per cent of the floor area.
- (b) Sleeping rooms shall have windows measuring no less than eight (8) per cent of the floor area.
- (c) Every bathroom or toilet room shall have one window opening to the outdoors or a fan or mechanical device vented to the outdoors of sufficient size to prevent the buildup of moisture. Window size shall be not less than two (2) square feet.
- (d) Adequate lighting in all common halls and stairways in buildings containing two (2) or more dwellings shall be provided and properly maintained.

(Ord. of 8-4-86)

18-85 Electrical facilities.

- (a) Where there is electric service available to a structure, every habitable room of a dwelling unit and every rooming unit shall contain at least two (2) separate and remote outlets, one of which may be a ceiling-or wall-type electric light fixture. In a kitchen, three (3) separate and remote wall-type electric convenience outlets or two (2) such convenience outlets and one ceiling-or wall-type electric light fixture shall be provided. Every public hall, laundry room, bathroom or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.
- (b) All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws. Wiring of the type known as knob and tube which uses porcelain insulators and single cloth-covered conductors will be permitted when a licensed electrician provides written assurance that the wiring is not overloaded and that the condition of the conductors and the insulators is sound and substantially without defect or hazard.
- (c) Buildings containing two (2) or more dwelling units shall have any common lighting and common building facilities connected to either an individual circuit or circuits fed from an individual house meter or from the meter serving the owner/occupant of the property. When and if an owner/occupant terminates his occupancy, the general building lighting and

common facilities shall be connected to a common house meter. The owner shall be liable for the costs of providing energy to common areas.

(d) Where the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the defects shall be corrected to eliminate the hazard.

(Ord. of 8-4-86)

18-86 Heating.

Every dwelling unit and rooming unit shall be provided with heating facilities capable of maintaining a room temperature of sixty-five (65) degrees Fahrenheit at a point three (3) feet above the floor and three (3) feet from an exterior wall in all habitable rooms and bathrooms at all times. This minimum capacity shall be obtained without overheating any other room.

(a) Maintenance of cooking and heating equipment. All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards. Portable cooking equipment employing flame is prohibited, and may not be used either inside the dwelling unit or room or on any adjacent porch or balcony. Such prohibited equipment shall include gas or charcoal grills and hibachis.

(b) Portable heating equipment employing a flame and heating equipment using gasoline or kerosene do not meet the standards of this chapter and are prohibited.

(c) All mechanical equipment shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed and intended. In addition:

(1) All fuel-burning equipment shall be connected to an approved chimney, flue or vent.

(2) All required clearances to combustible materials shall be maintained.

(3) All safety controls for fuel-burning equipment shall be maintained in effective operation.

(4) A supply of air shall be provided for fuel-burning equipment.

(5) For rental units, as defined by this chapter, on and after January 1, 2007, all fuel burning heating systems shall be biennially inspected and serviced by a certified technician certifying that the system is functioning and operating in a safe manner in compliance with the standards of this section, with proof of inspection stated on a tag issued by the department of public works and placed in a conspicuous place as defined by the department of public works.

(d) Cross reference Section 18-131.

(Ord. of 8-4-86; Ord. of 9-19-05, eff. 10-19-05; Ord. of 4-17-06/5-17-06; Ord. of 5-10-21)

18-87 Allocation of heating costs.

Where occupants are required to purchase either fuel for supplied heating appliances or to provide power to electric heaters, there shall be a single heating unit or set of units for the dwelling unit. Heating costs may not be allocated by square footage, power or fuel being used.

(Ord. of 8-4-86)

18-88, 18-89 Reserved.

18-90 Space.

Every dwelling unit shall contain a minimum habitable floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant, up to a limit of three (3) and at least fifty (50) square feet for each additional occupant after four (4).

(Ord. of 8-4-86)

18-91 Floor area for bedrooms.

Each room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor area for each occupant. If the occupancy of any room or dwelling unit exceeds the square footage requirements, the code official may order the number of persons sleeping or living in said room or dwelling unit to be reduced.

18-92 Cellars and other prohibited occupancies.

- (a) No cellar shall be used for living purposes unless the cellar meets the requirements of the Vermont Fire and Building Safety Code currently in effect in the State of Vermont, such compliance to be determined by the Burlington Fire Department for existing public buildings (as that term is defined in 20 V.S.A. § 2730) or the Burlington department of public works for new construction and alterations in new and existing public buildings.
- (b) Basements shall not be occupied for living purposes unless all applicable requirements for rental housing are met. (Ord. of 8-4-86; Ord. of 12-1-14(1))

18-93 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 (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of any part of any room where the ceiling height is less than six (6) 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.

(Ord. of 8-4-86)

DIVISION 5. FIRE SAFETY REQUIREMENTS²

18-94 Fire safety generally.

The provisions of this section govern the minimum fire safety facilities and equipment to be provided. All fire safety facilities and equipment shall comply with the requirements listed herein insofar as they are applicable. Unless specified otherwise, the owner of the structure is responsible for maintaining fire safety facilities and equipment. To provide for consistent enforcement of this division, orders issued pursuant to this section must be appealed to the appeals board under the rules established in Chapter 8 of this Code of Ordinances.

(Ord. of 8-4-86)

18-95 Means of egress.

Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two (2) safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade unless the building is protected by a fire prevention, protection and alarm system permitted and approved by the Burlington fire marshal, in which case the unit shall have the same means of egress required of first and second floor dwelling units. At a minimum, standards for the maintenance of a required means of egress shall be governed by the following:

- (a) All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units shall not lead through other such units or through toilet rooms or bathrooms.
- (b) Ladders or any other exit method which does not comply with the requirements of the building code as adopted by the city in Section 8-2 are not an acceptable means of egress and shall be removed or augmented by an acceptable means of egress.
- (c) All required fire escapes shall be structurally sound and maintained safe and usable and free of snow and ice.
- (d) All required exit signs shall be maintained illuminated and visible.

(Ord. of 8-4-86; Ord. of 11-8-93; Ord. of 12-1-14(1))

18-96 Accumulations and storage.

Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal residential usage.

(Ord. of 8-4-86)

18-97 Fire resistance ratings.

Floors, walls, ceilings and other elements and components required to develop a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation or construction is preserved.

(Ord. of 8-4-86)

18-98 Fire protection systems.

All required fire protection systems and equipment including fire alarms, fire suppression systems, standpipe systems and fire extinguishers shall be maintained in proper operating condition at all times.

(Ord. of 8-4-86)

18-99 Smoke detectors.

(a) Each and every dwelling, rooming house, dwelling unit or rooming unit let to another for occupancy shall meet the following requirements for smoke detectors/alarms.

(1) Smoke detectors/alarms shall be installed in the following, areas:

- a. In every sleeping room or area;
- b. Outside every sleeping room or area in the immediate vicinity of the sleeping room or area; and
- c. On all levels of the dwelling, dwelling unit, rooming house, or rooming unit, including basements but excluding crawl spaces and unfinished attics.
- d. Notwithstanding the above installation locations, detectors/alarms shall not be located within kitchens or garages or in other spaces where temperatures can fall below forty (40) degrees F (four (4) degrees C) or exceed one hundred (100) degrees F (thirty-eight (38) degrees C). Detectors/alarms shall not, unless specifically listed for the application, be located closer than three (3) feet (0.9 m) horizontally from:
 1. The door to a kitchen.
 2. The door to a bathroom containing a tub or shower.
 3. The supply registers of a forced air heating or cooling system, and outside of the airflow from those registers.

(2) Smoke detectors/alarms shall receive their operating power from the building electrical system but shall also receive power from a battery when the building electrical system power is interrupted.

(3) Smoke detectors/alarms within each dwelling unit or rooming unit shall be interconnected so that the sensing of smoke by one detector sounds the alarms of all

detectors within that dwelling unit or rooming unit.

(4) Smoke detectors/alarms shall be approved or listed by a nationally recognize testing or listing agency for the purposes for which they are intended.

(5) Smoke detectors/alarms shall be properly installed and shall be maintained in good working condition.

(b) All other dwellings, rooming houses, dwelling units or rooming units not covered by (a) shall have a smoke detector/alarm installed adjacent to bedroom areas. Such smoke detectors/alarms shall be approved or listed by a nationally recognized testing or listing agency for the purposes for which they are intended.

(c) *Effective date.* Unless an extension is granted by the Burlington Code Enforcement Office pursuant to subsection (d) of this section, the provisions of section 18-99(a) shall take effect on May 31, 2004. Between the effective date of this subsection (c) and May 31, 2004 and during the period of any extension granted pursuant to subsection (d), the provisions of subsection (b) shall apply to all dwellings, rooming houses, dwelling units, and rooming units whether or not they are let to another for occupancy.

(d) *Procedure to request extension of effective date.* If the owner of one or more dwellings, rooming houses, dwelling units or rooming units let to another for occupancy files with the Burlington Code Enforcement Office:

(1) A certification that all of such units, dwellings and houses owned by the owner in the City of Burlington presently contain and shall continue to contain for the period of implementation smoke detectors which are approved or listed by a nationally recognized testing or listing agency; and

(2) A certification that all of the smoke detectors referred to in clause (1) are presently properly installed and shall continue to be so for the period of implementation in accordance with manufacturer's specifications adjacent to all bedroom areas on each level of the applicable buildings and are operating and maintained in good working condition and shall continue to be so for the period of implementation; and

(3) A written plan of implementation pursuant to which all units owned by the owner within the City of Burlington shall be brought into compliance with section 18-99(a) over time, but not later than May 31, 2007, then, subject to the approval of the Burlington Code Enforcement Office, as described below, implementation of section 18-99(a) shall

take place in accordance with the plan of implementation on or before May 31, 2007 with respect to the building(s) for which the certification and plan have been provided.

The submission of a written plan accompanied by the smoke detector certifications shall stay the enforcement of the provisions of section 18-99(a) with respect to the units identified in the plan, pending approval or denial of the request for an extension. The Burlington Code Enforcement Office shall approve in writing the extended implementation date set forth in the written plan for any owner that reasonably satisfies the requirements of this subsection and subsection (e). Failure of the code enforcement office to approve, deny, or request further information from an owner in response to a request for an extended implementation date submitted in accordance with the provisions of this subsection and subsection (e) within 60 days of the date of such submission, or within sixty (60) days of the submission of the additional information requested by the code office, shall be deemed to constitute an approval of the extended implementation date and the owner shall carry out the implementation plan described in subsection (3), above.

(e) *Implementation plan requirements; denial of extension.* An implementation plan described in subsection (d)(3) shall, at a minimum, include a statement of need for the extension, a cost estimate for compliance, and a timeline for all units to be in compliance, with benchmarks, phasing, and any other relevant details. In addition to a denial based upon a failure to comply with the requirements of this subsection or subsection (d), a request to extend implementation for all units subject to such request may be denied should the code office determine with respect to any unit for which an extension has been requested: (i) that violations of one or more minimum housing fire division standards exist in the unit or (ii) that there is an outstanding order by fire code enforcement officials for the unit, or (iii) the owner has failed to comply with two (2) or more unappealed orders issued during the previous three (3) years by either fire or housing code enforcement officials and that in each such instance, the owner was not granted an extension for compliance, or (iv) any other specific and identified condition or conditions related to fire safety in the unit which pose(s) a substantial and immediate risk to the safety of persons or property. Except as provided in clause (3), a request to extend implementation may be renewed following resolution of such outstanding violation or order.

(f) *Procedure to request equivalent systems.*

(1) At any time, an owner of a dwelling, rooming house, dwelling unit or rooming unit let to another for occupancy may request the code office to grant the owner an exception, an alternative, an equivalent system or a variance from the requirements of section 18-99(a). Any such request for an exception, alternative, equivalent system or variance shall be made in writing and shall be based upon either a current or a

proposed system for smoke or fire detection within the dwelling, rooming house, dwelling unit or rooming unit.

(2) A request for approval of an exception, alternative, equivalent system or variance shall be granted to the owner by the code enforcement office if the owner demonstrates that the existing or proposed smoke detector system complies with the applicable provisions of the smoke detection protocols established by the code enforcement office pursuant to section 18-25A of the Ordinances and subsection (g) of this section 18-99. The Code Enforcement Office shall respond to the request in writing within 30 days and shall either approve or deny an exception, an alternative, an equivalent system or a variance. The office's response shall provide the applicant with a written explanation for any denial of the application, with specific reference to the facts and to the applicable smoke detection protocols.

(3) An owner may appeal the office's denial or approval with conditions by filing a written appeal with the chief of the code enforcement office within thirty (30) days of the date of the written decision. The appeal shall specifically state the reasons why the owner believes that the office's decision was erroneous, and shall make specific reference to the smoke detector protocols. The chief of the code enforcement office shall issue a written decision on the appeal or shall request additional information within thirty (30) days of the date of the appeal. A denial of the appeal by the chief of the code enforcement office shall contain a written explanation for the denial and shall specify the facts and the protocols upon which the decision is based. If no decision is made within thirty (30) days of the appeal or, if applicable, within thirty (30) days of the date that the requested additional information is received, the original application of the owner shall be deemed to be approved.

(4) Nothing in this subsection 18-99(d) shall be deemed to limit the right of an owner to pursue an appeal under section 18-94 of the Ordinances, provided that such an appeal may not be filed unless an appeal has first been denied in whole or in part by the Chief of the Code Enforcement Office pursuant to this subsection (f) of section 18-99

(g) *Smoke detector protocols.* The code enforcement office shall, not later than May 31, 2003, adopt an initial set of smoke detection protocols which establish criteria for exceptions, alternatives, equivalent systems and variances from the requirements of section 18-99(a). Such protocols may adopt by reference the forms of equivalency found in Burlington's adopted fire and building codes and shall provide an equal or greater level of safety to that set forth by the requirements of section 18-99(a). The adoption of smoke detection protocols shall conform to the procedures required in section 18-25A for the adoption of protocols for exceptions, alternatives, equivalent systems and variances from the strict provisions of Chapter 18 (Housing) of these ordinances.

(h) *Penalties.* Notwithstanding section 18-31 of the Burlington Ordinances, any person who intentionally disconnects or otherwise disables a smoke detector installed and maintained in accordance with the provisions of this section shall be subject to a civil fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00), with a waiver penalty of one hundred fifty dollars (\$150.00). If a smoke detector is disconnected or disabled, that fact shall create a rebuttable presumption that the adult occupants of the dwelling unit were responsible for the act of disconnecting or disabling the smoke detector.

(Ord. of 8-4-86; Ord. of 2-19-02; Ord. of 2-18-03)

18-100 Interpretation and relationship to other fire protection and life safety code requirements.

The requirements set out in Sections 18-94 to 18-99 are minimum requirements for existing dwelling units regardless of age, years in service or type of dwelling. More stringent standards may take effect where the dwelling use is altered as in the case of dormitory or roominghouse uses or where substantial renovation, remodeling or new construction requires the application of specific additional standards for that type of use or construction. Conformance with the requirements of this section does not in any way limit the application of additional requirements where applicable.

(Ord. of 8-4-86)

18-101 Carbon monoxide (CO) detectors.

(a) For rental units, as defined by this chapter, carbon monoxide detectors which are UL 2034 listed or approved by a nationally recognized independent testing laboratory shall be installed in the vicinity of the sleeping areas and on every floor of the dwelling in accordance with the manufacturer's instructions and state law.

(b) Anyone installing smoke detectors pursuant to Section 18-99 after the effective date of this section [10-19-2005] shall install either a combination smoke detector/carbon monoxide detector device or a combination system providing smoke and carbon monoxide detection and alarm in the vicinity of the sleeping areas and on every floor of the dwelling in accordance with the manufacturer's instructions and state law.

(c) Owners shall keep the following records relating to the installation and maintenance of CO detectors or systems:

- (1) the model and make and date of installation of each detector or system;

- (2) the power source of the detector or detection system;
- (3) the location where each detector was installed;
- (4) maintenance records.

These records must be made available to any city building trades, fire, housing, or health inspector upon request.

- (d) Responsibilities. Owners shall provide and maintain the detectors required by subsection (a).
- (e) Habitability. A dwelling shall be deemed uninhabitable under the provisions of this chapter if an order to comply with subsections (a) and (b) is issued and not complied with in the time specified, unless a written extension has been granted.
- (f) 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 detectors required in subsection (a). 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 detector or that the detector is not operable, the seller shall comply with this section within ten days of notification.

(Ord. of 9-19-05, eff. 10-19-05)

18-102—18-103 Reserved.

18-104 General working conditions.

Generally every supplied appliance, plumbing fixture, heating device or system, or utility which is required under this article, and every chimney and smoke pipe shall be so constructed and installed so that it will function safely and effectively and shall be kept in sound working condition.

(Ord. of 8-4-86)

18-105 Sanitation.

- (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.

(b) Every owner or his or her agent of a dwelling unit or units shall provide common storage or disposal facilities for garbage and rubbish. Said common facilities shall be properly sized to eliminate overloading and improper disposal and properly covered and isolated from the general environment so as not to be a public nuisance or hazard and properly maintained. Owners or their agents shall be further responsible for placing out for collection all common garbage and rubbish containers. Owners shall be responsible for providing for and paying the cost of the collection of all refuse on a not less than weekly basis.

(c) In the case of a single-family house, the occupants are responsible for the provision and proper maintenance of required garbage storage and disposal facilities.

(d) In addition to the above requirements, owners of rental property with ten (10) or more units on the property shall provide covered, wheeled, sixty-five (65) gallon recycling containers, or an equivalent receptacle that is approved by the director, to the occupants of each building for the purpose of collecting and properly disposing of the solid waste that is required to be recycled pursuant to Chapter 14. At least one (1) such a container shall be provided for every three (3) units or portion thereof. The effective date of this subsection shall be October 1, 2013.

(e) In addition to the above requirements, owners of rental property with eight (8) or nine (9) units on the property shall provide covered, wheeled, sixty-five (65) gallon recycling containers, or an equivalent receptacle that is approved by the director, to the occupants of each building for the purpose of collecting and properly disposing of the solid waste that is required to be recycled pursuant to Chapter 14. At least one (1) such a container shall be provided for every three (3) units or portion thereof. The effective date of this subsection shall be September 1, 2017.

(f) In addition to the above requirements, owners of rental property with six (6) or seven (7) units on the property shall provide covered, wheeled, sixty-five (65) gallon recycling containers, or an equivalent receptacle that is approved by the director, to the occupants of each building for the purpose of collecting and properly disposing of the solid waste that is required to be recycled pursuant to Chapter 14. At least one (1) such a container shall be provided for every three (3) units or portion thereof. The effective date of this subsection shall be March 1, 2018.

(g) In addition to the above requirements, owners of rental property with two (2) to five (5) units on the property shall provide covered, wheeled, sixty-five (65) gallon recycling containers, or an equivalent receptacle that is approved by the director, to the occupants of each building for the purpose of collecting and properly disposing of the solid waste that is required to be recycled pursuant to Chapter 14. At least one (1) such a container shall be

provided for every three (3) units or portion thereof. The effective date of this subsection shall be September 1, 2018.

(Ord. of 8-4-86; Ord. of 9-14-98; Ord. of 12-1-14(1); Ord. of 6-5-17)

18-106 Premises to be kept clean and sanitary.

(a) Every occupant of a dwelling unit shall maintain in a clean and sanitary condition that part of the dwelling unit and yard which he occupies and controls and shall be responsible for the reasonable care and cleanliness of supplied facilities including plumbing and cooking equipment. Notwithstanding Section 18-31(a)(1), a second or subsequent violation of this provision during a twelve (12)-month period shall be deemed to be a civil offense and shall be punishable by a fine of two hundred dollars (\$200.00) and a waiver fine of one hundred fifty dollars (\$150.00).

(b) Every owner or his agent of a dwelling unit or units shall maintain the shared or public areas of the dwelling unit or units or yard in a clean and sanitary condition. Notwithstanding Section 18-31(a)(1), a second or subsequent violation of this provision during a twelve (12)-month period shall be deemed to be a civil offense and shall be punishable by a fine of two hundred dollars (\$200.00) and a waiver fine of one hundred fifty dollars (\$150.00).

(Ord. of 8-4-86; Ord. of 9-10-12(2))

18-107 Extermination of vermin.

Every owner or his agent of any dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests whenever any such infestation exists, except when the infestation is in one dwelling unit only and is the sole result of a single occupant's action as determined by the code official.

(Ord. of 8-4-86)

18-108 Adequate heat to be furnished.

Every owner or his agent of every two-family dwelling, multifamily dwelling, and roominghouse who provides heat shall supply adequate heat of at least sixty-five (65) degrees Fahrenheit to every habitable room therein between the dates of September 15 and June 1 of each year. The provisions of this section do not apply where there are separate heating facilities for each dwelling unit, which facilities are under the sole control of the

occupant of such dwelling unit. Where separate facilities are not available, the owner or his agent is responsible for the provision of heat.

(Ord. of 8-4-86)

18-109 Removal of required facilities prohibited.

No owner or his agent or occupant shall cause any service equipment or utility required by this chapter 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. Owners or their agents who are repairing, replacing or upgrading their service equipment or utilities shall ensure that occupants have adequate notice of service interruptions and that such interruptions are limited to the shortest possible duration.

(Ord. of 8-4-86)

18-110 Transfer of responsibility.

Any contract between owners and their agents, owners' agents and occupants or owners and occupants with regard to compliance to this article shall not relieve either party of his direct responsibility under this chapter.

(Ord. of 8-4-86)

18-111 Accumulation of garbage, trash, abandoned vehicles, appliances and furniture on any property within the city prohibited.

(a) It shall be unlawful for any landowner, and person leasing, occupying, or having charge or possession of any property in the city to keep, maintain, or deposit on such property any materials or items enumerated below, unless they are in compliance with this section or otherwise allowed by law. "Property" shall include the abutting area known as the "greenbelt" held to be that area of a public street located between the roadway edge and the sidewalk, or, if no sidewalk exists, between the roadway edge and the adjacent property line. (Charter §§ 48(6), 48(8), 48(23) and 211.)

(b) The following materials or items shall not be stored, kept, maintained or deposited on the property: concrete, asphalt, construction debris, brick foundations and flat work, unless being used for a building project which is in compliance with all city ordinances.

(c) The following materials or items shall not be stored, kept, maintained, deposited or allowed to remain outdoors and/or in plain view in the front yard of any property: (1) appliances such as refrigerators, stoves and microwave ovens; (2) sinks, toilets, cabinets, or other fixtures or equipment; (3) abandoned, discarded, or broken furniture; (4) furniture not constructed for outdoor use; and (5) lumber and other construction material. Lumber and other construction material are exempted from this provision if they are covered and stored neatly and in a manner which does not obstruct fire escapes, means of egress, fire lanes, or emergency services access and which does not pose a danger to invitees, including utility, delivery and postal service employees and police officers, firefighters and other public health and safety officials who may need to be present on the property in emergency situations, routine inspections or other lawful reasons, and are being used in conjunction with a building project in compliance with all city ordinances. Rubbish, junk, refuse, garbage, scrap metal, tin cans and recyclables shall only be allowed to remain outdoors and in plain view in the front yard of any property for the purpose of recycling and solid waste pickup for disposal only during the day of collection and only if they are neatly kept, stored, maintained, or deposited in accordance with all minimum housing, health and solid waste ordinances and regulations.

- (1) Owners of rental units with ten (10) or more units on a property shall be required to have covered wheeled recycling containers with a minimum capacity of sixty-five (65) gallons (hereinafter "toters") for curbside recycling pickup or an approved equivalency on or before October 1, 2013. At least one (1) such container shall be provided for every three (3) units or portion thereof.
- (2) Owners of rental units with eight (8) or nine (9) units on a property shall be required to have toters for curbside recycling pickup or an approved equivalency on or before September 1, 2017. At least one (1) such container shall be provided for every three (3) units or portion thereof.
- (3) Owners of rental units with six (6) or seven (7) units on a property shall be required to have toters for curbside recycling pickup or an approved equivalency on or before March 1, 2018. At least one (1) such container shall be provided for every three (3) units or portion thereof.
- (4) Owners of rental units with two (2) to five (5) units on a property shall be required to have toters for curbside recycling pickup or an approved equivalency on or before September 1, 2018. At least one (1) such container shall be provided for every three (3) units or portion thereof.

(d) It shall be unlawful to keep, maintain, store or deposit any inoperative, abandoned or dismantled motor vehicles on any property in violation of Chapter 20, Article VI.

(e) Trailers and boats shall be neatly stored in accordance with zoning ordinances and regulations and in a manner which does not obstruct fire escapes, means of egress, fire lanes, or emergency services access and which does not pose a danger to invitees, including utility, delivery and postal service employees and police officers, firefighters and other public health and safety officials who may need to be present on the property in emergency situations, routine inspections or other lawful reasons.

(f) A copy of all orders issued pursuant to this section shall be posted by the enforcement officer or his/her delegate or inspector in a conspicuous place in a common area of the dwelling or building in which the dwelling unit is located. Such notice shall be in addition to the notice required under Section 18-26.

(g) Notwithstanding Section 18-31(a)(1), a second or subsequent violation of this section during a twelve (12) month period shall be deemed to be a civil offense and shall be punishable by a fine of two hundred dollars (\$200.00) and a waiver fine of one hundred fifty dollars (\$150.00).

(Ord. of 3-22-99; Ord. of 9-10-12(2); Ord. of 12-1-14(1); Ord. of 6-5-17; Ord. of 8-7-17(1); Ord. of 9-9-19(2))

18-112 Paint.

(a) *Painted surfaces generally.*

(1) In rental target housing, all windows, walls, floors, doors, or other surfaces, interior or exterior, of a dwelling shall be free from deteriorated painted surfaces equal to or greater than one (1) square foot in the aggregate. "Deteriorated painted surfaces" are those surfaces which are peeling, chipping, chalking, cracking, damaged or similarly deteriorated. "Deteriorated paint" means the same as the term is defined in Title 18, Chapter 38 of the Vermont Statutes.

(2) Owner(s) of rental target housing shall conduct a visual assessment of each unit annually and at tenant turnover for the presence of deteriorated painted surfaces, and will promptly and safely repair and/or stabilize all deteriorated surfaces, within thirty (30) days, if more [than] one (1) square foot of interior room or one (1) square foot of exterior wall surface is found or reported damaged. If exterior deteriorated paint was found or reported after November 1, the owner shall have until the following May 31 to repair and/stabilize area(s), provided that access to surfaces and components with lead hazards and areas directly below the deteriorated surfaces is clearly restricted. A record of visual assessments and repair and/or stabilization shall be kept on the compliance statement of performance of essential maintenance practices (EMPs) required by subsection (h).

(3) Owners shall keep the outdoor areas of rental target housing free from visible paint chips.

(b) *Lead-based paint.* The presence of lead-based paint in and around dwellings is a substantial health hazard which necessitates that special safety activities be used when working in and around lead-based paint. All paint shall be presumed to be lead-based paint (LBP) when present on all dwellings constructed prior to January 1, 1978 unless the paint was found to be not lead-based by a state-certified lead testing inspector who has issued a report to the owner of their findings. Property owner(s) wishing to be exempt from all LBP compliance activities under this ordinance must submit a copy of the certified inspectors' written report showing the dwelling to be free of LBP to the code enforcement office.

(c) *Lead safe work practices.*

(1) Interior lead safe work practices. All activities to all rental target housing that disturb more than one (1) square foot of painted interior surface(s) shall be done using lead safe work practices (LSWP) which take all reasonable precautions against the generation and spreading of lead dust, paint chips and debris. Interior LSWP include, but are not limited to, the following:

- a. Limiting access of work area(s) to workers only;
- b. Protecting occupant belongings by covering them with six (6) mil plastic sheeting or removing them from the work area(s);
- c. Segregating work area(s) from clean area(s) by hanging plastic sheeting in doorways and/or window areas;
- d. Covering the floor(s) of work area(s) with adequate amounts (extended at least five (5) feet from work area) of six (6) mil plastic sheeting to capture all dust, paint chips and debris;
- e. Using vacuums with high efficiency particulate air (HEPA) filters attached to scrapers; wetting surfaces with water prior to disturbing the surface(s) (do not dry scrape);
- f. Misting dust and debris with water prior to sweeping and cleaning (do not dry sweep);
- g. Cleaning shoes and clothing when leaving work area(s);
- h. Using personal protective equipment as needed, such as a HEPA respirator, gloves and coveralls.

Certification that interior lead safe work practices were used must be made by the person doing the work on a form provided by the code enforcement office and kept on file with the owner of the property for one (1) year from the completion of the activity.

(2) Exterior lead safe work practices. All activities to rental target housing that disturb more than one (1) square foot of painted exterior surface(s) shall be done using LSWP which take all reasonable precautions against the generation and spreading of lead dust, paint chips and debris. Exterior LSWP include, but are not limited to the following:

- a. Limiting access of work area(s) to workers only;
- b. Attaching six (6) mil plastic sheeting to dwelling and extend at least ten (10) feet (if possible) or as far as to be adequate to capture all dust, paint chips and debris (plastic sheeting to be misted with water, rolled up and thrown away each night);
- c. Cover gardens, sand boxes and play areas with adequate amounts of six (6) mil plastic sheeting;
- d. Closing all windows and doors on the side being scraped;
- e. Closing all windows and doors on neighboring properties within ten (10) feet of work area(s);
- f. Using vacuums with HEPA filters attached to scrapers;
- g. Wetting surfaces with water prior to disturbing the surface(s) (do not dry scrape);
- h. Cleaning shoes and clothing when leaving work area(s);
- i. Using personal protective equipment as needed, such as a HEPA respirator, gloves and coveralls.
- j. Ground cover surrounding rental target housing that have undergone disturbances of more than one (1) square foot on any exterior painted surface must be free from all visible paint chips, dust, or debris.

Certification that exterior lead safe work practices were used must be made by the person doing the work on a form provided by the code enforcement office and kept on file with the owner of the property for one (1) year from the completion of the activity.

(3) In non-rental target housing, no person shall disturb more than one (1) square foot of lead-based paint by failing to use one (1) of more of the following lead-safe work

practices, unless specifically authorized by a permit issued by the state department of health:

- a. Limiting access to interior and exterior work areas.
- b. Enclosing interior work areas with plastic sheathing or other effective lead dust barrier.
- c. Using protective clothing.
- d. Misting painted surfaces before disturbing paint.
- e. Wetting paint debris before sweeping to limit dust creation.
- f. Any other measure required by the state department of health.

Notwithstanding the provisions of section 18-31(a) and (b), if a violation of this subsection is found, the inspector shall issue an order to cease and desist the prohibited practice, remove all visible paint chips and clean the affected area using the safe cleaning methods approved by the state department of health. A failure to comply with such an order is a violation the penalty for which shall be a fine of up to five hundred dollars (\$500.00).

(d) *Prohibited work practices.*

(1) The following practices are not allowed for use on rental target housing:

- a. Dry scraping;
- b. Open flame burning;
- c. Uncontained power washing;
- d. Heat guns operated above one thousand one hundred (1,100) degrees Fahrenheit;
- e. Uncontained sandblasting;
- f. Power sanding (unless fitted with a HEPA filter); and
- g. Chemical stripping using products containing methylene chloride.

Certification that prohibited work practices were not used must be made by the person doing the work on a form provided by the code enforcement office and kept on file with

the owner of the property.

(2) The following practices are not allowed to be used to remove lead-based paint on non-rental target housing:

- a. Open flame burning or torching.
- b. Use of heat guns operated above one thousand one hundred (1,100) degrees Fahrenheit.
- c. Dry scraping.
- d. Machine sanding or grinding.
- e. Uncontained hydro-blasting or high-pressure washing.
- f. Abrasive blasting or sandblasting without containment and high-efficiency particulate exhaust controls.
- g. Chemical stripping using methylene chloride products.

Notwithstanding the provisions of section 18-31(a) and (b), if a violation of this subsection is found, the inspector shall issue an order to cease and desist the prohibited practice, remove all visible paint chips and clean the affected area using the safe cleaning methods approved by the state department of health. A failure to comply with such an order is a violation the penalty for which shall be a fine of up to five hundred dollars (\$500.00).

(e) *Enforcement of lead safe work practices.* In addition to all the other enforcement powers authorized by this chapter, inspectors shall have the authority to issue a stop work order if unsafe or prohibited work practices are being performed on target housing.

(f) *Lead safe cleaning practices.* All activities to all rental target housing that disturb more than one (1) square foot of painted interior surface(s) shall be followed by a specialized cleaning that employs techniques effective in collecting lead dust, paint chips and debris. These techniques shall include, but are not limited to: wet sweeping; using vacuums with HEPA filters; wet scrubbing and wiping of surfaces numerous times with disposable towels; using a multi-bucket system when mopping; and using lead specific or other effective detergents. Certification that lead safe cleaning practices were used must be made by the person doing the work on a form provided by the code enforcement office and kept on file with the owner of the property for one (1) year from the completion of the activity.

(g) *Installation of vinyl or metal inserts.* Owner(s) of rental target housing units shall install vinyl or metal inserts in all window wells in accordance with the requirements of 18 V.S.A. § 1759. A window well is the portion of the exterior window sill between the interior window sill (or stool) and the frame of the storm window. If there is no storm window, the window well is the area that receives both the upper and lower window sashes when they are both lowered.

(h) *Owner's responsibilities.*

(1) *Posting.*

a. Owner(s) of rental target housing shall post in a prominent location, a poster that meets the requirements of 18 V.S.A. § 1759 which states the importance of occupants reporting deteriorated paint and the information of whom to contact.

b. Owner(s) of target housing shall post in a prominent location a notice that informs abutting neighbors that exterior work which is subject to the provisions of section 18-112 is being done on their dwelling. The form of such notice will be provided by the code enforcement office and use appropriate universal symbols to make the notice easily understandable.

(2) *Educational pamphlet.* Owner(s) or owner(s) representative of rental target housing shall provide the Environmental Protection Agency (EPA) pamphlet "Protect Your Family from Lead in Your Home", or any subsequent or superseding pamphlet, to tenants upon occupying the rental unit and annually thereafter.

(3) *Certifications.* All work on rental target housing performed to comply with the requirements of this section must be certified on a form provided by the code enforcement office that the required work was performed using lead safe work practices and lead safe cleaning practices and that the work was done or supervised by a person who has been certified by the state department of health as having successfully completed the essential maintenance practices course. Owner(s) shall obtain and keep such certifications and provide a copy to the code enforcement office upon request.

(4) *Specialized cleaning at tenant turnover.* Owner(s) of rental target housing shall perform a specialized cleaning of all horizontal interior surfaces, except ceilings, at tenant turnover as set forth in subsection (f) of this section. Certification that specialized cleaning was done must be made by the person doing the work and kept on file with the owner of the property.

(5) *Annual cleaning of common areas.* Owner(s) of rental target housing shall annually perform a specialize cleaning of all horizontal interior surfaces, except ceilings, in the

common areas of the rental property accessible to tenants.

(6) *Vermont compliance statements.* Owner(s) of rental target housing shall comply with the compliance statement requirements of 18 V.S.A. § 1759(b) and shall provide a copy of the current statement to the code enforcement office as proof of compliance upon request.

(7) *Disclosure of known lead based paint activities.* Owner(s) of rental target housing shall disclose to tenants, records of all known lead based paint activities. A "lead based paint activity" means an inspection conducted by a lead inspector and/or risk assessment conducted by a lead risk assessor and/or lead paint hazard reduction activity, as "inspection" is defined in 17 V.S.A. § 1751(b)(10), "lead inspector" is defined in 17 V.S.A. § 1751(b)(17), and "risk assessment" is defined in 17 V.S.A. § 1751(b)(24), and as "lead paint hazard" is a "lead hazard", as defined in 17 V.S.A. § 1751(b)(16), created by "lead based paint" as that is defined in "17 V.S.A. § 1751(b)(12). Owner(s) of rental target housing shall disclose all known lead based paint activities to perspective buyers. Buyers of the property shall keep records of all such known lead based paint activities. Owner(s) of pre-1978 rental properties undergoing activities that disturb more than one (1) square foot of painted surface(s) shall provide to the occupant(s) the Environmental Protection Agency (EPA) pamphlet "Protect Your Family from Lead in Your Home," or subsequent or superseding pamphlet, and a description of the type of work that will take place, expected work dates and who to contact with questions about the work, at least seven (7) days prior to the commencement of work.

(i) *Contractor's obligations.* In addition to complying with the pre-renovation rule or any subsequent superseding rule, using lead safe work practices, lead safe cleaning practices and not using prohibited work practices, contractors that disturb more than one (1) square foot of painted surface(s) in pre-1978 dwellings shall provide to the owner(s) the Environmental Protection Agency (EPA) pamphlet "Protect Your Family from Lead in Your Home," or subsequent or superseding pamphlet, and a description of the type of work that will take place, expected work dates and who to contact with questions about the work, at least seven (7) days prior to the commencement of work, except in emergency circumstances, in accordance with the pre-renovation rule.

(Ord. of 2-23-09)

18-113 Short term rentals.

The following additional minimum standards shall apply to short term rentals only:

- (a) Hosts shall comply with all applicable State law and regulations regarding short term rentals.
- (b) Short term rentals must be serviced and cleaned before each new guest.
- (c) A host shall include the rental registration number clearly visible on all advertising for the short term rental.
- (d) Hosts shall provide guests written documentation with the following information:
 - (1) The name, phone number, and email of the host and, if not the host individually, an emergency contact within Chittenden County who is available at all times during a guest's rental.
 - (2) Contact information for the enforcement agency, the State Department of Health, and the State Department of Public Safety's Division of Fire Safety.
 - (3) Written instructions on the location and use of fire extinguishers;
 - (4) Written instructions on emergency shut-off of heating systems and fuel burning appliances.
 - (5) A diagram identifying emergency egress routes.
 - (6) A copy of Burlington's noise control ordinance.

(Ord. of 6-27-22)

18-114—18-119 Reserved.

18-120 Deposits.

- (a) No other payments or deposits beyond the first month's rental payment and the deposits described in this section may be required as a condition of rental, lease or occupancy of a rental unit as a dwelling.
 - (1) An owner may require a reasonable deposit as a condition for the rental, lease or occupancy of a rental unit as a dwelling as security against damage beyond normal wear and tear to the premises which is attributable to the tenant, against nonpayment of rent, against nonpayment of utility or other charges which the tenant was required to pay directly to the landlord or to a utility, and against expenses required to remove from the rental unit articles abandoned by the tenant. This deposit may not exceed the

amount of one month's rent for the unit rented and shall be held by the owner in an interest-bearing account, with an interest rate at least equivalent to a current Vermont bank passbook savings account. This deposit shall not be used by the tenant as the last month's rent unless otherwise specified in a written lease agreement between the parties.

(2) In addition to the above-stated security deposit, an owner may require an additional payment equal to one-half (1/2) the amount of one month's rent as a condition for allowing the occupants to have a pet or pets during the rental, lease or occupancy of a rental unit as a dwelling. Such additional payment may not be charged for any animal that mitigates a disability.

(b) At the beginning of any rental arrangement, the property owner(s) and tenant(s) shall prepare a list of existing damage to the premises. A dated, signed copy of such list shall be retained by both parties to the lease or rental arrangements for the purpose of assisting in the resolution of the deposit situation when the tenant vacates or abandons the rental unit.

(c) At the time rental unit is vacated or abandoned by the tenant, the tenant shall furnish the owner a forwarding address to enable the owner to return all or part of the deposit as required. After the rental unit is vacated or abandoned by the tenant(s), the owner may retain all or part of the deposit plus interest for the actual cost to repair damage beyond normal wear and tear which is attributable to the tenant in order to maintain the condition and habitability of the unit, for nonpayment of rent, for nonpayment of utility or other charges which the tenant was required to pay directly to the landlord or to a utility, and for expenses required to remove from the rental unit articles abandoned by the tenant. A landlord shall return the deposit to a tenant within fourteen (14) days from the date on which the landlord discovers that the tenant vacated or abandoned the rental unit, or the date the tenant vacated the dwelling unit, provided the landlord received notice from the tenant of that date, with a written statement itemizing any deductions. That written statement shall also inform the tenant of the opportunity to request a hearing before the Burlington housing board of review within thirty (30) days of receipt of the landlord's written statement. The landlord shall comply with this section by hand-delivering or mailing the statement and any payment required to the last-known address of the tenant, which may be the rental unit if no forwarding address has been provided. If a landlord fails to return the security deposit with a statement within fourteen (14) days, the landlord forfeits the right to withhold any portion of the security deposit. If the failure to return the security deposit with a statement within fourteen (14) days is determined by the board to have been willful, the landlord shall be liable for double the amount wrongfully withheld.

(d) Cross reference Section 12-2.

(e) A tenant, upon receiving notice of the owner's intent to withhold any part of the deposit because of the reasons specified in subsection (c) of this section, may object and request a hearing before the housing board of review for a review of the reasonableness of the owner's deductions. The request shall be submitted in writing by the tenant to the office of the city clerk, which shall immediately forward it to the clerk of the housing board of review.

Alternatively, it shall also be acceptable for requests to be submitted directly to the clerk of the housing board of review. The request shall be submitted in writing by the tenant to the office of the city clerk within thirty (30) days of receipt of notice of the opportunity to request a hearing or, in the absence of such notice, within forty-four (44) days of the date the tenant vacated or abandoned the rental unit. Hearing shall be set and held by the board in the same manner as provided in Sections 18-48 through 18-59 for the review of an action of an inspector. The board shall hold a hearing, take evidence, and may visit the premises in question for on-site inspection. The board shall make findings and conclusions regarding the reasonableness of the owner's deductions from the deposit. The board shall order that all, part or none of the portion of the deposit which is withheld be retained by the owner or returned to the tenant. The tenant shall receive all remaining deposit monies and interest beyond the cost of the approved deductions. The board's action shall be reviewable as provided in Section 18-59.

(f) An owner or a tenant may request a hearing before the housing board of review in order to resolve other issues related to security deposits which are specifically addressed by this section. Such hearings shall be requested, set and held as provided in subsection (e) of this section.

(g) Failure of an owner or other person to notify a tenant as provided in subsection (c) of this section, or to abide by an order of the housing board of review as provided in subsection (e) of this section, or failure of any person to otherwise comply with this section shall constitute a violation of these minimum housing ordinances and shall be punishable as provided in Section 18-31 and shall be considered a minimum housing violation for all applicable legal purposes.

(Ord. of 3-10-86; Ord. of 11-12-91; Ord. of 2-27-95; Ord. of 11-27-06, eff. 12-27-06; Ord. of 12-1-14(2))

18-121—18-129 Reserved.

18-130 Applicability of minimum energy efficiency standards.

(a) *Applicability.* This division shall apply to residential rental properties that on an annual basis use fifty thousand (50,000) British thermal units (BTUs) or more per conditioned square foot for space heating purposes, according to the following schedule:

- (1) Applicable to residential rental properties that on an annual basis use ninety thousand (90,000) BTUs or more per conditioned square foot for space heating purposes as of January 1, 2022.
- (2) Applicable to residential rental properties that on an annual basis use seventy thousand (70,000) to eighty-nine thousand nine hundred ninety-nine (89,999) BTUs per conditioned square foot for space heating purposes as of January 1, 2023.
- (3) Applicable to residential rental properties that on an annual basis use sixty thousand (60,000) to sixty-nine thousand nine hundred ninety-nine (69,999) BTUs per conditioned square foot for space heating purposes as of January 1, 2024.
- (4) Applicable to residential rental properties that on an annual basis use fifty thousand (50,000) to fifty-nine thousand nine hundred ninety-nine (59,999) BTUs per conditioned square foot for space heating purposes as of January 1, 2025.

(b) *Exceptions.* This division shall apply to rental properties described in subsection (a) of this section, but excluding:

- (1) Rental properties that on an annual basis use less than fifty thousand (50,000) British thermal units (BTUs) per conditioned square foot for space heating purposes;
- (2) In mixed commercial/residential rental buildings this article shall apply only to the residential rental portion of the building;
- (3) Seasonal rental properties not rented between November 1 and March 31 of each year;
- (4) Rental properties that have previously and successfully participated in any weatherization incentive programs provided by local utility, state, or federal entities, as approved by the program administrator within the last ten (10) years; and
- (5) Rental properties which have the necessary valid permits to be demolished or converted to a nonresidential use.

(c) *Temporary waivers.* The program administrator may grant a temporary waiver for requirements under this division for up to one (1) year if: (1) the owner of a rental property cannot obtain financing for energy improvements required under this article and can document that good faith efforts to obtain financing from three (3) different financial institutions have been unsuccessful; (2) the owner of a rental property cannot obtain a professional building weatherization contractor to perform the work required under this article and can document good faith attempts to procure such contractor; or (3) if the owner of a rental property can document that the owner is registered to receive financial support

for weatherization through a utility incentive program or low income weatherization program.

(Ord. of 5-10-21; Ord. of 1-10-22(1))

18-131 Work related to meeting minimum energy efficiency standards.

- (a) *Professional building weatherization contractor required.* Work required to comply with this division shall be conducted by a professional building weatherization contractor—that is, a contractor that normally provides air sealing and insulation services.
- (b) *Cost cap.* The total costs for initial work related to meeting minimum energy efficiency standards described in Section 18-132 are not required to exceed two thousand five hundred dollars (\$2,500.00) per rental unit (a "cost cap"). The total costs shall exclude amounts of any weatherization program incentives provided by local utility, state, or federal entities and approved by the program administrator and must be incurred by the rental property owner.
- (c) This two thousand five hundred dollar (\$2,500.00) cost cap shall be annually adjusted by the program administrator equivalent to one hundred (100) percent of the annual change in the Consumer Price Index for All Urban Consumers (CPI-U) in the Northeast Region, to go into effect January 1 of every ensuing year. In no event shall the cost cap be less than two thousand five hundred dollars (\$2,500.00). The program administrator shall maintain a record of the Consumer Price Indices used and shall provide public notice of this adjustment prior to the first day of December previous to the applicable January 1 and by posting a written notice of the adjusted cap in a prominent place in the office of the Burlington electric department, a prominent place in City Hall, and a prominent place in the office of the department of permitting and inspections.
- (d) *Extensions.* If the initial work meets the cost cap in subsection (b) of this section and the rental property still does not meet the minimum energy efficiency standards described in Section 18-132 or the rental property does not use less than fifty thousand (50,000) British thermal units (BTUs) per conditioned square foot for space heating purposes annually, the owner of a rental property may be granted an extension by the program administrator for up to three (3) years to meet the energy efficiency standards required in Section 18-132 if the owner of a rental property demonstrates that compliance under this division creates an undue burden on the owner or current tenant. However, the property must be in compliance with standards by the expiration of the extension, regardless of the cost to achieve those standards.

(Ord. of 5-10-21)

18-132 Minimum energy efficiency standards.

Residential rental properties subject to Section 18-130 shall meet the following minimum energy efficiency standards:

(a) *Insulation of exterior walls.* All exterior walls enclosing an empty cavity that could be insulated shall be filled with insulation per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(b) *Insulation of open attics/ceilings/roofs.*

(1) For insulation of open attics (an attic which is unfloored), insulation shall be added per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(2) The empty space under the flooring of an unheated floored attic shall be filled with insulation per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(3) Horizontal attic access panels shall be insulated per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(4) Vertical attic access panels shall be insulated per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(5) "Sloped roof cavities" (including "cathedral" ceilings) and knee walls shall be treated as exterior walls (see subsection (b)(1) of this section).

(c) *Insulation of other areas.*

(1) Box sills shall be insulated on either the inside or the outside of the band joist per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(2) Floors over basements, crawl spaces, outdoor spaces or spaces typically approximating outdoor temperatures during the heating season shall be insulated per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(3) Electric water heaters shall be insulated per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(d) *Heating/cooling ducts and piping and domestic hot water piping.*

(1) All accessible space heating/cooling ducts in basements or crawl spaces with insulated ceilings, or in attics, shall be air sealed and insulated per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(2) All accessible space heating/cooling piping in basements or crawl spaces with insulated ceilings, or in attics, shall be insulated per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(3) All accessible domestic hot water piping which is part of a pumped circulating loop in basements or crawl spaces with insulated ceilings, or in attics, shall be insulated per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(4) All accessible domestic water piping (both hot and cold) within close distance from the tank shall be insulated per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(5) Operation of the heating or cooling air distribution system shall not induce a pressure differential between the conditioned space and the outdoors, as measured after any other energy improvements are completed per current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications.

(e) *Windows and doors.*

(1) All windows in exterior walls shall be double-glazed or provided with storm windows during the heating season.

(2) All operable windows in exterior walls shall have functioning latches which close windows tightly.

(3) All doors and access hatches opening to the outdoors, or to spaces which typically approximate outdoor temperatures during the heating season, shall have functioning weatherstripping and latches which close doors tightly.

(f) *Air leakage reduction.*

- (1) Air leakage rate reduction work shall follow the current Burlington Energy Efficiency Utility (EEU) and Vermont's Weatherization Assistance Program recommended technical upgrade specifications;
- (2) In general, rental properties shall have an air leakage rate no greater than one thousand five hundred (1,500) cubic feet per minute at a pressure differential of fifty (50) pascals as tested with calibrated pressurization (or depressurization) air flow measurement equipment; or
- (3) A projected natural air leakage rate which is no greater than six-tenths (0.6) average annual air changes per hour as calculated by accepted professional practice approved by the program administrator.

(g) *Combustion appliances and equipment.*

- (1) All fuel burning heating systems shall be biennially inspected and serviced by a certified technician certifying that the system is functioning and operating in a safe manner in compliance with the standards of this section, with proof of inspection stated on a tag issued by the department of permitting and inspections and placed in a conspicuous place as defined by the department of permitting and inspections.
- (2) All components of a heating system including any pumps, motors, and controls shall be in good operating condition.
- (3) The heating system shall be adequate to heat all living spaces as required and defined by the City of Burlington's minimum housing code.

(Ord. of 5-10-21)

18-133—18-199 Reserved.

¹**Editor's note**—An ordinance enacted Aug. 4, 1986, amended Ch. 18 by deleting the provisions of former Art. III, Minimum Standards, in their entirety and replacing them with similar provisions set out hereinabove as a new Art. III. The substantive provisions of former Art. III consisted of §§ 18-70—18-78, 18-84—18-88, 18-94—18-96, 18-102—18-105, 18-112—18-118, 18-120, and were derived from §§ 923—928 of the city's 1962 Revised Ordinances; § 924 of the 1969 Cumulative Supplement; and from an ordinance of March 10, 1986.

Cross reference—Building code, § 8-2; electrical code, § 12-1; basic fire code, § 13-1; garbage and refuse, Ch. 14; gas code, §§ 15-1, 15-2; health, Ch. 17; plumbing standards and requirements, § 25-31 et seq.; sewers and sewage disposal, Ch. 26; water, Ch. 31.

State law reference—Authority to adopt, 24 V.S.A. § 3101.

2

Cross reference—BOCA Fire Code adopted, § 13-1.

ARTICLE IV. HOUSING DISCRIMINATION

18-200 Purpose.

Whereas housing discrimination adversely affects the availability of housing to groups of persons who are affected by such discrimination and thereby limits the availability of safe, sanitary, and clean housing for such persons, it is hereby declared by the city council of the City of Burlington that such discrimination is contrary to the health, welfare, and safety of the citizens of the city.

(Ord. of 10-9-84)

18-201 Definitions.

- (a) For the purpose of this article, "adverse housing action" means any of the following:
 - (1) Refusal to rent;
 - (2) Refusal to negotiate a rental;
 - (3) Making a rental unit unavailable;
 - (4) Changing of the terms, conditions, or privileges of a rental including adding or increasing rental charges;
 - (5) Falsely representing that a rental unit is not available for a prospective tenant;
 - (6) Refusal to permit reasonable changes or modifications at other than the landlord's expense to a rental unit in order to render it suitable for occupancy by a handicapped person.
- (b) For the purpose of this article, "rental unit" shall not include:
 - (1) Dormitories or other housing provided by an educational institution including fraternities and sororities;

- (2) Dwellings which are directly or indirectly assisted or subsidized by a public agency or public monies for the purpose of making housing available for a particular group or classification of persons;
 - (3) Housing provided for pious, charitable, or public purposes;
 - (4) Dwellings where the available space or facilities are inadequate to house a person and all minors under applicable occupancy standards;
 - (5) Dwellings which are owner-occupied duplexes.
- (c) Notwithstanding the above, no dormitory or other housing provided by an educational institution, including fraternities and sororities, shall take an adverse housing action against any person because of the age, sexual orientation or handicap of the person.

(Ord. of 10-9-84; Ord. of 9-24-90)

18-202 Adverse housing action.

No owner or other person shall take an adverse housing action in relation to the rental, lease, sublease, or assignment of a lease of a dwelling unit against a person because:

- (a) He or she is a handicapped individual;
- (b) He or she relies upon aids such as attendants, dog guides or other specially trained animals, wheelchairs, or similar appliances or devices;
- (c) He or she intends to occupy a rental unit with one or more minor children;
- (d) He or she is a recipient of public assistance;
- (e) His or her sexual preference;
- (f) Of the person's age;
- (g) Of the person's gender.

(Ord. of 10-9-84)

18-203 Penalty; civil remedies.

- (a) It is hereby declared that any person who commits or otherwise engages in an "adverse housing action," as herein defined, shall be guilty of a violation of this article and shall be

punished as provided in Section 18-31, and such violation shall be abated as a nuisance.

(b) In addition, any person who is injured as a result of a violation of this article may seek to recover damages and other just relief as contemplated by Section 54 of the Charter of the City of Burlington, or in a claim for minimum housing violation as contemplated by 24 V.S.A. § 5008, or both.

(Ord. of 10-9-84; Ord. of 6-26-95)

18-204—18-299 Reserved.

ARTICLE V. REGULATION OF CONVERSION OF RENTAL HOUSING TO CONDOMINIUMS OR COOPERATIVES¹

18-300 Statement of purpose.

The intent and purpose of this article is as follows:

- (1) To support the retention of rental housing in the city;
- (2) To prevent large scale displacement of low-and moderate-income persons;
- (3) To mitigate the impact on tenants displaced or threatened by displacement by the conversion of rental housing to condominiums or cooperatives;
- (4) To mitigate the impact of such displacement on the city's housing market;
- (5) To provide opportunities for tenants and/or public entities to purchase rental housing in order to maintain perpetual affordability of that housing;
- (6) To provide broad opportunities for persons to rent or own housing that will be perpetually affordable;
- (7) To provide funds to replace low-and moderate-income housing lost through conversion of rental housing to condominiums and cooperatives;
- (8) To promote the rehabilitation and construction of housing for low-and moderate-income persons;
- (9) To follow recommendations of the Burlington Affordable Housing Task Force regarding the problems created by the conversion of rental housing to condominiums or cooperatives; and

- (10) To expand on existing Vermont law related to conversions to address specific concerns of the city and its citizens and provide special benefits to existing tenants, especially elderly and disabled people.

(Ord. of 3-30-87)

18-301 Authority and applicability.

This article is enacted under the specific authority granted to Vermont towns and cities by 24 V.S.A. § 2293 and is applicable to the conversion of rental housing in the City of Burlington.

(Ord. of 3-30-87)

18-302 Exemptions.

- (a) This article shall not be applicable to single-family homes and duplexes.
- (b) This article shall not be applicable to properties that meet all of the following requirements:
 - (1) land tract with ten (10) or fewer housing units;
 - (2) a deed restriction making at least twenty-five (25) per cent of the housing units affordable to low income tenant households; and
 - (3) located in United States Census Bureau tract that contains less than fifty (50) per cent home ownership.
- (c) This article shall not be applicable to short term rentals.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07; Ord. of 6-27-22)

18-303 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Application fee means a fee of twenty-five dollars (\$25.00) per residential rental unit proposed to be converted to a condominium or cooperative. The application fee shall be paid to the city, and the proceeds from this fee shall be used by the city for the specific purpose of administering this article. The amount paid as the application fee shall be deductible from the amount due as the impact fee if the conversion actually takes place.

Certified tenant organization means a bona fide association of resident tenants of a rental property, as certified by the community and economic development office. To receive such certification, the tenant organization of a property having three (3) to ten (10) rental units must represent at least fifty (50) per cent of the units occupied by tenants who have lived in their unit for more than ninety (90) days; the tenant organization of a property having more than ten (10) units must represent at least thirty (30) per cent of the units occupied by tenants who have lived in their unit for more than ninety (90) days.

Condominium conversion fee means a four (4) per cent fee on the actual sale price of residential units converted from rental housing to condominium or cooperative ownership. The condominium conversion fee is due at the time of property transfer of each individual residential unit prior to the recording of the deed or the proprietary lease for the transfer with the city clerk. The condominium conversion fee applies only at the time of the original conversion of the residential unit to a condominium or cooperative and not to any subsequent sale or transfer of the condominium or cooperative unit.

Conversion means a change in character of residential real property from a rental to an ownership basis. A condominium, stock cooperative or similar arrangement shall be deemed such a change in character of ownership.

Designated housing agency means a public entity or a 501 (c)(3) tax-exempt, nonprofit corporation whose purpose is creating or preserving housing for low-and moderate-income persons. The city's designated housing agency or agencies shall be designated by the city council.

Disabled tenant means a tenant who has a physical or mental impairment which restricts one or more major life activities, including functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working.

Elderly tenant means a tenant who is sixty-two (62) years of age or older or the surviving spouse of such a tenant who is at least fifty (50) years of age.

Low-income tenant household means a household having an income not exceeding eighty (80) per cent of median income for area of residence as set forth in regulations promulgated from time-to-time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Moderate-income tenant household means a household having an income not exceeding one hundred ten (110) per cent of median income for area of residence as set forth in regulations promulgated from time-to-time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Notice to tenants means the written notice to vacate or purchase a residential unit that a landlord is required to send by certified and regular mail to the current tenants of any rental property that is slated for conversion.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-304 Notice to tenants.

- (a) When an owner of rental housing decides to convert that housing to condominium or cooperative ownership, the owner shall give to each tenant the following minimum written notice to vacate or purchase the unit: Four (4) years to elderly and disabled tenants; two (2) years to all other tenants. The burden shall be on the tenant to prove that he or she qualifies as meeting the definition of "elderly" or "disabled" as defined in this article.
- (b) The notice shall state that the rental housing is to be converted to condominium or cooperative ownership. It shall set forth generally the rights of tenants and certified tenant organizations under this article and the Vermont statute related to conversions (27 V.S.A. section 1331 et seq.). The notice shall be given by certified mail, return receipt requested, at the address of the housing unit or any other mailing address provided by the tenant. A copy of the notice shall also be sent by regular mail to the address of the housing unit or any other mailing address provided by the tenant. Failure to give notice as required by this article and the Vermont statute is a defense to an action for possession.
- (c) During the notice period, a tenant may not be required to vacate except for a reason specified in subsection (a) or (b) of Section 4467 of Title 9 of Vermont Statutes Annotated.
- (d) During the notice period, rent increases shall be limited to an amount which reflects reasonable profits, actual increased costs of maintenance and operation of the housing unit subject to conversion. Costs associated with the proposed conversion are not a permissible basis for a rent increase.
- (e) After receipt of the notice, prescribed in paragraph (a) above, a tenant may terminate the rental agreement upon thirty (30) days' written notice to the owner.
- (f) Nothing in this section permits termination of a written lease by an owner in violation of its terms.
- (g) The notice requirements imposed by this article shall not affect the right of an owner to transfer ownership interests in housing units which are not subject to those requirements or as to which the notice period has expired.

- (h) The notice period shall end four (4) years after the receipt of the written notice for elderly tenants, or two (2) years after the receipt of the notice for all other tenants, or when the existing lease ends, whichever is later.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-305 Right of tenant organizations, public entities, nonprofit corporations, and individual tenants to purchase.

- (a) A certified tenant organization or the City of Burlington or the city's designated housing agency shall have the first right to purchase any rental housing that is proposed to be converted to condominium or cooperative ownership.
- (b) This first right to purchase in a certified tenant organization, the city or its designee goes into effect at the time the first notice to tenants required by this article is issued by the owner. A copy of all such notices shall be sent to the certified tenant organization, the city and the city's designated housing agency or agencies. This first right to purchase shall be a prior right to the right of an individual tenant to purchase his or her individual unit described in paragraph (i) below.
- (c) At the request of the certified tenant organization, the city or the city's designated housing agency, the owner shall provide within seven (7) working days of the request the following materials:
- (1) A copy of any bona fide contract for sale which already exists between the owner and a third party;
 - (2) A rent schedule for the housing units;
 - (3) Operating expenses and income for the property for the previous two (2) years;
 - (4) List of capital expenditures for the previous five (5) years;
 - (5) Floor plans of the housing units and any common areas; and
 - (6) A list of any outstanding mortgages or liens against the property.
- (d) The parties which have a first right to purchase the property have ninety (90) days to sign a purchase and sale agreement with the owner, contingent upon the prospective buyer's ability to obtain financing. If the owner has not provided the information listed in paragraph (c) above to the certified tenant organization, the city or the city's designated housing agency within the specified seven (7) working days, each day's delay shall be added to this ninety-day

period. The city or its designated housing agency may enter into such an agreement if and only if a certified tenant organization does not choose to do so.

(e) The sale price of the property shall be set either by a bona fide contract of sale which already exists with a third party at the time of the notice to tenants or by an appraisal process which has both the owner and prospective buyer commissioning an independent appraisal and a third appraiser reviewing the two (2) appraisals if the two (2) parties cannot agree on a price or the two (2) original appraisals are more than ten (10) per cent apart.

(f) As part of a purchase and sale agreement, an owner may require a deposit of earnest money by the certified tenant organization, the city or its designated housing agency. The owner shall not require an earnest money deposit which is more than five (5) per cent of the total purchase price, nor can the owner require this deposit to be nonrefundable.

(g) After signing the purchase and sale agreement, the prospective buyer shall have an additional one hundred eighty (180) days to obtain financing and to settle.

(h) If the first right to purchase the rental housing is not exercised by the certified tenant organization, the city or the city's designated housing agency, the owner is free to proceed with the conversion of the property to condominium or cooperative ownership subject to the provisions of this article, the city's zoning ordinance and Vermont statutes.

(i) After the time period for the certified tenant organization, the city or the city's designated housing agency to exercise its first right to purchase expires, individual tenants in housing units proposed to be converted to condominiums or cooperatives shall have the ninety-day exclusive right to purchase their individual unit, the right to be offered and to accept comparable housing, and the right to receive relocation costs as provided in 27 V.S.A. sections 1334, 1335 and 1336. The additional protections offered to tenants by 27 V.S.A. sections 1337, 1338 and 1339 are also specifically protected by this article.

(Ord. of 3-30-87)

18-306 Application fee.

(a) An application fee of twenty-five dollars (\$25.00) per rental unit proposed to be converted by an owner to condominium or cooperative ownership shall be payable to the city at the time the original notices to tenants are issued by the owner. The amount of the application fee may be adjusted as necessary by the city council.

(b) This fee is for the specific purpose of covering the cost of administering this article by the city.

- (c) The application fee shall be nonrefundable, but shall be deductible from any impact fee which shall be due if the conversion takes place.

(Ord. of 3-30-87)

18-307 Condominium conversion fee.

- (a) If a conversion of rental housing to condominium or cooperative ownership occurs, the seller of the units shall pay to the city a condominium conversion fee of four (4) per cent of the actual purchase price of each unit, assuming this purchase price is based upon the fair market value of the unit as determined by a certified appraiser. There shall be no reduction in this fee for closing or rehabilitation costs.
- (b) The condominium conversion fee shall be paid prior to the recording of the deeds or proprietary leases for the transfer of the housing units.
- (c) Prior to the recording of the deeds or proprietary leases for any transfer of the housing units, the seller shall provide documentation to the city that the notice requirements have been met, and that the first right of purchase processes set out in this article have been followed.
- (d) The city shall certify that the article has been complied with and that the condominium conversion fee has been received prior to the recording of the deed or proprietary lease for the transfer of the property.
- (e) The condominium conversion fee applies to the conversion from rental housing to condominium or cooperative ownership only and not to any subsequent sale(s) of the condominium or cooperative unit.
- (f) The proceeds from the condominium conversion fee shall be paid into a trust fund established by the city council for the promotion, retention and creation of low-and moderate-income housing in the city and for the accomplishment of the goals set out in the statement of purpose of this article.
- (g) The condominium conversion fee provision shall not apply to the acquisition of and conversion to condominium or cooperative ownership of rental housing by the certified tenant association, the city or the city's designated housing agency. Also, the condominium conversion fee provision shall not apply to sales of individual condominium or cooperative units to the tenant who resided in such unit at the time that the notice required by section 18-304(a) was given.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-308 Circumventing of this article.

An owner shall not attempt to circumvent the provisions of this article; nor shall any person willfully cause a tenant to vacate a dwelling unit or to be evicted from the unit without good cause in contemplation of conversion before the issuance of the notice prescribed in section 18-304(a).

(Ord. of 3-30-87)

18-309 Penalty; civil remedies.

(a) It is hereby declared that any person who is found guilty of violating any provision of this article shall be deemed to have committed a civil ordinance violation which shall be punishable by a fine of not less than two hundred (\$200.00) dollars and not more than five hundred (\$500.00) dollars, and such violation shall be abated as a nuisance. Each day of such violation shall constitute a separate offense.

(b) In addition, any person who is injured as a result of a violation of this article may seek to recover damages and other just relief as contemplated by Section 54 of the Charter of the City of Burlington. Also, the City of Burlington may bring an action for equitable relief in the Chittenden Superior Court to restrain actual or threatened violations of this article as contemplated by Section 49 of the Charter of the City of Burlington.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-310 Severability.

The provisions of this article shall be regarded as severable and should any portion thereof be held invalid, such invalidity shall not affect any other portion of such article.

(Ord. of 3-30-87)

18-311 Additional regulations to administer this article.

The city council shall have the authority to promulgate additional regulations if necessary to administer the provisions of this article.

(Ord. of 3-30-87)

18-312 Relocation costs.

(a) The owner shall pay the actual documented cost of relocation, not to exceed one thousand dollars (\$1,000.00), to any tenant entitled to receive notice under section 18-304 who does not purchase the unit which he or she occupies or another unit in the same building or buildings.

(b) Relocation costs shall be payable within ten days after the date the tenant vacates the unit; provided, however, that no tenant is eligible for relocation costs unless:

- (1) all rent due and payable has been paid by the tenant prior to the date on which the unit is vacated; and
- (2) the tenant has voluntarily vacated the unit on or before the expiration of half the applicable notice period.

(Amend. of 1-8-07, eff. 2-14-07)

18-313—18-399 Reserved.

¹**Editor's note**—An ordinance passed by board of aldermen March 30, 1987, amended the Code by adding a new Art. V; §§ 18-300—18-312, to Ch. 18. Since the provisions of this ordinance set out as § 18-312 pertained to the effective date of the ordinance, and thus of nature not normally set out in the Code, the editor, at his discretion, has not included them in Art. V.

ARTICLE VI. HOUSING TRUST FUND¹

18-400 Statement of purpose.

It is the purpose of the city council by enacting this article:

- (1) To establish a Burlington Housing Trust Fund for the promotion, retention and creation of long-term affordable housing for very low, low and moderate income households, and for the accomplishment of other public purposes set out in article V, section 18-300 of this chapter.
- (2) To distribute gifts, grants or loans to organizations or projects that promote, retain or create long-term affordable housing for very low, low or moderate income households or that accomplish any other public purposes set out in article V, section 18-300 of this chapter.

- (3) To distribute "capacity grants" to 501(c)(3) tax-exempt; nonprofit corporation organized and operated for the purpose of creating or preserving housing for very low, low and moderate income households.

(Ord. of 6-27-88)

18-401 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Affordable housing: A rental housing unit for which the monthly rent, including utilities, does not exceed thirty (30) percent of household income for a very low, low or moderate income household, adjusted for household size, or an owner-occupied or cooperative housing unit for which the monthly shelter costs, including the household's share of the mortgage, insurance, taxes and utilities, does not exceed thirty-five (35) percent of household income for a very low, low, or moderate income household, adjusted for household size. A household of one and one-half (1 1/2) shall be used in determining whether a one bedroom unit is affordable housing. A household size of three (3), four and one-half (4 1/2) and six (6), respectively, shall be used in determining whether a two (2) bedroom unit, a three (3) bedroom or a four (4) bedroom unit is affordable housing.

Capacity grant: A gift or grant that supports the staffing, training, planning, fundraising or ongoing operations of a nonprofit corporation, thereby increasing that corporation's capacity to create or preserve housing for very low, low and moderate income households.

Limited equity cooperative housing corporation: A Vermont corporation organized under section 1267 of 11 V.S.A. chapter 14.

Low income household: A household having an income not exceeding eighty (80) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Moderate income household: A household having an income not exceeding one hundred (100) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Very low income household: A household having an income not exceeding fifty (50) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

18-402 Establishment of the housing trust fund.

- (a) The city council hereby establishes a special revenue account under the name of the "Burlington Housing Trust Fund."
- (b) Into this account shall be deposited impact fees collected under Article V of this chapter, in-lieu payments under section 22(B)(2)(b)(2) of Appendix A, Zoning, bequests and donations from public and private sources, and any other revenues specifically dedicated to the housing trust fund by the City Charter, the City's Code of Ordinances or the city council.

(Ord. of 6-27-88)

18-403 Management of the trust fund.

A committee of the city council shall be designated by the city council to monitor the operation and activity of the housing trust fund. The director of the community and economic development office shall serve as the manager of the housing trust fund. The responsibilities of the manager, subject to the orders of the city council, shall include:

- (1) Maintaining the financial and other records of the housing trust fund;
- (2) Assisting prospective applicants for housing trust fund support in the preparation and presentation of their applications;
- (3) Disbursing and collecting housing trust fund monies;
- (4) Monitoring the use of monies distributed to successful applicants for housing trust fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned; and
- (5) Reporting periodically, but not less than every twelve (12) months, to the city council regarding the operation and activity of the housing trust fund.

(Ord. of 6-27-88)

18-404 Distribution and use of the housing trust fund's assets.

- (a) *Distribution/use in furtherance of public purposes.* All distributions of principal, interest or other assets of the housing trust fund shall be made in furtherance of the public purposes

set out in section 18-400, including such disbursements as may be necessary to support the housing trust fund's own operations.

(b) *Disbursement as gifts, grants or loans.* During each year, the housing trust fund shall disburse as gifts, grants or loans so much of the housing trust fund's assets as the city council in its discretion may deem appropriate in the annual budgeting resolution.

(c) *To whom made.* These disbursements may be made to nonprofit corporations, municipal corporations, limited equity cooperative housing corporations, for-profit corporations, partnerships or individuals.

(d) *To whom prohibited.* No gifts, grants or loans shall be awarded by the housing trust fund to corporations, partnerships or individuals who are delinquent, at the time of application, in the payment of property taxes or impact fees to the City of Burlington, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under article IV of this chapter or under the fair housing laws of the State of Vermont, or who have pending violations of current city electrical, plumbing, building or housing codes or zoning ordinances.

(e) *Priority of disbursements.* Priority in all disbursements intended for use in acquiring, constructing, rehabilitating or financing housing units shall be given, in the following order of preference, to projects that guarantee:

- (1) The perpetual affordability of these units for very low, low or moderate income households; or
- (2) A term of affordability of these units for very low, low or moderate income households that has a duration of from ten (10) to forty (40) years together with the eventual recapture and return of these public subsidies to the housing trust fund.

(Ord. of 6-27-88)

18-405—18-499 Reserved.

¹**Editor's note**—An ordinance enacted June 27, 1988, amended Ch. 18 by adding provisions designated as Art. IV, §§ 18-400—18-404. Inasmuch as Ch. 18 already contained provisions designated as Art. IV, the editor has redesignated these new provisions as Art. VI.

ARTICLE VII. RESERVED*

18-500—18-512 Reserved.

***Editor's note**—An ordinance of May 10, 2021, amended the Code by repealing §§ 18-500—18-511, which contained the substantive provisions of Ch. 18, Art. VII; pertained to minimum energy efficiency standards; and derived from an ordinance adopted March 24, 1997.

Chapter 19 LICENSES¹

19-1 "License" defined.

19-2 Application of chapter.

19-3 Duration of license.

19-4 Application.

19-5 Fees.

19-6 Grant of license by city.

19-7 Revocation.

19-8 Forfeiture of license.

19-9 Sale, assignment or transfer prohibited.

19-10 Indemnification of city.

19-11 Number card, plate or badge to be furnished.

19-12 Enforcement.

19-13 Authority to issue temporary license or permit.

19-14 Conditions for issuance of temporary license.

19-15 Notice of revocation of temporary license.

19-16 Issuance of temporary license not mandatory.

19-17 Rights of holder of temporary license.

19-18 Entertainment permit.

19-1 "License" defined.

The word "license," as used in this chapter, shall mean any and all licenses granted by the city.

(Rev. Ords. 1962, § 1231; Ord. of 5-12-86)

19-2 Application of chapter.

The provisions of this chapter shall apply to and govern the issuance of any license required by this Code, except as may be otherwise provided.

19-3 Duration of license.

All licenses shall expire according to the following schedule:

Expiration Date	Type of License
The first business day in May	Restaurant
The first business day in June	Hotel and motel Guest house/tourist home
The first business day in July	Coin-operated amusements Billiards Bowling alleys Dances Theaters Skating rinks Shooting galleries
The first business day in August	Vehicles for hire Taxis and porter cartmen
Licensee's birthday	Electrician and plumber

(Rev. Ords. 1962, § 1232; Ord. of 3-14-83)

19-4 Application.

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 and the particular kind of license desired. The applicant shall also state that he/she will observe the conditions of the license and all provisions of the ordinances governing it.

(Rev. Ords. 1962, § 1233; Ord. of 5-12-86)

19-5 Fees.

- (a) The fee for a license as required by this Code 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.

(Rev. Ords. 1962, § 1234)

19-6 Grant of license by city.

All licenses shall be granted by the city clerk. If, however, it reasonably appears to the clerk that issuance of the license to the applicant may jeopardize the public health, safety or general welfare, the clerk may refer the matter to the license committee which upon notice and hearing will recommend action to the city council on the application.

(Rev. Ords. 1962, § 1235; Ord. of 1-11-72; Ord. of 5-12-86)

19-7 Revocation.

Any license may be revoked at any time by the city council, after notice and hearing, if it finds in its discretion that continued operation by the licensee would jeopardize the public health, safety or general welfare.

(Rev. Ords. 1962, § 1235; Ord. of 1-11-72)

19-8 Forfeiture of license.

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.

(Rev. Ords. 1962, § 1236)

19-9 Sale, assignment or transfer prohibited.

No license may be sold, assigned or transferred.

(Rev. Ords. 1962, § 1237)

19-10 Indemnification of city.

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.

(Rev. Ords. 1962, § 1238)

19-11 Number card, plate or badge to be furnished.

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.

(Rev. Ords. 1962, § 1239)

19-12 Enforcement.

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 all violations thereof.

(Rev. Ords. 1962, § 1240)

19-13 Authority to issue temporary license or permit.

Whenever 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 therefor. Such temporary license or permit shall not be for a period of time in excess of thirty (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.

(Rev. Ords. 1962, § 1201)

19-14 Conditions for issuance of temporary license.

The city clerk shall not issue a 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.

(Rev. Ords. 1962, § 1202)

19-15 Notice of revocation of temporary license.

In the event that any temporary license or permit shall be revoked, 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.

(Rev. Ords. 1962, § 1203)

19-16 Issuance of temporary license not mandatory.

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

(Rev. Ords. 1962, § 1204)

19-17 Rights of holder of temporary license.

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.

(Rev. Ords. 1962, § 1205)

19-18 Entertainment permit.

(a) *Permit required.* A permit from the city council must be obtained prior to the presentation of any live public music or performance on the premises of any bar, cabaret, club, hotel or restaurant that holds a first and/or third class liquor license. "Live public music or performance" includes but is not limited to bands, DJs, karaoke, stand-up comedy, dancers, fashion shows, poetry or other readings or speakings. Whether an activity is "live

public music or performance" is based on the activity itself and not whether an admission price is charged, the performer is paid or unpaid, or the event is advertised or not.

(b) *Application and fees.* Application shall be made to the office of the city clerk. The application shall describe the type of proposed entertainment, the dates and hours of presentation and the name and addresses of the person responsible for the proposal. The city clerk shall forward the application to the city council license committee for review. The committee shall make a recommendation for approval or disapproval to the full city council. A fee of one hundred dollars (\$100.00) shall be paid to the city clerk on the granting of an entertainment permit by the council. An applicant requesting a permit for one (1) performance only, shall pay a fee of twenty-five dollars (\$25.00). The sponsor or promoter of a special community entertainment event may request the issuance of an umbrella permit to cover all performances in that event. A permit fee of twenty-five dollars (\$25.00) shall be charged for a special events umbrella permit. No license shall be granted prior to payment of the permit fee.

(c) *Conditions of permit.* The city council license committee shall consider and make recommendations to the council on the conditions of approval for each permit. It shall be a standard condition of each permit that the applicant shall comply with all city ordinances and regulations and all state liquor law statutes and regulations. Any of the following may be grounds for disapproval of the license:

- (1) The business premises do not comply with all applicable city ordinances and state laws.
- (2) The application is incomplete or contains any material misrepresentation.
- (3) 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) *Suspension and revocation of permit.* The city council may suspend or revoke any permit for any of the following grounds: The permittee is in violation of any ordinance or law including Vermont Liquor Control laws and regulations, or any other condition of the permit; the permittee has materially misrepresented or failed to disclose any material information to the council in connection with the application for entertainment permit; the operation of the premises has become the proximate cause of an increase in disturbance on the premises or in the immediate vicinity of the premises. The permittee shall have notice of any action to suspend or revoke the permit and the opportunity to be heard prior to the imposition of any penalty.

(e) *Annual review.* A permit shall be effective May 1 or from the date of issuance and shall expire April 30 of each year.

(f) **Penalties.** It shall be a violation of this section to hold entertainment at any public place in the city without a permit from the city council. Any violation of this section shall be punishable as a civil offense as authorized by section 1-9 of the city ordinances.

(Ord. of 6-14-93; Ord. of 6-26-95; Ord. of 11-13-00; Ord. of 6-24-02)

¹**Charter reference—**Power of city council to regulate: Auctioneers, § 48(IV), (XXIV); circuses, shows, etc., § 48(III); selling and installing electrical supplies, § 48(XLI); innkeepers, bowling alleys, § 48(XXIV); junk dealers, § 48(LII); peddlers, § 48(IV); porters, cartmen and taxicabs, § 48(XXVII).

Cross reference—Airport taxicab license, § 3-18; joan, licensing of airport businesses, 33-51 et seq.; joan, dog registration, § 5-24; bicycle registration, § 6-25; building permits and fees, § 8-24 et seq.; electrical permits and fees, § 12-21 et seq.; electrician's license, § 12-57; auctioneers, § 21-7; peddlers and solicitors, Ch. 23; plumber's license, § 25-3 et seq.; porters and cartmen to be licensed, § 30-2; taxicab licenses, § 30-51 et seq.

Chapter 20 MOTOR VEHICLES AND TRAFFIC¹

Article I. In General

20-1 Definitions.

20-2 Compliance with chapter and state law required.

20-3 Authority to control traffic.

20-4 Application of chapter to drivers of authorized emergency vehicles.

20-5 Play streets.

20-6 Coasting or sliding restricted.

20-7 Clinging to vehicle.

20-8 Covering of vehicles.

20-9 Mufflers.

20-10 Reserved.

20-11 Driver's responsibility to notify police department when involved in an accident.

20-12 Bicycle and pedestrian pathways; designated, prohibited conduct.

20-13 Penalty.

20-14—20-22. Reserved.

Article II. Operation of Vehicles Generally**20-23 Authority to regulate generally.****20-24 License to operate required.****20-25 Duty to drive on right.****20-26 Stops at intersections.****20-27 Yield right-of-way.****20-28 Approaching intersecting highways; turns at intersections.****20-29 Procedure upon approach of emergency vehicle.****20-30 Following fire apparatus.****20-31 Driving over fire hose.****20-32 Manner of overtaking and passing vehicles.****20-33 Authority to designate one-way streets.****20-34 Manner of passing on one-way streets.****20-35 Signal of intention to change lanes required.****20-36 When passing prohibited.****20-37 Obedience to lane markings required.****20-38 Manner of turning, starting or stopping.****20-39 Reserved.****20-40 Reserved.****20-41 Authority to designate school zones and erect signs.****20-42 Authority to restrict use of streets by trucks.**

20-43 Designation of through truck routes.**20-44 Stop when traffic obstructed.**

20-45—20-52. Reserved.

Article III. Parking, Stopping and Standing

Division 1. Generally

20-53 Authority to regulate parking; signs to be replaced.**20-54 Authority to designate loading zones.**

20-54.1. Loading zone permits/coupons.

20-55 General prohibitions.**20-56 Parking ban.****20-57 Unlawful to violate parking regulations.****20-58 Registered owner of vehicle deemed to have authorized violation.****20-59 Parking nonmotorized vehicles for periods longer than twenty-four hours prohibited.****20-60 Leaving vehicles on street for purpose of selling or renting.****20-61 Extended parking prohibited.****20-62 Parking on premises of another prohibited.****20-63 Authority to close streets to parking.****20-64 Hotel guest loading spaces.****20-65 Stopping close to curb.****20-66 Charges.****20-67 Waiver of issuance of process in a trial; voluntary payment of penalty; appeal.****20-68 Parking on Church Street Marketplace.****20-69 Vehicles providing emergency medical services.**

20-70 Authorization for alternate side of street parking regulations.

Division 2. Removal of Unlawfully Parked Vehicles

20-71 Authorized; expenses of removal.**20-72 Record of removed vehicle.****20-73 Reclaiming of vehicle.****20-74 Charges.****20-75 Expenses of city to constitute lien; foreclosure.****20-76 Charges not a fine, penalty or forfeiture.****20-77 Towing of vehicles on private property.****20-78 Form of payment.****20-79 Towing and storage of vehicles for nonpayment.****20-80 Limited violation forgiveness.**

20-81—20-82. Reserved.

Division 3. Parking Meters

20-83 Establishment of meter zones.**20-84 Installation and maintenance.****20-85 Manner of parking.****20-86 Reserved.****20-87 Payment required.****20-88 Periods when payment is required.****20-89 Extending time.****20-90 Slugs or other devices.****20-91 Tampering with meter.**

20-92 Reserved.**20-93 Collection of payment.****20-94 Use of fees.****20-95 Disabled persons exempt from requirements.**

20-96—20-100. Reserved.

Division 4. City Owned or Leased Lots

20-101 Installation and operation of meters.**20-102 Payment required.****20-103 Use of space permitted upon payment.****20-104 When vehicle illegally parked.****20-105 Reserved.****20-106 Slugs or other devices.****20-107 Tampering with meters.****20-108 Winter parking.****20-109 When division effective.**

20-110—20-119. Reserved.

Article IV. Traffic-Control Devices

20-120 Obedience required.**20-121 Traffic-control signals generally.****20-122 Flashing signals.****20-123 Unauthorized signs, signals or markings.****20-124 Damaging signs or devices.****20-125 Bicycle-specific traffic-control signals.**

20-126 Bicycle use of pedestrian-control signals.

20-127—20-134. Reserved.

Article V. Pedestrians**20-135 Obedience to directions and signals.****20-136 Pedestrian-control signal.****20-137 Manner of crossing street.****20-138 Use of right half of crosswalks.****20-139 Vehicles to yield to pedestrians crossing in crosswalk.****20-140 Vehicles not to pass another stopped for pedestrians.****20-141 When pedestrians to yield to vehicles.****20-142 Not to step off curb in path of vehicle.****20-143 Walking on roadway.****20-144 Duty of drivers to exercise due care.**

20-145—20-154. Reserved.

Article VI. Abandoned Vehicles and Vehicles Unlawfully Parked on Lawns and Yards**20-155 Definitions.****20-156 Parking on lawns or yards in residential districts prohibited.****20-157 Leaving dismantled, nonoperating or unregistered vehicles on streets prohibited.****20-158 Authority to remove vehicles.****20-159 Impoundment.****20-160 Impoundment costs.****20-161 Violation as public nuisance.**

Charter reference—Power of city council to appoint board of traffic commissioners, § 48(LVIII(B)); power of board to adopt traffic regulations, § 48(LVIII(C)).

Cross reference—Airport taxicab and limousine service, § 3-18 et seq.; bicycles, Ch. 6; certain conveyances prohibited in cemetery, § 9-12; motor vehicles subject to park regulations, § 22-16; streets and sidewalks, Ch. 27; taxicabs, § 30-16 et seq.; rules and regulations of traffic commissions, App. C.

State law reference—Authority of city to regulate traffic, 24 V.S.A. § 2291(4); authority to make special regulations applicable to state highways, 23 V.S.A. § 1008.

ARTICLE I. IN GENERAL

20-1 Definitions.

Whenever in this chapter the following terms are used, they shall have the following meanings respectively given to them:

Assistive device: A human-powered and motorized wheelchair, personal mobility scooter, or other similar device designed to produce a speed of no more than twenty (20) miles per hour to increase, maintain, or improve the functional capability of an individual with a disability. A user of assistive devices shall be considered a pedestrian and not a vehicle.

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 department.

Bicycle: Any pedal-driven device propelled entirely by human power and having two (2) or more wheels.

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.

Intersection: The area embraced within the prolongation of the lateral boundary lines of two (2) or more streets which join one another at an angle, whether or not one such street crosses the other.

Micromobility device: Human-powered devices for personal transportation, including, but not necessarily limited to, human-powered skateboards and human-powered scooters. A user of a non-motor-assisted micromobility device shall be considered a pedestrian and not a vehicle.

Motor-assisted bicycle: Any bicycle with fully operable pedals and equipped with a motor that in itself is capable of producing a speed of no more than thirty (30) miles per hour on a paved level surface.

Motor-assisted micromobility device: Any motor-assisted device for personal transportation. This includes any device with no more than three (3) wheels and a motor that in itself is capable of producing a speed of no more than twenty-five (25) miles per hour on a paved level surface. Motor-assisted micromobility devices are not motor vehicles and shall obey all traffic regulations applicable to motor-assisted bicycles, except as otherwise provided by law or other ordinances.

Motor vehicle: 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, traffic commission 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 a vehicle on a roadway, whether occupied or unoccupied, attended or unattended, other than temporarily for the purpose of and while actually engaged in loading or unloading passengers or goods, or in obedience to a 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, using a personal assistive mobility device, or using a micromobility device.

Roadway: That portion of a street between regularly established curblines, or that part devoted to vehicular traffic.

Sidewalk: That portion of a street between curblines and adjacent property lines.

Street: 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.

(Rev. Ords. 1962, § 5101; Reg. of 2-17-21(b), eff. 6-16-21)

Cross reference—Bicycles, definitions, § 6-1.

20-2 Compliance with chapter and state law required.

No person shall operate or cause to be operated any vehicle on any street of this city except in compliance with this chapter and applicable state laws.

State law reference—Similar provisions, 23 V.S.A. § 1031.

20-3 Authority to control traffic.

- (a) The police department shall have authority to manage vehicular traffic on all public streets. The chief of police or his/her designee in regulating traffic may depart temporarily as far as may be necessary from the traffic regulations of this chapter.
- (b) Due to specific traffic issues on Main Street from University Place west to Summit Street, the public works department shall have authority to alter the direction of the traffic flow and temporarily depart from normal traffic regulations. The public works department may alter such traffic flow Monday through Friday, 4:00 p.m. to 6:00 p.m.
- (c) The public works director shall have authority to adopt temporary vehicular traffic and parking regulations on all public streets. This authority is given for the exclusive purpose of establishing parking and transportation pilot programs and evaluating the merits of such programs. A parking or transportation pilot program shall be limited to no more than thirty (30) calendar days. When a pilot program is being evaluated, the public works director, or his/her designee, must provide the following notice:
 - (1) The neighborhood shall be leafleted at least one (1) week in advance of the proposed changes.
 - (2) Temporary signs shall be conspicuously posted in the affected area for at least one (1) week in advance that detail the start and end date, contact name, and phone number.
 - (3) The police chief and fire chief shall be given at least one (1) week advance notice of the start of a pilot program.
 - (4) The public works commission shall be given at least two (2) weeks advance notice of the proposed changes.

The public works director may, at his/her discretion, terminate a parking or transportation pilot program. Upon the early termination of a pilot program, the director shall provide the affected area with reasonable notice of the early termination.

20-4 Application of chapter to drivers of authorized emergency vehicles.

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.

(Rev. Ords. 1962, § 5103)

20-5 Play streets.

- (a) The traffic commission may declare any street or part thereof a play street and place appropriate signs or devices in the roadway indicating and helping to protect the same.
- (b) Whenever authorized signs are placed, erected or installed designating any street or portion thereof as a play street pursuant to the provisions of this section, no person shall drive a motor vehicle upon such designated street, except persons who have business or who reside within such designated street, and all such persons shall exercise the greatest care when driving upon such play street.

Cross reference—Playing games in streets restricted, § 27-9.

20-6 Coasting or sliding restricted.

No person shall coast, course or slide on a sled, sleigh or other vehicle in a street upon the sidewalks thereof, except such streets as shall be designated by the city council or the mayor.

(Rev. Ords. 1962, § 4251)

20-7 Clinging to vehicle.

No person riding upon a sleigh, wagon, coaster or other vehicle shall attach himself or such vehicle to any moving vehicle while the same is passing in the street.

(Rev. Ords. 1962, § 4260)

Cross reference—Clinging to moving vehicles while riding bicycles prohibited, § 6-5.

20-8 Covering of vehicles.

No person shall convey upon any public highway of the city at any time in any truck, wagon, cart or other vehicle any ashes, refuse, rubbish or waste or discarded materials or matter of any kind, unless such vehicle, during such conveyance of such materials or matter, is covered by a canvas tarpaulin or other suitable material of such character as to effectively prevent the emission of offensive or noxious odors from the materials or matter conveyed and unless such covering is fastened to such vehicle so as to effectively prevent the falling or dropping of the load or any part thereof upon the highway.

(Rev. Ords. 1962, § 2951)

State law reference—Vehicles to be covered to prevent dropping of refuse, § 14-7.

20-9 Mufflers.

- (a) Every motor vehicle shall, at all times, be equipped with a muffler in good working order and in constant operation to prevent excessive and unusual noise and annoying smoke.
- (b) It shall be unlawful for any person to drive or operate any motor vehicle in the city with a cutout, an exhaust whistle, without a muffler or with an exhaust system which has been altered, tampered with or changed from its original construction, thereby causing such motor vehicle to make a louder noise than it would have in its original condition.

(Rev. Ords. 1962, § 5166; 1969 Cum. Supp. § 5166)

20-10 Reserved.

Editor's note—An ordinance of Oct. 24, 1983, repealed § 20-10. Said former section was relative to motor vehicle operators duty to stop when involved in an accident.

20-11 Driver's responsibility to notify police department when involved in an accident.

The operator of a motor vehicle involved in an accident whereby a person is injured, or whereby there is total damage to all property to the extent of the dollar amount set forth in 23 V.S.A. Section 1129, shall immediately after such accident notify the police department of the same and the place thereof.

(Rev. Ords. 1962, § 5164; Ord. of 3-20-78; Ord. of 10-24-83)

20-12 Bicycle and pedestrian pathways; designated, prohibited conduct.

The areas of the city listed in the following subsections are hereby established as bicycle and pedestrian pathways to be used for bicycle and pedestrian travel, cross country skiing, snow shoeing and similar uses. All motorized vehicles of every kind and description except for vehicles actually engaged in the repair and maintenance of utility lines are prohibited from using such pathways:

- (1) That area of the city comprised of the land and premises conveyed to the City of Burlington Electric Light Department by warranty deed of the Rutland Railway Corporation dated May 24, 1965 and recorded in Volume 169, page 650 of the Burlington Land Records, being the former right-of-way for railroad purposes of about 3,477 feet in length and 82.5 feet in width, extending from the north boundary line of land conveyed by the Rutland Railway Corporation to the State of Vermont by quit claim deed dated January 1, 1964, to Starr Farm Road, so-called. Such premises contain about 6.53 acres and are comprised of 41.25 feet on each side of the survey centerline of such strip of land.
- (2) That area of the city comprised of the land and premises conveyed to the City of Burlington by the Rutland Railway Corporation by warranty deed dated May 24, 1965 and recorded at Volume 169, page 647 of the Burlington Land Records and being the strip of land, formerly Rutland Railway Corporation right-of-way, extending northerly from the northerly boundary of number one above, to the southerly shore of the Winooski River, containing 20.8 acres of land, more or less.

(Rev. Ords. 1962, § 5025; Ord. of 7-30-73; Ord. of 1-9-95)

Editor's note—Although expressly amending Tit. 23, Ch. 1, Bicycles, of the Revised Ordinances, Ord. of July 30, 1973, was codified as § 20-12 at the editor's discretion.

20-13 Penalty.

- (a) A violation of any provision of articles I, II, IV, V or VI, except for violations of section 20-43, of this chapter shall be a civil violation punishable by a fine of fifty dollars (\$50.00) to two hundred dollars (\$200.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00). Each day the violation shall continue shall be a separate offense. All law enforcement officers may issue a municipal complaint for a violation of this chapter.

- (b) A violation of a provision of article III of this chapter shall be a civil parking violation punishable as provided in section 20-66 and section 1-9.
- (c) A violation of any provision on section 20-43 shall be subject to a civil penalty. The penalty for the first offense under this section shall be two hundred dollars (\$200.00). For second and subsequent offenses within a twelve-month period the penalty shall be no less than three hundred dollars (\$300.00) and no more than five hundred dollars (\$500.00). The waiver penalty for a violation under this subsection shall be two hundred dollars (\$200.00).

(Ord. of 1-9-95; Reg. of 8-14-96; Reg. of 2-7-07(1), eff. 3-21-07)

20-14—20-22 Reserved.

ARTICLE II. OPERATION OF VEHICLES GENERALLY¹

20-23 Authority to regulate generally.

- (a) The board of traffic commissioners may adopt regulations as to:
- (1) The operation, use and parking of motor vehicles;
 - (2) Traffic lights (but not their meaning);
 - (3) Stop signs and yield-right-of-way signs at intersections;
 - (4) No-passing zones; and
 - (5) Streets designated for one-way traffic.
- (b) The board of traffic commissioners may also cause any street of adequate width to be divided by appropriate markings into three (3) or more lanes, and may, by ordinance or regulations, regulate the direction of travel of vehicles proceeding in such lanes, the turning of vehicles proceeding in such lanes, and the passing of vehicles in one (1) lane overtaking vehicles in another lane, but signs indicating such special regulations must be conspicuously posted in and near all areas affected thereby.

Charter reference—Board of traffic commissioners generally, § 48 (LVIII).

Cross reference—Rules and regulations of traffic commission, App. C.

State law reference—Similar provisions, 23 V.S.A. § 1008.

20-24 License to operate required.

No person shall operate a motor vehicle unless duly licensed to do so.

20-25 Duty to drive on right.

Operators of vehicles proceeding in opposite directions shall exercise due care and shall keep to the right of the center of the highway so as to pass without interference.

(Rev. Ords. 1962, § 5151; 1969 Cum. Supp., § 5151)

State law reference—Similar provisions, 23 V.S.A. § 1032.

20-26 Stops at intersections.

(a) When stop signs are erected at or near the entrance to any intersection, every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or if there is no crosswalk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control-signal.

(b) After the driver of a vehicle has stopped in obedience to a stop sign at an intersection where a stop sign is erected at one (1) or more entrances thereto, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

(Rev. Ords. 1962, § 5205; 1969 Cum. Supp., § 5205)

Cross reference—Location of stop signs, App. C, § 3.

20-27 Yield right-of-way.

(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 board of traffic commissioners shall direct.

(b) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard.

(c) A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian in a crosswalk or a vehicle in the intersection shall *prima facie* be considered not to have yielded as required herein. The foregoing shall not relieve the drivers of other vehicles approaching the intersection at such distance as not to constitute an immediate hazard from the duty to drive with due care to avoid a collision.

(d) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(Rev. Ords. 1962, §§ 5203, 5207; 1969 Cum. Supp., § 5207)

Cross reference—Locations of yield-right-of-way signs designated, App. C, § 4.

20-28 Approaching intersecting highways; turns at intersections.

All intersecting highways shall be approached and entered slowly and with due care to avoid accidents. In making a turn to the right into an intersecting highway vehicles shall keep to the right of the center of both intersecting highways and close to the right-hand side of the same. In making a turn to the left into an intersecting highway, the operator of the vehicle about to make such turn shall reduce speed as an indication of his intention to make the turn and pass to the right of and beyond the center of the highway intersection before turning.

Cross reference—Locations where left turns prohibited, App. C, § 6.

State law reference—Similar provisions, 23 V.S.A. § 1034.

20-29 Procedure upon approach of emergency vehicle.

Upon the approach of an emergency vehicle, it shall be the duty of the driver of any vehicle to move such vehicle to the right of the center of the street without delay and stop, so as to give such emergency vehicle free and unobstructed passage.

(Rev. Ords. 1962, § 5152)

State law reference—Right-of-way of emergency vehicles, 23 V.S.A. § 1033.

20-30 Following fire apparatus.

No operator of a motor vehicle other than one on official business shall follow any fire apparatus traveling to an emergency closer than five hundred (500) feet or in such a manner as to interfere with the suppression of a fire or the handling of such emergency or so as to endanger the life of any occupant of such fire apparatus, or thereafter park his vehicle so as to interfere with the suppression of a fire or the handling of such emergency.

Cross reference—Entry in area near fire restricted, § 13-9.

State law reference—Similar provisions, 23 V.S.A. § 1093.

20-31 Driving over fire hose.

No motor vehicle shall be operated over any unprotected hose of a fire department when laid down on any street, private driveway or roadway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(Rev. Ords. 1962, § 5153)

State law reference—Similar provisions, 23 V.S.A. § 1094.

20-32 Manner of overtaking and passing vehicles.

(a) An operator of a vehicle overtaking another vehicle proceeding in the same direction shall pass such vehicle at a safe distance to the left thereof, but in so doing shall exercise due care and shall not pass to the left of the center of the highway unless the way ahead is clear of approaching traffic. The operator of the vehicle overtaken shall promptly, upon suitable and audible signal being given by the operator of the overtaking vehicle, turn to the right-hand side of the highway to allow free passage on his left, and shall not increase the speed of his vehicle until completely passed by the over-taking vehicle.

(b) An operator of a motor vehicle that is passing a bicyclist proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicyclist of not less than three (3) feet while the motor vehicle is passing the bicycle.

(Rev. Ords. 1962, § 5154; 1969 Cum. Supp., § 5154; Ord. of 9-13-10, eff. 10-13-10)

20-33 Authority to designate one-way streets.

- (a) The traffic commission shall have the authority to designate any street or portion of a street as a one-way street and shall indicate the direction of travel on such streets.
- (b) Whenever the traffic commission designates a one-way street, it shall cause signs to be placed indicating the direction in which travel is permitted. Such signs shall be placed in such locations as are necessary to insure safety.

(Rev. Ords. 1962, § 5251)

Cross reference—One-way streets designated, App. C, § 5.

20-34 Manner of passing on one-way streets.

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.

(Rev. Ords. 1962, § 5253)

20-35 Signal of intention to change lanes required.

The operator of any vehicle upon any street shall, before turning his vehicle from one traffic lane into another traffic lane, indicate by hand signal or directional light his intention to do so.

(Rev. Ords. 1962, § 5253)

20-36 When passing prohibited.

A vehicle shall not pass another from the rear at the top of a hill or on a curve where the view ahead is in any wise obstructed, or while the vehicle ahead is crossing an intersecting highway or is about to turn into the same.

(Rev. Ords. 1962, § 5154; 1969 Cum. Supp., § 5154)

20-37 Obedience to lane markings required.

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.

20-38 Manner of turning, starting or stopping.

The driver or person operating any vehicle, before turning the corner of any street, or turning out, or starting from, or stopping at the curbline 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.

(Rev. Ords. 1962, § 5155)

Cross reference—Bicyclists to give signal for turning and stops, § 6-8.

20-39 Reserved.

Editor's note—A regulation adopted July 8, 2020, deleted § 20-39, which pertained to speed limits and derived from Rev. Ords. 1962, § 5751; Cum. Supp. 85151; and regulations adopted Sept. 8, 1980; Nov. 3, 1980; Dec. 7, 1981; June 7, 1982; Dec. 2, 1985; June 25, 1986; July 30, 1986; Aug. 27, 1986; Sept. 25, 1986; Oct. 22, 1986; Dec. 3, 1986; Feb. 25, 1987; Mar. 25, 1987; Apr. 29, 1987; May 29, 1987; Sept. 30, 1987; May 25, 1988; June 28, 1989; Aug. 30, 1989; Jan. 30, 1991; a resolution adopted Feb. 18, 1998; regulations adopted May 26, 1999; Aug. 25, 1999; May 24, 2000; Oct. 4, 2000; Dec. 5, 2001; Feb. 6, 2002; Apr. 3, 2002; Apr. 8, 2003; June 9, 2004; Dec. 1, 2004; Sept. 7, 2005; Jan. 9, 2008; Sept. 9, 2009; June 15, 2011; and Oct. 16, 2011.

20-40 Reserved.

Editor's note—A regulation adopted July 8, 2020, deleted § 20-40, which pertained to speed limits in school zones and derived from Rev. Ords. 1962, § 5151 and a regulation adopted Aug. 19, 1974.

20-41 Authority to designate school zones and erect signs.

The traffic commission is hereby authorized to establish school zones by causing the same to be designated by appropriate signs indicating the speed limit and erected not more than five hundred (500) feet in advance of a school ground or of a pedestrian crossing customarily used by school pupils.

(Rev. Ords. 1962, § 5151)

20-42 Authority to restrict use of streets by trucks.

- (a) The traffic commission shall have the authority to prohibit or restrict the use of streets or portions thereof to trucks exceeding specified lengths or weights.
- (b) Whenever any truck is prohibited or restricted from using any street or portion thereof, suitable signs plainly indicating such prohibition or restriction shall be conspicuously posted.

Cross reference—Streets where truck traffic prohibited or restricted, App. C, § 1.

20-43 Designation of through truck routes.

- (a) *Purpose.* The purpose of this section is to create and preserve livable neighborhoods by promoting the health, safety and general welfare of all the inhabitants of the City of Burlington and its visitors; to protect and conserve the value of its citizens property; to secure safety; and to minimize damage to its streets and roadways.
- (b) *"Truck" defined.* The term "truck," as used in this section, shall mean and include any motor vehicle or combination of vehicles, at least one of which shall be motorized, which vehicle or combination of vehicles has a total vehicle weight in excess of twenty thousand (20,000) pounds. Total vehicle weight shall be computed as required by 23 V.S.A. chapter 7 section 367.
- (c) *"Calm zone" defined.* The term "calm zone," as used in this section, shall mean and is defined as an area in the City of Burlington entirely bounded by truck routes, as established in and by this regulation and either areas of the City of Burlington bounded by truck route(s), Lake Champlain or the city limits.
- (d) *Prohibition of through-truck traffic.* No truck shall be allowed to operate or move upon any highway or road in the city except upon those highways and roads designated as truck routes pursuant to Appendix C, Rules of the Traffic Commission. This section shall not apply to trucks making local delivery or providing services, provided that these trucks travel into the prohibited area by the most direct route and return by way of the same.

(Reg. of 8-14-96; Reg. of 10-20-10(1), eff. 11-24-10)

20-44 Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle they are operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Reg. of 6-11-08(1))

20-45—20-52 Reserved.

¹**Cross reference**—Motor vehicles subject to park regulations while in park, § 22-16.

ARTICLE III. PARKING, STOPPING AND STANDING

20-53 Authority to regulate parking; signs to be replaced.

- (a) The traffic commission may regulate the manner of parking any vehicle, in places where parking is permitted, by causing parking spaces for vehicles to be marked off, painted on the pavement of the street or metered in the areas affected, and no person, in places where such spaces are marked off, painted or metered for the parking of vehicles, shall park any vehicle otherwise than wholly within a space so marked off, painted or metered.
- (b) The traffic commission may conspicuously place suitable signs in and near the areas affected by the parking regulations of this article, plainly indicating such regulations.

(Rev. Ords. 1962, § 5301; Reg. of 9-16-74; Ord. of 4-17-96)

20-54 Authority to designate loading zones.

The traffic commission shall have the authority to designate loading and unloading zones and shall cause the limits of such zones to be plainly marked, and shall place signs or pavement lettering in or near such spaces to designate the nature thereof.

(Rev. Ords. 1962, § 5312)

Cross reference—Designation of portions of streets where no parking permitted except by commercial vehicles, App. C, §§ 12, 13.

20-54.1 Loading zone permits/coupons.

- (a) *Truck loading zone coupons.* The following sections outlines the procedures and policies set forth for the regulation and administration of truck loading zone coupons.
 - (1) The Church Street Marketplace District Commission shall have the authority to issue coupons to merchants within the Church Street Marketplace District. The coupon would allow customers to park in truck loading zones for the sole purpose of picking up

large merchandise. The duration of the permit shall be for a period of no greater than fifteen (15) minutes. The cost of aforementioned coupons shall be reasonably determined by the marketplace so as to defray the cost of issuance.

- (2) Coupon issuance to each business will be evaluated on a quarterly basis.
- (3) Each quarter coupon issuance is dependent on loading zone ordinance compliance. Any businesses' coupons found to be in violation of the loading zone ordinances and/or the fifteen-minute time limitation three (3) times or more within the prior permitting period will not be issued a permit for the following permitting period.

(b) *Truck permit.* The following section outlines the procedures and policies set forth for the regulation and administration of truck loading zone permits:

- (1) Loading zones designated as a truck loading zone shall accommodate vehicles that are registered as either a truck or a vehicle that has been issued a truck loading zone permit.
- (2) Truck loading zone permits will be issued by Burlington Parking Enforcement quarterly in the form of a numbered bumper sticker. Burlington Parking Enforcement reserves the right to deny any requests for parking permits if there is a question of legitimacy.
- (3) Permit issuance.
 - a. [Permit issuance] would require a copy of the business letterhead stating that the individual requesting the permit is acting as a representative of the business, a contact name, phone number, vehicle registration and the make of the vehicle being permitted.
 - b. Each quarter permit issuance is dependent on loading zone ordinance compliance. A vehicle found to be in violation of the loading zone ordinances three (3) times or more within the prior permitting period will not be issued a permit for the following permitting period.
- (4) Cost of permit issuance shall be:
 - a. Five dollars (\$5.00)/permit for either a.m. or p.m. per quarter.
 - b. Ten dollars (\$10.00)/permit for all day per quarter.
- (5) No permits will be issued to a vehicle with outstanding parking tickets, unless the ticket is being contested in court.

20-55 General prohibitions.

(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 or except momentarily to pick up or discharge a passenger:

- (1) Within any area of the public right-of-way, including the sidewalk, designated or customarily used for vehicular or pedestrian traffic, including, but not limited to, areas posted "No Parking," "No Parking Anytime," "No Parking This Side of Street," "No Parking Between Signs" or "No Parking Bike Lane";
- (2) On or within ten (10) feet of a railroad track;
- (3) Within a six (6) foot diameter circle centered around a fire hydrant and a six (6) foot wide continuous path to the center of the public way with the hydrant or fire protection system being at the center of this six (6) foot path, or within a designated fire lane;
- (4) In front of another person's driveway; and within two (2) feet of another person's driveway as measured from the straight-lined edge of the driveway;
- (5) On a bridge, viaduct, or the approach thereto;
- (6) On any sidewalk or in any crosswalk; or on the greenbelt, so-called, being that area of a public street located between the roadway edge and the sidewalk, or, if no sidewalk exists, between the roadway edge and the adjacent property line;
- (7) In any area designated as a loading zone, pursuant to Appendix C, Rules of the Traffic Commission, of this Code of Ordinances;
- (8) Any street closed pursuant to section 20-63;
- (9) On Church Street, between Main and Pearl Streets, except during those hours authorized for parking by the traffic commission;
- (10) In a metered parking space where the meter for such space is covered with a hood issued pursuant to Section 27-33. This prohibition shall not apply to vehicles engaged in the activities allowed by the permit issued pursuant to Section 27-33;
- (11) In residential parking zones on any street, on any day(s) or at any time designated by the public works commission, except by permit issued pursuant to App. C, Section

27(d).

a. *Placement of signs.* The public works commission shall place suitable signs designating residential parking only in the streets affected by this subsection.

b. *Reserved;*

(12) In any area designated "No Parking Here to Corner";

(13) In any area designated for peddlers only. This prohibition shall not apply to vehicles engaged in the activities allowed by the vehicle endorsement issued pursuant to section 23-6;

(14) In the leased lots designated in App. C, section 19(c) of this Code of Ordinances, except those vehicles properly displaying a valid permit;

(15) In any area designated as a taxi stand pursuant to Appendix C, Rules and Regulations of the Traffic Commission, of the Code of Ordinances;

(16) In any area designated as a parking facility in violation of the rules or regulations stated in App. C, Section 18.

(b) No person shall park any vehicle at any time:

(1) On any street within fifty (50) feet of the curbline of another street, or within such other distance as the traffic commission shall, based upon existing traffic conditions and sight lines at intersections, determine and cause to be indicated as provided in section 20-53;

(2) In any space herein or hereafter specified by the board of traffic commissioners as reserved for a bus stop; or

(3) Within the limits of a public school yard, unless specifically authorized to do so by the board of school commissioners of the city.

(c) No motor vehicle having in excess of two (2) rear wheels shall be parked on the streets of the city within the boundaries of any residential district except for the purpose of making a delivery or carrying out another lawful business purpose within such residential area, and no permissible parking by such vehicle on the streets within a residential area shall be of any longer duration than is reasonably necessary to complete the lawful business within such area. Excepted from this prohibition is a privately-owned, dual rear wheel passenger or recreational vehicle used for noncommercial purposes with no commercial markings, and which is no greater than twenty-two (22) feet in length, seven (7) feet in height and seven (7)

feet in width. Such a dual wheel vehicle shall only be excepted from the prohibition if it is parked entirely in front of the vehicle owner's residence or is parked entirely in front of a residence by a guest of that residence.

(d) No person shall park any vehicle in any parking space designated by the traffic commission for parking for the handicapped unless the vehicle displays special handicapped license plates or placards issued pursuant to 23 V.S.A. 304a, or any amendment or renumbering thereof.

(e) No person shall leave idling for more than three (3) minutes any motor vehicle in any area of the city, except in the following instances:

- (1) Motors used to run refrigeration units may be left idling to permit uninterrupted refrigeration;
- (2) A motor vehicle may be left idling if necessary for the repair of that vehicle;
- (3) This provision shall not apply to motor vehicles which must be kept idling in order to install, maintain or repair equipment or infrastructure.
- (4) This provision shall not apply in any situation in which the health or safety of a driver or passenger requires the idling of the vehicle, including, but not limited to, when idling is necessary to operate safety equipment such as windshield defrosters, and operation of the equipment is needed to address specific safety concerns.

(f) *Parking on lawns or yards in residential districts prohibited.*

(1) It shall be unlawful for any vehicle to be parked on any lawn or yard in any area in Wards 1, 2, 3 and 8. It shall also be unlawful for any vehicle to be parked on any lawn or yard in any area in Wards 5 or 6 located north of a projected line extending along the centerline of Howard Street from the western boundary to the eastern boundary of the city. Lawns or yards are defined for the purposes of this subsection to be any open space not approved by the department of planning and zoning as an area for vehicular egress and ingress or parking.

(2) The prohibitions in subsection (f)(1) of this section shall not be in effect during a declared parking ban pursuant to Section 20-56.

(Rev. Ords. 1962, §§ 5158, 5308; Ord. of 10-15-73; Reg. of 2-21-78; Ord. of 3-9-81; Ord. of 1-4-82; Ord. of 10-24-83; Ord. of 7-30-84; Ord. of 4-22-85; Ord. of 6-9-86; Ord. of 7-27-87; Reg. of 1-27-88; Regs. of 6-27-88; Ord. of 9-17-90; Ord. of 10-9-90; Ord. of 5-5-93; Reg. of 8-18-93; Reg. of 11-8-95; Reg. of 8-14-96; Reg. of 2-21-01; Reg. of 5-24-00; Ord. of 10-21-02; Reg. of 10-13-04; Reg. of 10-14-09, eff. 12-30-09; Reg. of 9-18-13(1), eff. 10-23-13; Ord. of 10-26-15; Reg. of 6-15-16(4), eff. 7-27-16; Ord. of 9-12-16; Reg. of 9-21-16(4), eff. 10-19-16; Reg. of 12-21-16(2), eff. 4-26-17)

Cross reference—No-parking areas designated, App. C, Sec. 7; no parking during hours of 7:30 a.m. to 4:30 p.m., App. C, Sec. 8; parking limited to 15 minutes, App. C, Sec. 11; authorized emergency vehicles exempted from various provisions of this chapter, Sec. 20-4.

20-56 Parking ban.

(a) *General prohibition.* It shall be unlawful for any person to park a vehicle within any designated city right-of-way, including the sidewalk, anytime of the year during a declared parking ban.

(b) *Required method of notification for declaration of a parking ban.* It is the responsibility of the public works department to provide advance notice prior to commencing a parking ban. Minimum notification will require:

(1) Placing the affected area's parking prohibition lights into a flashing operation, beginning six (6) hours prior to any parking ban, notice scheduled to begin at 3:00 p.m.

(2) Upon declaring a parking ban, send press releases to various means of media (local television, radio and printed media).

(c) *Authority to declare parking ban.* Those listed below may have the authority to declare a parking ban, given that there is a demonstrated need for street maintenance:

(1) The public works director or his designee has full authority in declaring a parking ban.

(2) The mayor may declare a parking ban after consultation with the public works director.

(3) The chief of police may declare a parking ban after consultation with the public works director.

(d) *Enforcement policy for violation of parking ban.* A vehicle found in violation of the parking ban shall face the following consequences:

(1) A police officer or parking enforcement officer shall ticket and remove the vehicle in violation to another street within the city or, when warranted, it may be impounded and transported to a remote sight within a five-mile radius from the boundaries of the city.

(2) All towing procedures and policies can be referenced from the provisions set forth in division 2 of this article.

(3) The fines for the aforementioned offense can be found in section 20-66

(e) *Duration of parking ban.* When the parking ban lights are in a flashing operation the parking ban will be in effect from 10:00 p.m. to 7:00 a.m. in all zones with the exception of Zone F (Downtown Zone) which will be 12:00 a.m. to 6:00 a.m.

(f) *Delineation of parking ban zones.*

Zone A shall include all streets to the east of North Avenue, including North Avenue, beginning south of Institute Road moving north to the northern boundary of the city, with the exception of the northern and eastern portion of Franklin Square.

Zone B shall include all streets to the west of North Avenue, including North Avenue, beginning south of Institute Road moving north to the northern boundary of the city.

Zone C shall include all streets bounded by the following streets:

The northernmost boundary shall be defined by Kilburn Street and Adams Street but not including Kilburn Street and Adams Street.

The easternmost boundary shall be defined by and include South Winooski Avenue from Adams Street to St. Paul Street, as well as Shelburne Street.

The southernmost boundary shall be defined by the southernmost boundary of the city.

The westernmost boundary shall be defined by Lake Champlain.

Zone D shall include all streets bounded by the following streets:

The easternmost boundary shall be defined by and include South Prospect and all of its adjoining streets.

The southernmost boundary shall be defined by the southernmost boundary of the city.

The westernmost boundary defined by South Willard Street from Main Street to Maple Street not including this section, South Winooski Avenue from Maple Street to Adams Street not including this section, South Winooski Avenue from Adams Street to St. Paul Street including this section, St. Paul Street from South Winooski Avenue to South Union Street including this section, Shelburne Street from South Union Street south to the city's southern border including this section.

The northernmost boundary defined by Main Street from South Willard Street to Prospect Street including this section, Maple Street from South Winooski Avenue to South Willard Street including this section.

Zone E shall include all streets bounded by the following streets:

The easternmost boundary shall be defined by the easternmost boundary of the city.

The southernmost boundary shall be defined by Main Street from the city boundary east to South Willard Street including that section of Main Street and University Heights.

The westernmost boundary shall be defined by and include Hyde Street from Riverside Avenue to North Willard Street including this section, all of North Willard Street including North Willard Street, South Willard Street from Pearl Street to Main Street not including this section of South Willard Street.

The northernmost boundary shall be defined by the northernmost boundary of the city.

Zone F shall include all streets bounded by the following streets:

The easternmost boundary shall be defined and include South Willard Street from Pearl Street to Maple Street.

The southernmost boundary shall be defined by and include Maple Street from South Willard Street to South Winooski Avenue, South Winooski Avenue from Maple Street to Adams Street, Adams Street from South Winooski Avenue to St. Paul Street, St. Paul Street from Adams Street to Kilburn Street, and Kilburn Street.

The westernmost boundary shall be defined by Lake Champlain.

The northernmost boundary shall be defined by and include Sherman Street; North Champlain Street from Sherman Street to Peru Street; Peru Street; Elmwood Avenue from Peru Street to Grant Street; Grant Street; North Union Street from Grant Street to Pearl Street; and Pearl Street from South Union Street to South Willard Street.

Zone G shall include all street bounded by the following streets:

The easternmost boundary shall be defined by but not include Hyde Street from Riverside Avenue to North Willard Street and North Willard Street from Hyde Street to Pearl Street.

The southernmost boundary shall be defined by but not include the following streets: Pearl Street from South Willard Street to South Union Street; North Union Street from Pearl Street to Grant Street; Grant Street; Elmwood Avenue from Peru Street to Grant Street; Peru Street; North Champlain Street from Peru Street to Sherman Street; and Sherman Street.

The westernmost boundary shall be defined by the lake.

The northernmost boundary shall in the old north end be defined by and include Manhattan Drive and on North Avenue all streets south of the intersection of Institute Road and North

Avenue.

Zone H shall include the northern and eastern portion of Franklin Square.

(Rev. Ords. 1962, §§ 5316, 5317; 1969 Cum. Supp. § 5316; Reg. of 5-3-82; Ord. of 10-7-85; Ord. of 9-22-86; Ord. of 12-22-86; Ord. of 11-13-89; Reg. of 4-17-92; Ord. of 12-30-92; Reg. of 10-8-93; Reg. of 6-28-95; Reg. of 9-16-20, eff. 11-18-20; Reg. of 11-16-22(1), eff. 12-14-22)

Cross reference—Designation of spaces where winter parking restricted, App. C, § 15.

20-57 Unlawful to violate parking regulations.

(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) It shall be unlawful for the owner or operator of a motor vehicle to move it while the vehicle is being processed for towing pursuant to Section 20-79 of this Code unless directed to do so by a law enforcement or parking enforcement officer. A vehicle is deemed "being processed for towing" when a law enforcement or parking enforcement officer has identified it as eligible for towing under Section 20-79 of this Code.

(Rev. Ords. 1962, § 5321; Reg. of 11-14-07(1), eff. 1-9-08)

20-58 Registered owner of vehicle deemed to have authorized violation.

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, or the commissioner of motor vehicles of the state the vehicle is registered in, committed or authorized such violation.

(Rev. Ords. 1962, § 5321; Reg. of 5-12-94)

20-59 Parking nonmotorized vehicles for periods longer than twenty-four hours prohibited.

No person shall stop or park any nonmotorized vehicle, camper trailer or boat within the limits of any street for more than twenty-four (24) consecutive hours. Any such vehicle shall be regarded as having been stopped or parked in the street for twenty-four (24) consecutive hours if it is parked in the street at any time during a given day, unless such vehicle is moved from the street for a period of twelve (12) consecutive hours during such day.

(Ord. of 1-11-71)

20-60 Leaving vehicles on street for purpose of selling or renting.

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. Individuals engaged in selling, renting or advertising vehicles for sale are exempt if the sale is of their own private vehicle.

(Rev. Ords. 1962, § 5163; Reg. of 8-6-98)

20-61 Extended parking prohibited.

No person shall leave a vehicle in the same place within the limits of a street for a period longer than three (3) days. This period starts when the police department observes a vehicle in a space. From that time the vehicle must be moved within three (3) days. For the purposes of this section the term moved is defined as relocating a vehicle at least twenty-five (25) feet from its original location for a time period of thirty-six (36) hours.

(Rev. Ords. 1962, § 5324; 1969 Cum. Supp., § 5324; Reg. of 7-20-05; Reg. of 9-7-05, eff. 10-12-05; Reg. of 5-13-09(1), eff. 6-24-09)

20-62 Parking on premises of another prohibited.

(a) 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.

(b) 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.

(Rev. Ords. 1962, §§ 5051, 5052)

20-63 Authority to close streets to parking.

For the purpose of cleaning, clearing, oiling, repairing, surfacing a street, special events, parades, or pruning or removing trees, the street department, parks department, or police 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. The signs shall be posted by 6:00 p.m. and the prohibition shall be effective 12:00 a.m. the following day. Such prohibition shall remain in effect until such signs are removed, and during the period when parking is so prohibited, no person shall park a motor vehicle on any such street.

(Rev. Ords. 1962, § 5320; 1969 Cum. Supp., § 5320; Reg. of 4-13-94)

20-64 Hotel guest loading spaces.

The traffic commission shall designate and cause to be marked off by suitable sign or signs parking spaces within the parking meter zones to be used only by hotel guests loading or unloading, and no person other than a hotel guest so engaged shall park a vehicle at any time in any spaces so designated.

(Rev. Ords. 1962, § 5314)

20-65 Stopping close to curb.

No person shall stop a vehicle in any public street except close to the curb.

(Rev. Ords. 1962, § 5157)

20-66 Charges.

(a) *Metered Parking Offenses:* The penalty for violating any ordinance regulating metered parking in the City of Burlington shall be twenty dollars (\$20.00).

(b) *Nonmetered Parking Offenses:*

(1) *Handicapped parking.* The penalty for handicapped parking violations as set forth in Section 20-55(d) shall be one hundred twenty-five dollars (\$125.00).

(2) *Residential parking.* The penalty for violations of the residential parking restrictions as set forth in Section 20-55(a)(11) shall be seventy-five dollars (\$75.00).

(3) *Parking on sidewalks and greenbelts and in crosswalks.* The penalty for parking on a sidewalk or greenbelt or in a crosswalk in violation of Section 20-55(a)(6) shall be

seventy-five dollars (\$75.00). However, the penalty for parking on a sidewalk during a parking ban is set forth in subsection (b)(4) of this section, parking ban violations.

(4) *Parking ban violations.* The penalty for a violation of a parking ban described in Section 20-56 shall be seventy-five dollars (\$75.00). Vehicles in violation of Section 20-56 also may be removed to another street or a remote location and if removed shall be assessed charges for removal as part of the issuance of the penalty, such charges to be assessed and collected pursuant to Division 2 of Article III of this chapter.

(5) *Streets closed to parking.* The penalty for parking on a street closed to parking as described in Section 20-63 shall be seventy-five dollars (\$75.00). Vehicles in violation of Section 20-56 also may be removed to another street or a remote location and if removed shall be assessed charges for removal as part of the issuance of the penalty, such charges to be assessed and collected pursuant to Division 2 of Article III of this chapter.

(6) The penalty for removing a vehicle that is being processed for towing as described in Section 20-57(b) shall be two hundred dollars (\$200.00).

(7) *Other nonmetered parking offense.* "Nonmetered parking offense" means any parking offense set out in this Code, except violations related to metered parking. The penalty for violations of nonmetered parking offenses except handicapped parking and idling shall be seventy-five dollars (\$75.00).

(8) *Idling.* The penalty for a violation of Section 20-55(e) shall be twelve dollars (\$12.00).

(9) *Time limited parking offense.* The penalty for time limited parking offenses as articulated in App. C, Sections 9 through 11-1, shall be twenty dollars (\$20.00). Vehicles in violation of three (3) or more time-limited parking offenses within a three (3) year time period also may be removed to another street or a remote location and if removed shall be assessed charges for removal as part of the issuance of the penalty, such charges to be assessed and collected pursuant to Division 2 of Article III of this chapter.

(c) *Additional Penalties:* These penalties apply to all fines associated with parking:

Less than thirty (30) days—The original fine.

Thirty (30) days or more—Additional thirteen dollars (\$13.00).

Ninety (90) days or more—In addition to the fee assessed in subsection (b)(2) of this section, there will be an additional fee of twenty-four dollars (\$24.00) assessed.

(Ord. No. 8-18-78; Ord. of 11-16-81; Ord. of 2-14-84; Ord. of 4-22-85; Ord. of 10-7-85; Ord. of 7-29-87; Ord. of 11-13-89; Ord. of 8-27-90; Ord. of 2-3-93; Reg. of 8-18-93; Reg. of 10-8-93; Reg. of 3-22-95; Reg. of 6-28-95; Reg. of 8-14-96; Reg. of 12-12-98; Reg. of 6-30-99; Reg. of 2-18-04; Reg. of 4-12-06/5-17-06; Reg. of 2-7-07(1), eff. 3-21-07; Reg. of 11-14-07(1), eff. 1-9-08; Reg. of 3-11-09(1), eff. 4-29-09; Reg. of 6-5-13, eff. 7-3-13; Reg. of 5-17-23(1), eff. 6-28-23; Reg. of 6-21-23(5), eff. 7-19-23)

20-67 Waiver of issuance of process in a trial; voluntary payment of penalty; appeal.

- (a) The owner or operator of a vehicle who has violated any ordinance regulating metered parking or nonmetered parking in the city must either pay the waiver fee or appeal the ticket within thirty (30) days of the date of the offense.
- (b) Any person who has violated any ordinance regarding parking in the city may within thirty (30) days from the date of such violation waive in writing the issuance of any process in a trial by jury or hearing and voluntarily pay to the police department of the city the penalty prescribed in Section 20-66. Payments may be made by cash, check, money order, credit card or online payment.
- (c) Any person whose vehicle has been ticketed, other than for a first violation of Section 20-55(a)(11) or 20-87 in a twelve (12) month period, may appeal the propriety and/or legality of the ticket by submitting to the city grand juror in writing within thirty (30) days a short and plain statement of his or her objections. The city grand juror shall review the objections and notify the appellant of his/her findings in writing. Any appeal of a first violation of Section 20-55(a)(11) or 20-87 in a twelve (12) month period shall be made pursuant to the procedure outlined in Section 20-80.
- (d) If the city grand juror denies the appeal in whole or in part, then the appellant may seek review by arranging for a court hearing on the alleged violation within thirty (30) days of the date the appeal was denied.

(Ord. of 11-16-81; Ord. of 7-29-87; Reg. of 6-28-95; Reg. of 1-18-17(3), eff. 2-22-17; Reg. of 10-20-21(a), eff. 12-22-21; Reg. of 2-15-23(a), eff. 9-6-23)

20-68 Parking on Church Street Marketplace.

The Church Street Marketplace District Commission shall have authority to issue permits to vehicle owners to park on Church Street from Main Street to Pearl Street during such times when parking is normally prohibited. The fee for a permit shall not exceed five dollars (\$5.00) per day.

(Reg. of 5-3-82; Ord. of 5-5-97)

20-69 Vehicles providing emergency medical services.

The chief of police or his/her designee shall have authority to issue annual permits to anyone providing emergency medical services in a non-emergency vehicle. Such permits, when properly displayed, shall allow the permitted vehicle to park in an otherwise prohibited area when providing emergency medical services. The chief of police or his/her designee shall have authority to charge two dollars (\$2.00) for each permit to defray the cost of issuance.

(Ord. of 5-5-93)

20-70 Authorization for alternate side of street parking regulations.

The public works commission shall have authority to promulgate regulations governing alternate side of the street parking to assist in accommodating snow plowing, snow removal, street clearing and other street functions. Such regulations shall, provided they are approved in advance by the city council and published in the manner required under the Code for the adoption of ordinances, have the full force and effect of ordinances of the city. Such regulations shall specify as a minimum the streets or portions thereof to which the regulations apply and the specified time for the switch from one side of the street to the other. All such regulations shall be incorporated in Appendix C of this Code of Ordinances.

(Ord. of 12-22-86)

20-71 Authorized; expenses of removal.

(a) Under the provisions of this division, any police officer or parking enforcement officer shall cause a motor vehicle parked in violation of the following to be moved or removed to any public

garage or other place designated by him within a five-mile radius from the boundaries of the city.

- (1) Parking ban as set forth in section 20-56
- (2) Designated prohibited areas, as set forth in section 20-55 of this Code;
- (3) Vehicles left in violation of section 20-61 of this Code;
- (4) In any location where in the opinion of the chief of police such vehicle creates an immediate traffic hazard or otherwise endangers the public health, safety and welfare;

provided, however, that reasonable efforts under the circumstances are first made to notify the operator or owner.

(5) In any location which has been designated for peddlers with vehicle endorsements only, as set forth in section 23-6 of this Code.

(b) Removal under this section shall be at the sole expense of the registered owner of the vehicle.

(c) If a vehicle is removed and stored under the provisions of this section, it may be stored until such time as all charges for outstanding metered and nonmetered parking violations, outstanding removal charges previously assessed and the charges imposed by such removal and storage have been paid in full or until the requirements of section 20-73(b)(1) have been met.

(Rev. Ords. 1962, § 5302; 1969 Cum. Supp., § 5302; Ord. of 4-7-80; Ord. of 10-24-83; Ord. of 6-26-89; Ord. of 11-13-89; Ord. of 8-27-90; Reg. of 8-18-93; Reg. of 10-8-93; Reg. of 2-7-07(1), eff. 3-21-07)

20-72 Record of removed vehicle.

The chief of police and the owner of any public garage to which a 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 is not registered, registered owner if the vehicle bears a 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 the date of such removal, the 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.

(Rev. Ords. 1962, § 5303; Reg. of 8-25-99)

20-73 Reclaiming of vehicle.

Before the owner shall be permitted to reclaim a vehicle which has been removed pursuant to this division, he shall:

(a) 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;

(b) Pay to the police department all charges for violation of the offenses described in section 20-79(a), and all charges for removing said vehicle and all charges for the storing and parking thereof, and for publication of record of removal; or

- (1) Post a bond, certified by the chief of police or his duly authorized representative, which is equal to the amount of charges set forth in (b) above; and
- (c) Sign a written receipt acknowledging delivery of said vehicle;
- (d) Appeal. A person whose vehicle has been removed pursuant to this division may, upon posting a bond as provided by subsection (b)(1) above, appeal the propriety and/or legality of the removal and/or removal charges by submitting to the city grand juror in writing within five (5) days a short and plain statement of his or her objection(s). The city grand juror shall review the objection, give the appellant an opportunity to be personally heard, and conduct an inquiry into all relevant facts concerning the removal of the vehicle and/or the towing and storage charges incurred. The grand juror shall notify the appellant of his findings in writing. If the grand juror finds that the removal was wrongfully had, or charges wrongfully incurred, then the city shall reimburse the applicant from the bond posted. If the grand juror denies the appeal in whole or in part, then the appellant may seek review in the Chittenden Superior Court as provided by V.R.C.P. 75, or by an action in small claims court.

(Rev. Ords. 1962, § 5304; 1969 Cum. Supp., § 5304; Ord. of 4-7-80; Ord. of 7-30-84)

20-74 Charges.

- (a) Charges made or incurred under this division are established in the towing and storage rate table as approved by the public works commission. These rates are subject to adjustment based on the consumer price index upon request of the vendor.
- (b) *Reserved.*
- (c) The City of Burlington parking services office shall notify by registered mail the registered owner of the vehicle or the holder of a security interest therein within seven (7) days of the impoundment of the vehicle.
- (d) If the registered owner or the holder of a security interest of an impounded vehicle is unresponsive to the registered notification, the vendor, at their discretion, may pursue an abandoned title in accordance with the regulation of the State of Vermont.

(Rev. Ords. 1962, § 5305; Ord. of 12-12-77; Ord. of 8-18-78; Ord. of 1-23-84; Ord. of 11-24-86; Ord. of 6-12-89; Reg. of 8-25-99; Ord. of 8-13-03; Reg. of 2-7-07(1), eff. 3-21-07; Reg. of 8-14-07, eff. 10-10-07; Reg. of 4-20-16(1), eff. 6-1-16; Reg. of 4-27-22(1), eff. 6-1-22)

20-75 Expenses of city to constitute lien; foreclosure.

Any and all expense incurred by the city, or any of the departments thereof, under and by virtue of this division 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 the law relating to foreclosure of artisan's liens.

(Rev. Ords. 1962, § 5306; 1969 Cum. Supp., § 5306)

20-76 Charges not a fine, penalty or forfeiture.

No charges made or incurred under this division shall be considered to be a fine, penalty or forfeiture. The removal and storage or parking of any vehicle under this division shall not be a bar to the institution and prosecution of criminal or civil proceedings against the owner or operator of such vehicle.

(Rev. Ords. 1962, § 5307; Reg. of 2-7-07(1), eff. 3-21-07)

20-77 Towing of vehicles on private property.

(a) The owner of premises upon which a motor vehicle is parked contrary to the provisions of this article or his agent, authorized in writing, may cause the illegally parked motor vehicle to be removed by a licensed porter with a tow truck to a public garage within a five-mile radius of the city. The owner of a private parking lot must clearly and conspicuously post their property with notice that unauthorized parking will result in towing before the provisions of this section shall be effective for those lots. The owner of the motor vehicle may be required to pay the towing and storing charges pursuant to section 20-74, for which charges a lien may be imposed against the motor vehicle. The charges shall be in addition to any criminal penalty that may be imposed. The above charges may be assessed, provided, that the police have been notified of the description and motor vehicle registration number of the vehicle removed or to be removed. Upon request the owner or operator of the motor vehicle removed shall be provided with the identity of the person who authorized the removal of the vehicle.

(b) The owner of the public garage to which such vehicle is removed shall keep a record of each vehicle by the manufacturer's trade name or make, registration number, or motor number if the vehicle is not registered, date of removal,

place from which removed and the name and address of the person who reclaims said vehicle.

(1969 Cum. Supp., § 5053; Ord. of 12-12-77; Ord. of 8-18-78; Ord. of 11-24-86; Ord. of 6-12-89; Reg. of 8-25-99; Ord. of 6-25-01)

20-78 Form of payment.

A person hired to remove illegally parked motor vehicles may accept a personal check, but in any case is required to accept cash or a certified or bank check, and must also recognize at least two (2) national bank credit cards, any of which may be used as payment for any towing and storage charges.

(Ord. of 8-18-78; Ord. of 6-12-89)

20-79 Towing and storage of vehicles for nonpayment.

(a) Any motor vehicle parked in violation of city ordinance upon any public highway of the city or at the Burlington International Airport, including such ways, streets, alleys, lanes or other places as may be open to the public, the owner of which has accumulated unpaid parking violations totaling two hundred seventy-five dollars (\$275.00) or more, not including the amount attributable to the present violation, may be removed and stored pursuant to this division. In order to reclaim the impounded vehicle, the owner shall pay charges for outstanding violations such that the total amount owed in fines and fees pursuant to ordinance violations is reduced to less than two hundred seventy-five dollars (\$275.00), all outstanding removal charges previously assessed and the charges imposed by this division for such removal and storage or until the requirements of Section 20-73(b)(1) have been met. Fines shall not be avoided by the transference of title or registration, or the purchasing of a different vehicle.

(b) *Notice to owner.* Notice to the owner of an impounded vehicle shall be provided as set forth in Section 20-74(c).

(c) *Reserved.*

(Ord. of 4-7-80; Ord. of 8-27-90; Ord. of 6-24-91; Reg. of 4-17-92; Reg. of 6-28-95; Reg. 8-25-99; Reg. of 7-20-05; Reg. of 2-7-07(1), eff. 3-21-07; Reg. of 8-14-07, eff. 10-10-07; Reg. of 6-5-13, eff. 7-3-13; Reg. of 10-20-21(a), eff. 12-22-21)

20-80 Limited violation forgiveness.

(a) Within thirty (30) days of a violation, any person whose vehicle has been ticketed pursuant to Section 20-55(a)(11) or 20-87 may appeal and request violation forgiveness for such violation by providing a written attestation to the parking services manager that such request is their first within the preceding twelve (12) month period.

- (b) Upon confirming that the request for forgiveness is for a violation of Section 20-55(a)(11) or 20-87 and the first request by the appellant within the preceding twelve (12) months, the parking services manager or their representative shall administratively void the violation.
- (c) If upon review as outlined in subsection (b) of this section, the parking services manager or their representative determines the violation is not eligible for administrative voiding, the appeal shall be processed in accordance with the procedure outlined in Section 20-67(c).

(Reg. of 10-20-21(a), eff. 12-22-21; Reg. of 2-15-23(a), eff. 9-6-23)

20-81—20-82 Reserved.

20-83 Establishment of meter zones.

The board of public works commissioners is hereby authorized to establish zones to be known as parking meter zones in all or part of such areas on the streets of the city as they may deem necessary.

(Rev. Ords. 1962, § 5352; Reg. of 2-19-14(1), eff. 4-23-14)

Cross reference—Parking meter zones designated, App. C, § 17.

20-84 Installation and maintenance.

- (a) The public works commission shall cause parking meters to be installed in parking meter zones established under this division. The public works commission shall also cause the installation of necessary curb and street markings, provide for the regulation and operation thereof, and maintain said meters and/or multi-space meters in workable condition.
- (b) Meters and/or multi-space meters shall be placed upon the curb next to individual parking spaces or in proximity of designated parking spaces, and shall be so constructed as to accept payment as indicated by instructions upon the meter.

(Rev. Ords. 1962, § 5352; Reg. of 2-19-14(1), eff. 4-23-14)

20-85 Manner of parking.

When any vehicle shall be parked in a parking meter zone, 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.

20-86 Reserved.

Editor's note—A regulation adopted Feb. 19, 2014, deleted § 20-86 which pertained to permitting vehicle to remain when meter indicates overtime parking and derived from an ordinance adopted May 17, 1976, and a regulation adopted Sept. 1, 1994.

20-87 Payment required.

(a) When any vehicle is parked in any meter zone in accordance with the provisions of this division, the operator of the vehicle shall, upon entering the parking space, immediately pay in accordance with instructions on the meter and/or multi-space meter as indicated by the legend thereon, and failure to make such payment or to operate the meter shall constitute a misdemeanor. Upon payment, the parking space may be lawfully occupied by such vehicle for a period as set out in App. C, Section 19.

(b) Vehicles which are owned by a City of Burlington department, agency or division, or a vehicle on official business operated by officers, agents or employees thereof, shall be exempt from this section.

(Rev. Ords. 1962, § 5353; Ord. of 11-15-82; Ord. of 5-20-85; Reg. of 2-19-14(1), eff. 4-23-14)

20-88 Periods when payment is required.

(a) Except as provided in subsection (b) of this section, the provisions of Section 20-87(a) shall be effective during the hours from 9:00 a.m. to 6:00 p.m. Monday through Saturday; provided, however, that said section shall not be effective on legal holidays or on Mondays succeeding legal holidays which fall on Sunday.

(b) In the Downtown Core, which is bounded by South Winooski Avenue on the East, Pine Street on the West, Cherry Street on the North, and Main Street on the South, and includes both sides of each of these boundary streets within the core, the provisions of Section 20-87(a) shall be effective during the hours of 9:00 a.m. to 9:00 p.m. Monday through Saturday, except when such day is a legal holiday or is a Monday succeeding a legal holiday which falls on a Sunday, in which cases Section 20-87 shall not be effective.

(Rev. Ords. 1962, § 5353; Reg. of 2-19-14(1), eff. 4-23-14; Reg. of 7-16-14(1), eff. 9-17-14; Reg. of 11-15-17(1), eff. 1-31-18)

20-89 Extending time.

It shall be unlawful for any person to deposit, or cause to be deposited, in a parking meter and/or multi-space meter any payment for the purpose of extending parking time beyond the maximum period specified on the meter at which time the vehicle must be moved from the metered space for a period of at least four (4) hours.

(Rev. Ords. 1962, § 5354; Reg. of 5-13-09(2), eff. 6-24-09; Reg. of 2-19-14(1), eff. 4-23-14)

20-90 Slugs or other devices.

It shall be unlawful to deposit or cause to be deposited in any parking meter and/or multi-space meter any slug, device or other counterfeit payment.

(Rev. Ords. 1962, § 5355; Reg. of 2-19-14(1), eff. 4-23-14)

20-91 Tampering with meter.

It shall be unlawful for any person to tamper with, open, break or destroy any parking meter and/or multi-space meter.

(Rev. Ords. 1962, § 5356; Reg. of 2-19-14(1), eff. 4-23-14)

20-92 Reserved.

Editor's note—An ordinance effective April 7, 2004, repealed § 20-92 in its entirety. Formerly, said section pertained to meters not to be placed in bus stops or taxi stands and derived from Rev. Ords. 1962, §§ 5357, 5358.

20-93 Collection of payment.

It shall be the duty of the public works commission to provide for regular collection of all payments in the parking meter zones, to keep

records showing the same, and to turn over the funds so collected to the city treasurer.

(Rev. Ords. 1962, § 5359; Reg. of 2-19-14(1), eff. 4-23-14)

20-94 Use of fees.

The fees required by this division are hereby levied as a police regulation and inspection fee to cover the cost of providing parking meters and/or multi-space meters and maintaining the

same, allotting and marking parking spaces, providing regulation and control of traffic moving in and out of, and parking in, said parking spaces and the zones herein created, marking the streets in the city and maintaining directional and other signs therein, and any and all other expense pertaining to policing, regulating and controlling traffic in and adjacent to said streets and areas.

(Rev. Ords. 1962, § 5360; 1969 Cum. Supp. § 5360; Reg. of 2-19-14(1), eff. 4-23-14)

20-95 Disabled persons exempt from requirements.

Any person who is blind, who has an ambulatory handicap, or who is temporarily disabled with an ambulatory handicap shall be entitled to park without fee for an unlimited period in a parking zone which is restricted as to the length of time parking is permitted. This section shall not apply to zones in which parking, standing or stopping of all vehicles is prohibited, which are reserved for special vehicles, or where parking is prohibited by any parking ban. As a condition to this privilege, the vehicle shall display the special handicapped parking card, plate or placard issued by the state commissioner of motor vehicles as required in 23 V.S.A. 304a or a handicapped license plate, card or other identification issued by any other state.

(Rev. Ords. 1962, § 5361; Ord. of 5-5-93)

20-96—20-100 Reserved.

20-101 Installation and operation of meters.

In each lot owned or leased by the city for the purpose of parking, meters and/or multi-space meters shall be placed upon the curb or in proximity to parking spaces, and shall be so constructed as to accept payment as indicated by instructions upon said meter.

(Rev. Ords. 1962, § 5402; Reg. of 2-19-14(1), eff. 4-23-14)

Cross reference—Parking meter lots designated, App. C, § 18.

20-102 Payment required.

The operator of a motor vehicle shall not park the same in any city parking lot during the effective hours of metered parking without depositing in the appropriate meter the payment required by App. C, Section 19.

(Rev. Ords. 1962, § 5403; Reg. of 2-19-14(1), eff. 4-23-14)

Cross reference—Rates for metered lots, App. C, § 19(b).

20-103 Use of space permitted upon payment.

Upon making a payment as indicated by directions on the parking meter in proximity to a space in each lot, such parking space may be used by a vehicle for the period covered by the payment.

(Rev. Ords. 1962, § 5403; Reg. of 2-19-14(1), eff. 4-23-14)

20-104 When vehicle illegally parked.

A vehicle shall be illegally parked if it remains in any space beyond the time covered by the payment. Violation of this article shall not be regarded as a single continuing offense. After the original offense and issuance of the first ticket, a ticket may be issued every two (2) hours thereafter.

(Rev. Ords. 1962, § 5403; Ord. of 5-17-76; Reg. of 9-1-94; Reg. of 2-19-14(1), eff. 4-23-14)

20-105 Reserved.

Editor's note—A regulation adopted Feb. 19, 2014, deleted § 20-105 which pertained to extending time and derived from Rev. Ords. 1962, § 5405, and a regulation adopted May 13, 2009.

20-106 Slugs or other devices.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter within a city owned or leased lot any slug, device or other counterfeit payment.

(Rev. Ords. 1962, § 5405; Reg. of 2-19-14(1), eff. 4-23-14)

20-107 Tampering with meters.

It shall be unlawful for any person to tamper with, open without authority, break or destroy any parking meter and/or multi-space meter within a city owned or leased lot.

(Rev. Ords. 1962, § 5405; Reg. of 2-19-14(1), eff. 4-23-14)

20-108 Winter parking.

No person shall park, or permit to remain parked, any motor vehicle in any parking lot owned or operated by the city from December first of any year to March fifteenth of the succeeding year, between the hours of 2:30 a.m. and 6:00 a.m. Any vehicle parked in violation of this section may be removed at the owner's expense as provided by section 20-71.

(Rev. Ords. 1962, § 5406; Reg. of 6-22-05)

20-109 When division effective.

The provisions of this division shall be effective during the hours from 8:00 a.m. to 6:00 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Saturdays, and from 8:00 a.m. to 9:00 p.m. on Fridays, except in the lot between St. Paul Street and Brown's Court, in which the effective hours on such days shall be from 8:00 a.m. to 12:00 midnight; provided, however, that such sections shall not be effective on legal holidays or on Mondays succeeding legal holidays falling on Sunday.

(Rev. Ords. 1962, § 5407)

20-110—20-119 Reserved.

¹**Cross reference**—Obstructing metered parking spaces prohibited, § 27-33.

Case law annotations—An ordinance of the city installing a parking meter system has been held by the Vermont Supreme Court to be a valid exercise of the police power of the city even though the revenue produced exceeded the cost of the operation of the system. *State v. Douglas*, 94 A2d 403 (1953), 117 Vt. 485.

ARTICLE IV. TRAFFIC-CONTROL DEVICES¹

20-120 Obedience required.

The driver of any vehicle shall obey the instructions of any official traffic-control device placed in accordance with this chapter and other traffic ordinances or resolutions of the traffic commission, unless otherwise directed by a police officer.

(Rev. Ords. 1962, § 5165)

20-121 Traffic-control signals generally.

Whenever traffic is controlled by a traffic-control signal 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 the terms and light shall indicate and apply to drivers of vehicles, except when otherwise directed by a police officer, and subject to the right-of-way of emergency vehicles, as follows:

- (a) *Green alone or "Go":* Vehicular traffic facing the signal may proceed straight through or turn right or left unless a lane-use sign, turn prohibition sign, lane marking, roadway design, separate turn signal indications, or other traffic-control device at that place prohibits such movement. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to pedestrians lawfully within an associated crosswalk and to other vehicles lawfully within the intersection when the signal is exhibited. In addition, vehicular traffic turning left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
- (b) *Steady yellow alone:* Vehicular traffic facing the signal is thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red or "Stop" signal will be exhibited immediately thereafter and the vehicular traffic, except such vehicles lawfully within the intersection, shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
- (c) *Steady red alone or "Stop":* Vehicular traffic facing the signal, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop 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.
- (d) *Steady red with green arrow:* Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow and shall yield to other traffic lawfully using the intersection.
- (e) *Turn on red after stop:* Except when a traffic-control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the turn indicated by such sign after stopping as required by subsection (c) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection. The right to proceed with the turn shall be subject to the rules applicable after making a stop at a STOP sign.

(Rev. Ords. 1962, § 5201; Ord. of 11-19-73; Reg. of 2-17-21(b), eff. 6-16-21)

State law reference—Similar provisions, 23 V.S.A. § 1054.

20-122 Flashing signals.

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.

(Rev. Ords. 1962, § 5201)

State law reference—Similar provisions, 23 V.S.A. § 1053.

20-123 Unauthorized signs, signals or markings.

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall there be permitted upon any highway, any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (b) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the chief of police is hereby empowered to remove the same or cause it to be removed without notice.

20-124 Damaging signs or devices.

It shall be unlawful for any person willfully to deface, injure, move or obstruct or interfere with any official traffic sign or device.

(Rev. Ords. 1962, § 5204)

20-125 Bicycle-specific traffic-control signals.

For the purposes of this article, the term "bicycle" shall refer to and include bicycles, motor-assisted bicycles, and motor-assisted micromobility devices.

(a) Notwithstanding Section 20-121, wherever there exists a bicycle traffic-control signal, persons riding a bicycle shall obey the instructions of any official bicycle traffic-control device, instead of traffic-control device for vehicles.

(b) *Bicycle-Specific Traffic-Control Signals Legend:* Whenever bicycle traffic is controlled by bicycle traffic-control signals exhibiting different colored bicycle symbols successively, or with arrows, the following colors and signals shall be used and shall indicate and apply to persons riding bicycles, except when otherwise directed by a police officer, and subject to the right-of-way of emergency vehicles, as follows:

(1) *Green bicycle signal:* Persons riding bicycles facing this signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn; provided, that the bicyclists are not in conflict with any simultaneous motor vehicle movements at the signalized location; and further provided, that the bicycle movement is not modified by lane-use signs, turn prohibition signs, pavement markings, separate turn signal indications, or other traffic-control devices. But persons riding bicycles, including persons riding bicycles turning right or left, shall yield the right-of-way to other persons riding bicycles and pedestrians lawfully within the intersection when the signal is exhibited.

(2) *Yellow bicycle signal:* A steady yellow bicycle signal indication shall be displayed following a green bicycle signal indication or a green arrow in the same signal face. Persons riding bicycles facing this signal are thereby warned that the red signal will be exhibited immediately thereafter and bicycle traffic and shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited, unless stopping before entering the intersection may not be made in safety. The yellow bicycle indication shall be followed by a red bicycle signal indication.

(3) *Red bicycle signal:* Persons riding bicycles facing the signal shall come to a complete stop 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 bike signal is shown.

(4) *Right turn after stopping for red bicycle signal:* Persons riding bicycles facing a steady red bike signal, unless otherwise indicated by official signage, may, after coming to a complete stop as required by subsection (b)(3) of this section, cautiously enter the

intersection to make an indicated right turn. Such persons riding bicycles shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection. Turning after stopping is permitted as stated, except that bicyclists positioned to the left of adjacent motor vehicle traffic on the same approach shall be prohibited from turning right on red, and bicyclists positioned to the right of adjacent motor vehicle traffic on the same approach shall be prohibited from turning left on red.

(Reg. of 2-17-21(b), eff. 6-16-21)

20-126 Bicycle use of pedestrian-control signals.

Notwithstanding Section 20-121, and where there are no bicycle traffic-control signals, persons riding a bicycle may utilize pedestrian-control signals instead of vehicular traffic-control signals as follows:

- (a) Persons riding a bicycle facing a "steady red alone" or "Stop" signal shall come to a complete stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until either a "Walk" pedestrian-control signal or a "green alone," "green arrow," or "Go" traffic signal.
- (b) Persons riding a bicycle proceeding through an intersection as described in subsection (a) of this section shall yield the right-of-way to any pedestrian lawfully within the adjacent crosswalk.
- (c) This section shall apply to all intersections.

(Reg. of 2-17-21(b), eff. 6-16-21)

20-127—20-134 Reserved.

¹**Cross reference**—Locations of traffic-control devices, App. C, § 2.

ARTICLE V. PEDESTRIANS¹

20-135 Obedience to directions and signals.

All pedestrians shall be subject to and comply with any direction of any member of the police department and directions of all official traffic-control signs. Where such devices are not

installed pedestrians shall be granted those rights and be subject to the regulations as set out in this article.

(Rev. Ords. 1962, §§ 5160, 5165)

20-136 Pedestrian-control signal.

Whenever special pedestrian-control signals exhibiting the term "Walk" or "Wait" or "Don't Walk" are in place such signals shall indicate as follows:

- (a) *Walk*: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by drivers of all vehicles.
- (b) *Wait or Don't Walk*: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk or safety zone while the "Wait" or "Don't Walk" signal is showing.

(Rev. Ords. 1962, § 5201; 1969 Cum. Supp., § 5201)

20-137 Manner of crossing street.

No pedestrian shall cross a roadway at any point other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

20-138 Use of right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

20-139 Vehicles to yield to pedestrians crossing in crosswalk.

When traffic-control signals are not in place or not in operation or do not provide an exclusive pedestrian walk phase, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

20-140 Vehicles not to pass another stopped for pedestrians.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

20-141 When pedestrians to yield to vehicles.

Any pedestrian shall yield the right-of-way to all vehicles upon the roadway when:

- (a) Crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection; and
- (b) Crossing a roadway at any point where a pedestrian tunnel or overhead pedestrian crossing has been provided.

20-142 Not to step off curb in path of vehicle.

No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

20-143 Walking on roadway.

Where sidewalks are provided it shall be unlawful for any pedestrian to walk along or upon an adjacent roadway. Where sidewalks are not provided any pedestrian walking along or upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

20-144 Duty of drivers to exercise due care.

Notwithstanding the provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

20-145—20-154 Reserved.

¹**State law reference**—Authority to establish rules applicable to pedestrians, 24 V.S.A. § 2291(5).

ARTICLE VI. ABANDONED VEHICLES AND VEHICLES UNLAWFULLY PARKED ON LAWNS AND YARDS

20-155 Definitions.

As used in this article the following words shall have the meanings ascribed to them:

Lawn or yard: Any unoccupied and otherwise undesignated open space on a residential lot in a residential district. Lawn or yard shall not include a driveway. For purposes of this section "driveway" shall mean the portion of the property approved by the department of planning and zoning for vehicular egress and ingress.

Residential district: As defined in Burlington's Zoning Ordinance.

Property: Any real property within the city which is not a street or highway.

Street or highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of the vehicular or pedestrian travel.

Vehicle: A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property, pull machinery or be pulled by machinery, and shall include, but not be limited to, automobiles, trucks, trailers, motorcycles, tractors and wagons.

(Ord. of 6-22-98)

20-156 Parking on lawns or yards in residential districts prohibited.

- (a) It shall be unlawful for any vehicle to be parked on any lawn or yard in any residential district within the city. 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 this section. The registered owner of any vehicle parked in violation of this section is deemed to have authorized the violation pursuant to section 20-58 herein.
- (b) No owner of any property in any residential district within the city shall permit, allow or authorize any vehicle to be parked on any lawn or yard on such property.
- (c) The prohibitions in subsections (a) and (b) shall not be in effect during a declared parking ban pursuant to section 20-56

(Ord. of 6-28-71; Ord. of 6-22-98)

20-157 Leaving dismantled, nonoperating or unregistered vehicles on streets prohibited.

- (a) No person shall leave any partially dismantled, nonoperating, wrecked, junked or unregistered vehicle on any street or highway within the city. An unregistered vehicle shall include any vehicle not displaying valid license plates or validating stickers issued by the Vermont Department of Motor Vehicles or by any other state.
- (b) No person in charge or in control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, discarded or unregistered vehicle to remain on such property longer than five (5) days; and no person shall leave any such vehicle on any property within the city for a longer time than five (5) days; except that this article shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when the presence of such vehicle is necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained by the city.

(Rev. Ords. 1962, §§ 4264, 5323; Ord. of 6-28-71; Reg. of 4-17-92; Reg. of 11-6-96)

20-158 Authority to remove vehicles.

The chief of police, or any person designated by him, is hereby authorized to remove or have removed any vehicles left at any place within the city which reasonably appear to be in violation of this article.

(Rev. Ords. 1962, § 5323; Ord. of 6-28-71)

20-159 Impoundment.

Any vehicles removed by the chief of police or his agent for violating this article shall be impounded until lawfully claimed by the owner thereof or disposed of in accordance with the law of finders of property if not claimed by the owner within thirty (30) days from the date of its impounding.

(Ord. of 6-28-71)

20-160 Impoundment costs.

The cost of impounding and storing any vehicle under this article shall be assessed against and be the responsibility of the person in charge or control of the property from which the vehicle was taken at the time of its impounding. The cost of impounding and storing any vehicle from the street under this article shall be assessed against the owner of the vehicle pursuant to Section 20-74.

(Ord. of 6-28-71; Reg. of 8-14-07, eff. 10-10-07)

20-161 Violation as public nuisance.

The violation of this article shall be regarded as a public nuisance and the city attorney is hereby expressly granted the authority to petition a court of chancery for whatever equitable relief is deemed necessary for the abatement of such a public nuisance.

(Ord. of 6-28-71)

Chapter 21 OFFENSES AND MISCELLANEOUS PROVISIONS¹

Article I. In General

21-1 Abandoned iceboxes.

21-2 Unclaimed property—Disposition of.

21-3 Same—Storage charges.

21-4 Same—Disposal of proceeds of sale.

21-5 Signs in public ways; on vehicles.

21-6 Posting bills.

21-7 Auctioneers regulated.

21-8 Reserved.

21-9 Reserved.

21-10 Use of bow and arrow, airguns, etc. prohibited.

21-11 Discrimination in real estate sales and rentals prohibited.

21-12 Discharging firearms prohibited.

21-13 Noise control ordinance.**21-14 Leaf blowers.**

21-15—21-16. Reserved.

21-17 Emission of smoke or cinders prohibited; report of violations.**21-18 Placing substances in reservoir and swimming in reservoir prohibited.****21-19 Keeping unwholesome, noisome or offensive houses or places prohibited.****21-20 Gambling prohibited; confiscation of devices.**

21-21—21-23. Reserved.

21-24 Urination and defecation in streets.

21-25—21-27. Reserved.

21-28 Use of buildings by disorderly persons.**21-29 Graffiti and defacement of property.****21-30 Littering.**

21-30.1. Feeding of pigeons prohibited.

21-30.2. Feeding of sea gulls prohibited.

21-31 Restaurant, hotel, amusements and admissions taxes.**21-32 Operating hours of restaurants, lunchrooms, etc., in residential zones restricted.****21-33 Prostitution.****21-34 Keeping house of prostitution.****21-35 Throwing stones or other missiles.****21-36 Wearing mask or disguise for illegal purposes.****21-37 Consumption of alcoholic beverages prohibited.****21-38 Alcohol consumption, possession in public places.**

21-39 Disruption of school operations.

21-40 Reserved.

21-41 Impact fees.

21-42 Regulation of security alarm systems.

21-43 Fletcher Free Library.

21-44 Local sales tax enacted.

21-45 Unlawful trespass.

21.45A. Notice of trespass on city property.

21-46 Disorderly conduct.

21-47 Unlawful mischief.

21-48 City Hall Park.

21-49 Church Street Marketplace District trespass authority.

Article II. Women in Construction Trades

21-50 Statement of purpose.

21-51 Definitions.

21-52 Establishment of work force participation rates for women.

21-53 Enforcement.

21-54 Penalty.

21-55 Identification to law enforcement officers required.

Article III. Penalties

21-56 Penalty.

21-57—21-59. Reserved.

Article IV. Youth Access to Tobacco

21-60—21-63. Reserved.

21-64 Self-service tobacco sales displays prohibited.

21-65, 21-66. Reserved.

Article V. Prequalification of Construction Contractors

21-67 Policy.

21-68 Definitions.

21-69 Prequalification requirement; bidding process.

21-70 Prequalification application.

21-71 Financially responsible.

21-72 Experience; record.

21-73 Employment practices.

21-74 Fair subcontractor relations.

21-75 Proprietary information.

21-76 Implementation; exception.

21-77 Enforcement.

21-78 Severability.

21-79 Reserved.

Article VI. Livable Wages

21-80 Findings and purpose.

21-81 Definitions.

21-82 Livable wages required.

21-83 Applicability.

21-84 Enforcement.

21-85 Other provisions.**21-86 Exemptions.****21-87 Severability.****21-88 Annual reporting.****21-89 Effective date.****Article VII. Outsourcing****21-90 Policy.****21-91 Definitions.****21-92 Implementation.****21-93 Exemption.****21-94 Enforcement.**

21-95—21-99. Reserved.

Article VIII. Union Deterrence**21-100 Policy.****21-101 Definitions.****21-102 Implementation****21-103 Enforcement**

21-104—21-110. Reserved.

Article IX. Reproductive Health Center Access**21-111 Findings.****21-112 Definitions.****21-113 Prohibited acts.****21-114 Penalties.**

21-115 Severability.

21-116—21-119. Reserved.

Article X. Percent for Public Art**21-120 Purpose.****21-121 Definitions.****21-122 Eligible projects.****21-123 The percent for public art fund.****21-124 Public art project guidelines and policies.**

¹**Cross reference**—False fire alarms prohibited, § 13-14.

ARTICLE I. IN GENERAL**21-1 Abandoned iceboxes.**

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, nor shall any person permit any such icebox, refrigerator, freezer or similar container to remain upon premises owned or controlled by him.

(Rev. Ords. 1962, §§ 2751, 2752)

State law reference—Similar provisions, 13 V.S.A. § 1310.

21-2 Unclaimed property—Disposition of.

When personal property has been in the custody and possession of the police department for a period of thirty (30) days and when reasonable efforts and opportunities have been allowed for the owner to reclaim such property, and no reasonable claim of ownership has been made, the chief of police is hereby empowered and authorized to dispose of such property. The chief of police is also empowered to dispose of property by means of conversion to police department or other city department usage or by means of a donation

to local charities, clubs and or organizations or by private sale when the reasonable market value of the property, in the opinion of the chief, does not exceed one thousand dollars (\$1,000.00) and in those instances when the same is of greater value, by public auction.

(1969 Cum. Supp., § 6751; Ord. of 4-7-80; Ord. of 12-22-86; Ord. of 1-27-92; Ord. of 6-22-98)

Cross reference—Abandoned vehicles, § 20-156 et seq.

21-3 Same—Storage charges.

The police department is hereby authorized and allowed a charge of ten cents (\$0.10) per day for each item of personal property held in its possession, which charges shall become a lien upon the property so stored and the payment therefor shall have the first priority from the proceeds of its sale. The chief of police is further authorized to waive these charges in those cases deemed appropriate by him.

(1969 Cum. Supp., § 6752)

21-4 Same—Disposal of proceeds of sale.

The proceeds of any sale held pursuant to section 21-2 shall be used first to pay for all costs incurred in holding the sale and then the storage charges of the police department shall be satisfied therefrom. The chief of police shall file a report in the records of the department of the disposition of the property along with the amount of money received and the charges against the property. In those cases in which a balance remains, the money shall be held for an additional period of six (6) months and if not claimed within that period, shall become the property of the city and shall be paid over to the treasurer for the benefit of the city.

(1969 Cum. Supp., § 6753)

21-5 Signs in public ways; on vehicles.

(a) No person shall deposit or cause to be deposited any commercial advertising matter in or on any motor vehicle parked upon the streets or parked in other public places within the limits of the city without the permission or knowledge of the owner thereof.

(b) No person or business shall place or cause to be placed any advertisement or sign, sandwich board sign, or other type of advertising material or structure in or on any streets, sidewalks, greenbelts, or other rights-of-way within the limits of the city except as permitted in subsections (c), (d), and (e) of this section. The code enforcement office shall be the lead department responsible for the enforcement of this ordinance and the director of the public

works department or his/her designee, all code enforcement officers, and all law enforcement officials are authorized to enforce the provisions of this section.

Notwithstanding section 21-56(a), a violation of subsections (b), (c), or (d) is punishable by a civil penalty of from one hundred fifty (\$150.00) to five hundred dollars (\$500.00) and the confiscation of the sign at the owner's expense. The waiver penalty for such offense is one hundred fifty dollars (\$150.00).

(c) For all businesses located within the Church Street Marketplace District, a person or business may, subject to the written consent of the Marketplace Commission, place or cause to be placed advertisements or signs, sandwich board signs, or other type of advertising material or structure upon the streets or sidewalks within such district provided that the following provisions shall govern:

- (1) *Freestanding permanent advertising signs.* A person may locate a freestanding sign indicating special, sales, rates, entertainment, products, items, bills of fare, business location, hours of operation, or similar information of a business nature, provided that:
 - a. The sign is placed directly in front of and within fifteen (15) feet of the premises to which it directs attention;
 - b. The sign does not exceed eight (8) square feet in size as measured by the rectangle created by drawing a line from the highest point of the sign to the pavement and from left to right at the widest point of the sign;
 - c. The sign does not exceed three (3) feet in width;
 - d. The sign does not exceed four (4) feet in height;
 - e. The sign is clean, in good repair, and in the opinion of the commission, complementary to the overall appearance of the marketplace district;
 - f. The sign does not impede the flow of pedestrian traffic;
 - g. The sign is removed when the business establishment is not open for business;
 - h. The sign does not obstruct signs on adjacent structures;
 - i. Special messages calling attention to special sales or special events must be restricted to the bottom one-half of the face area of the sign;
 - j. The sign is not used more than three hundred sixty (360) days in any one calendar year;

k. The commission shall permit no more than forty-eight (48) such signs within the marketplace district, and no more than thirty (30) such signs on one side of the street;

l. No person may have more than one sign located in or attached to any part of the public right-of-way or canopy system.

(2) *Three-day freestanding signs.* A temporary freestanding sign, announcing a special show, special event, or special activity on the adjacent premise, may be located in the district provided that:

a. Paragraphs (a) through (l) of subsection (b)(1) above shall apply;

b. No business establishment shall locate such a sign in the district for a period in excess of three (3) days in any one calendar month.

(3) *Walking sandwich board signs.* Walking sandwich board signs are permitted subject to the review and written consent of the Church Street Marketplace District Commission, which may charge permit fees for such signs. Such signs shall satisfy the following requirements:

a. No sign shall exceed six (6) square feet on any face;

b. No sign shall have more than two (2) faces;

c. The sign's lower edge shall not extend below the knee level of the person wearing the sign.

(4) *Terms and conditions.* As a condition of issuing its written consent, the Marketplace Commission may attach thereto any terms or conditions reasonably necessary to preserve the character of the Marketplace District and to protect the public health, safety and general welfare.

(d) If applied for and permitted pursuant to this subsection, an advertisement or sign, sandwich board sign, or other type of advertising material or structure may be placed in or on a sidewalk or greenbelt adjacent to businesses located in any of the city's Downtown Mixed Use (except the Church St. Marketplace District), Neighborhood Mixed Use and Enterprise zones as defined by the Burlington Comprehensive Development Ordinance.

Notwithstanding the limitations on districts in which signs may be permitted, existing businesses with existing authorized signs in the right-of-way shall be allowed under a permit applied for and granted under these provisions; this right shall expire upon the termination of the business. For signs in districts where they are allowed, signs that are currently licensed

but do not meet the criteria can apply for a variance without the need to find extraordinary circumstances.

The public works director or his or her designee shall be responsible for granting or denying permits.

(1) *Criteria.* The following criteria shall apply to the granting of permits:

(A) *Location:* The location of the sign shall be set forth on the permit. Signs must be placed adjacent to the premises as close to the place of business as safety and aesthetic concerns will allow. Signs shall not be permitted if, when placed, the sign is within twelve (12) feet of a previously permitted sign. Variances must be requested from the Public Works Commission for special permission to place signs in a place not adjacent to the business where permitted by Chapter 21 of Title 10 of the Vermont Statutes Annotated, provided that such signs shall be placed in a district in which signs permitted in subsection (d) are allowed.

(B) *Size:* Signs shall be:

(i) No more than four (4) feet high (measured from the ground or pavement to the top of the sign) or wider than three (3) feet at its widest point and in no event shall a sign's total area exceed eight (8) square feet; or.

(ii) No higher than two-and-a-half (2 1/2) feet or wider than three (3) feet and in no event shall such a sign's total area exceed six (6) square feet. if it is:

(*) within forty (40) feet of a street intersection; or

(**) within fifteen (15) feet of a driveway curb cut; or

(***) placed in a location not adjacent to the business pursuant to (d)(1)
(A).

(C) *Number:* There shall be no more than one sign per business permitted. Where more than one (1) business is located on a property, the public works commission may either deny all requests for a permit or grant a variance from the requirements in (d)(1)(A) and (B) (size and location) pursuant to the provisions on variances.

(2) *Standard conditions.* Any terms or conditions in addition to the provisions of (d)(1) that are reasonably necessary to protect the public health, safety or welfare may be attached to the permit. The following shall be standard terms and conditions of any permit issued pursuant to this section:

- (A) All signs must be freestanding with no more than two sides and must not be attached to any other structure or object, including, but not limited to parking control signs, parking meters, trees, bushes, telephone and utility poles, mail boxes, or news racks.
- (B) All signs must be constructed of durable, weather resistant materials and finish, sufficiently weighted to the ground to prevent blow-down and shall not be electrified, illuminated or animated in any way. The permittee shall maintain the sign in a clean and original appearance and is solely responsible for any damage to the sign.
- (C) No sign shall be constructed, placed or maintained in a manner to obstruct driver or pedestrian visibility or use of the streets, parking meters, or sidewalks. No sign shall obstruct any intersection, crosswalk, access ramp, bus stop, fire hydrant, driveway, building entrance or emergency exit. No sign shall be placed in a manner that decreases the horizontal area for clear passage of pedestrians to less than five (5) feet. No sign shall be constructed, placed, or maintained in a manner that impedes or impairs the city's ability to maintain the road, sidewalk, street trees parking meters, and green belt.
- (D) From March 21st through September 21st, all signs must be removed from the sidewalk or greenbelt no later than 7 p.m. each evening or at anytime the establishment is closed, whichever occurs first. From September 22nd through March 20th, all signs must be removed from the sidewalk or greenbelt by 5 p.m. each evening or at anytime the establishment is closed, whichever occurs first. Signs shall not be placed out on the sidewalk or greenbelt before 6 a.m. each morning.
- (E) The permittee shall place the permit number sticker on the upper right corner of the sign.
- (F) The permittee shall carry liability insurance in amounts required by the City's liability insurance company, and shall include the City of Burlington as an additional insured party. The permittee shall agree to indemnify and hold the city harmless and free from all liability arising out of its use of the street, greenbelt, sidewalk, or other right-of-way. Should the sign be damaged due to maintenance such as plowing or tree maintenance, the City of Burlington is not responsible for replacement of the sign.
- (3) *Denial, appeal, variance.* If it reasonably appears that granting the permit shall jeopardize the public's health, safety or welfare, the application shall be denied. Within ten days of the date of a denial from the director, or his or her designee, the applicant may appeal the decision in writing to the public works commission. The public works

commission may deny or grant the permit application and may set terms and conditions consistent with the provisions of subsection (2) when it deems it necessary for the protection of the public's health, safety or welfare. No sign shall be placed on a street, sidewalk, greenbelt, or other city right-of-way pending the appeal of the director's decision.

An applicant may also seek a variance from the provisions of this section in the same manner that an appeal is taken to the commission. The commission may grant a variance if it finds that there are extraordinary and exceptional circumstances or situations that make strict compliance with the provisions of this section unusually difficult or would create an undue hardship. The commission shall have the power to vary from the strict application of the requirements of this section only to the least extent necessary to relieve the difficulties or hardships involved and only if the variance will not cause a detriment to the health, safety, and welfare of the public and will not cause an impairment of the intent and purpose of this section or the specific limitations set upon variances in this section.

(4) *Permit fees.* The public works department shall set fees for the permits subject to review and final approval of the city council. The fees established shall consider the administrative costs of the permitting process including costs of enforcement of this section to the city.

(5) *Signature, taxes paid, insurance required.* No permit shall be issued unless the signature of the owner of the property on which the applicant's business is located appears on the application and the applicant is current on all taxes and fees owed to the city and a certificate of insurance has been provided to the public works department showing current and effective insurance in the required amounts.

(6) *Revocation.*

(A) Revocation shall be automatic and without notice to cure when taxes and/or fees become delinquent or liability insurance has lapsed or does not comply with section (d)(2)(F). Revocation under this provision may result in the confiscation of the sign at the expense of the permit holder.

(B) For all other violations of the conditions of a permit, prior to revocation and confiscation of a sign, a notice of the violation and a date by which such violation must be cured shall be given to the permittee. Notice of any revocation shall be by first class mail. Failure to cure the violation by said date may result in the confiscation of the sign at the expense of the permit holder and the automatic revocation of the permit.

(C) Signs confiscated pursuant to this section shall be in the custody and possession of the code enforcement office for a period of thirty (30) days. The owner of a confiscated sign may reclaim the sign within thirty (30) days of its confiscation upon payment of the cost of confiscation. The cost of confiscation shall be set by the code enforcement office, subject to the review and final approval of the city council. The chief code enforcement officer or his/her designee is empowered to dispose of the signs if such signs are not claimed within this thirty-day period.

(D) Permits that have been revoked pursuant to subsection (d)(6)(B) must be renewed in accordance with all the requirements of this section. Permits revoked pursuant to subsection (d)(6)(A) shall be automatically reinstated without need for reapplication upon the payment of all delinquencies or curing of any lapse in insurance compliance.

(7) *Permit term.* Permits issued under this section shall be effective for up to two years from the date of issuance until April 30 of every even year unless:

(A) The establishment is no longer in business.

(B) The permit has been revoked pursuant to section 21-5(d)(6).

(C) The city has revoked a permit without cause after a thirty-day notice to the permit holder. The director shall provide an explanation as to the rationale for the no cause revocation.

(D) A shorter term has been requested and granted.

(E) Temporary signs for political candidates, parties, and organizations, signs for charitable organizations, and signs for garage/lawn/yard type sales are exempt from the district limitations and the requirement for a permit as long as the signs do not exceed the size limitations set forth in subsection (d)(1)(B)(ii) and do not obstruct the public rights-of-way or otherwise impair the public health, safety or welfare.

(Rev. Ords. 1962, § 4261; 1969 Cum. Supp., § 4261; Ord. of 3-20-78; § 5; Ord. of 5-2-83; Ord. of 10-7-85; Ord. of 10-27-03, eff. 11-26-03; Ord. of 2-18-20(1))

State law reference—Advertising generally, 13 V.S.A. § 301 et seq.

21-6 Posting bills.

(a) 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.

(b) No person shall post a show bill, advertisement or paper, or any signs, advertisements or symbols of any nature on any bench, support column, light pole, planter, bike rack, litter container or any other public amenity in the Church Street Marketplace District, except such spaces designated for such purpose by the Church Street Marketplace commission.

(Rev. Ords. 1962, § 1701; Ord. of 5-2-83)

21-7 Auctioneers regulated.

- (a) *Defined.* As used in this section "auctioneer" shall mean any person who holds himself out as a public auctioneer.
- (b) *Prohibited; exception.* No person shall carry on the business of an auctioneer, or render any service as an auctioneer, unless duly licensed as provided by Chapter 19
- (c) *Fee.* The fee for a license required by subsection (b) shall be fifty dollars (\$50.00).

(Rev. Ords. 1962, §§ 1261, 1262; Ord. of 3-20-78, § 5)

Charter reference—Power of city council to regulate, § 48(IV), (XXIV).

Cross reference—Licenses generally, Ch. 19.

State law reference—Licensing auctioneers generally, 32 V.S.A. §§ 7601—7603.

21-8 Reserved.

Editor's note—An ordinance adopted Mar. 12, 2018, repealed § 21-8 which pertained to aggressive panhandling and derived from Rev. Ords 1962, § 3551 and an ordinance adopted Mar. 18, 2002.

21-9 Reserved.

Editor's note—An ordinance adopted Mar. 12, 2018, repealed § 21-9 which pertained to soliciting contributions for charities and derived from Rev. Ords. 1962, § 4262, the 1969 Cum. Supp. § 4262 and an ordinance adopted May 2, 1983.

21-10 Use of bow and arrow, airguns, etc. prohibited.

No person shall shoot a bow and arrow with metal arrow points or discharge a rifle or pistol using air, CO₂ or any propellant other than gunpowder to propel bullets, pellets or BBs within

the limits of the city except in an area which is specifically approved for such use by the director of the department of parks and recreation or the superintendent of schools or their designees. Excluded from this prohibition shall also be any law enforcement usage by law enforcement officers and official program of any other certified school, college, university or recreational center.

(Rev. Ords. 1962, § 3556; Ord. of 11-21-05/12-21-05; Ord. of 5-22-06/6-21-06)

21-11 Discrimination in real estate sales and rentals prohibited.

No person having the right to sell, lease or sublease a dwelling may refuse to grant an option for selling, or to sell, lease or sublease said dwelling to any other person or group of persons because of the race, creed, color or national origin of such other person or group of persons.

(Rev. Ords. 1962, § 3701; 1969 Cum. Supp., § 3701)

State law reference—Similar provisions, 13 V.S.A. § 1452.

21-12 Discharging firearms prohibited.

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.

(Rev. Ords. 1962, § 3555)

Cross reference—License required for shooting galleries, § 4-6; firearms prohibited in cemetery, § 9-13; firearms prohibited in parks, § 22-12.

State law reference—Weapons generally, 13 V.S.A. § 4001 et seq.; authority of municipality to regulate use or discharge of firearms, 24 V.S.A. § 2291(8).

21-13 Noise control ordinance.

(a) *Purpose.* The purpose of this section is to preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise and to prevent noise which is prolonged or unsuitable for the time and place and which is detrimental to the peace and good order of the community. It is the goal of this section to allow all residents of our city to peacefully coexist in a manner which is mutually respectful of the interests and rights of others.

(b) *Prohibited noise offenses:*

(1) *General prohibition.* It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise. Noise shall be deemed to be unreasonable when it disturbs, injures or endangers the peace or health of another or when it endangers the health, safety or welfare of the community. Any such noise shall be considered to be a noise disturbance and a public nuisance.

(2) *Express prohibitions.* The following acts, which enumeration shall not be deemed to be exclusive, are declared to be noise disturbances:

a. *Radios, television sets, musical instruments, phonographs and similar devices.* The operation or permitting the use or operation of any musical instrument, radio, television, phonograph, or other device for the production or reproduction of sound in such a manner as to be plainly audible through walls between units within the same building, from another property or from the street between the hours of 10:00 p.m. and 7:00 a.m. or in such a manner as to unreasonably disturb the peace, quiet or comfort of the public.

b. *Motor vehicle sound equipment.* The operation or permitting the operation of any radio, stereo or other sound amplification equipment from a motor vehicle that is audible at twenty-five (25) feet from such vehicle. The term "motor vehicle" shall mean any car, truck or motorcycle.

c. *Parties and other social events.* Notwithstanding section (b)(1), it shall be unlawful for any person who is participating in a party or other social event to actively make unreasonably loud noise. A party or other social event is defined as a gathering upon the premises of one or more persons not residing at the premises. Unreasonably loud noise is noise that unreasonably interferes with the peace or health of members of the public or is plainly audible between the hours of 10:00 p.m. and 7:00 a.m. through the walls between units within the same building, from another property or from the street. It shall also be unlawful for any resident of a premises to allow a party or other social event occurring in or about the premises to produce unreasonably loud noise. There is a rebuttable presumption that all residents of the premises have allowed such party or other social event to occur in or about the premises. All residents of the premises are responsible for such unreasonable noise made, each having joint and several liability.

d. *Machinery.* The operation or permitting or directing the operation of any power equipment or machinery outdoors between the hours of 9:00 p.m. and 7:00 a.m. except in emergency situations.

e. *Construction noise.* The excavation, demolition, erection, construction, alteration or repair of any premises or structure between the hours of 9:00 p.m. and

7:00 a.m. except in emergency situations.

f. *Loudspeakers.* The use of loudspeakers or other sound amplification equipment upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or site.

(c) *Exemptions.* Noise from the following sources shall be exempt from the prohibitions specified herein:

- (1) All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work, including, but not limited to, police, fire and rescue vehicle sirens.
- (2) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside daytime hours.
- (3) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
- (4) Musical, recreational and athletic events conducted by and on the site of a school or educational institution.
- (5) Events and activities conducted by or permitted by the city. Persons operating an event or activity under authority of an entertainment permit, parade/street event permit, solid waste license, or parks special use permit shall comply with all conditions of such permits or licenses with respect to noise control issues.
- (6) Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.

(d) *Notification by property owners of rental housing.* Owners of rental housing shall be required to provide a copy of this section to a tenant at the start of the tenancy. However, the failure of an owner to provide a copy of the ordinance shall not be a defense to a violation of this section.

(e) *Enforcement:*

- (1) First offense. A first offense of any provision of this section, except subsection (b)(2) (c.) (Parties and social events) 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 two hundred dollars (\$200.00) 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 restorative or reparative justice program through the Community Justice Center. The waiver penalty for a first offense of any provision of this section except subsection (b)(2)(c.) (Parties and social events) by a person during any twenty-four (24) month period shall be a fine of two hundred dollars (\$200.00).

(2) A first offense of subsection (b)(2)(c.) (Parties and social events) 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 three hundred dollars (\$300.00) 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 restorative or reparative justice program through the Community Justice Center. The waiver penalty for a first violation of subsection (b)(2)(c.) (Parties and social events) shall be a fine of three hundred dollars (\$300.00).

(3) Second offenses. Except for violations of subsection (b)(2)(c.) (Parties and social events), a second offense during a twenty-four (24) month period shall be deemed to be a civil offense and shall be punishable by a minimum fine of three hundred dollars (\$300.00) 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 restorative or reparative justice program through the Community Justice Center. The waiver penalty shall be a fine of three hundred dollars (\$300.00).

(4) A second offense under subsection (b)(2)(c.) (Parties and social events) during a twenty-four-month period shall be deemed to be a civil offense and shall be punishable by a penalty of a minimum fine of four hundred dollars (\$400.00) 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 restorative or reparative justice program through the Community Justice Center. The waiver penalty for a second violation of subsection (b)(2)(c.) shall be a fine of four hundred dollars (\$400.00).

(5) The third and any subsequent offense within a twenty-four (24) month period shall be deemed a criminal offense and shall be punishable by a fine of five hundred dollars (\$500.00).

(6) The city shall notify the owner of any property upon which a noise control ordinance violation has occurred and a person has been given a civil Vermont Municipal Complaint or criminal citation pursuant thereto that such complaint or citation has been issued.

(7) Any law enforcement officer may issue a municipal complaint ticket or criminal citation for offenses of the noise control ordinance.

(Ord. of 5-6-96; Ord. of 6-22-98; Ord. of 8-14-00; Ord. of 5-21-01; Ord. of 2-18-03; Ord. of 1-12-10)

Charter reference—Power of city to prevent noise, § 48(V).

Cross reference—Street musicians and entertainers licensed, § 4-4; boisterous conduct in city cemeteries prohibited, § 9-9; disorderly conduct at fires, § 13-7.

State law reference—Disturbing religious meetings, 13 V.S.A. § 971; breach of peace by disorderly acts, 13 V.S.A. § 1021(b); noise at night, 13 V.S.A. § 1022; disturbing meetings, 13 V.S.A. § 1023.

21-14 Leaf blowers.

(a) *Purposes.* To further the well-being of the city by reducing noise, reducing carbon emissions, and eliminating nuisances caused by leaf blowers.

(b) *Memorial Day to Labor Day.* No person shall use a leaf blower within the city from Memorial Day to Labor Day in each year, except as follows:

(1) Electric or battery-powered leaf blowers, on which is affixed a manufacturer's label indicating the model number, that have a noise level not in excess of sixty-five (65) dBA may be used subject to the other provisions of this section;

(2) Only one (1) leaf blower may be used at a time in any lot less than five thousand (5,000) square feet.

(c) *Labor Day to Memorial Day.* Between Labor Day of one (1) year and Memorial Day of the next, only leaf blowers meeting the following criteria are permitted for use:

(1) Leaf blowers must be manufactured after January 1, 2005, for EPA Class 4 engines and after January 1, 2008, for EPA Class 5 engines;

(2) Leaf blowers must bear an affixed manufacturer's label indicating the model number of the leaf blower;

(3) Leaf blowers must have a noise rating of sixty-five (65) dbA or less; and

(4) Leaf blowers may only be used with any muffler, full extension tube and sound attenuating devices supplied by the manufacturer of the leaf blower. Non-factory modifications are not permitted.

(d) *General rules of operation.*

(1) *Permitted hours of use.* Leaf blowers may be operated only during the following times:

Monday through Friday: 7:00 a.m. to 5:00 p.m., except in an emergency to prevent flooding or other serious damage on an emergency basis.

Saturday: 8:00 a.m. to 5:00 p.m.

Sundays and legal holidays: prohibited except for operation by a resident of the property on which the leaf blower is operated between 9:30 a.m. and 5:00 p.m.

- (2) No person may blow or deposit debris onto a neighbor's property.
- (3) No person may blow or deposit debris onto a public street, sidewalk, or right-of-way.
- (4) No person may operate a leaf blower so as to cause dust or debris to be blown into a resident's windows or doors.

(e) *Effective dates.*

- (1) City departments that employ the use of leaf blowers shall abide by this section commencing August 1, 2021.
- (2) Businesses that use leaf blowers in their business (e.g., landscaping or gardening businesses) and provide such service to ten (10) properties or more or property owners with ten (10) or more properties within the city shall abide by this section commencing September 6, 2021.
- (3) Businesses that use leaf blowers in their business (e.g., landscaping or gardening businesses) and provide such service to fewer than ten (10) properties or property owners with more than one (1) and up to nine (9) properties within the city shall abide by this section commencing December 31, 2021.
- (4) Every other person or entity within the city shall abide by this section commencing May 31, 2022.

(f) *Penalties.*

- (1) Any leaf blower operated at more than sixty-five (65) decibels at any time will be considered a violation of the city's noise ordinance, Section 21-13.
- (2) Any other violation of this section may be enforced under Section 1-9, except that the minimum fine shall be a penalty of one hundred dollars (\$100.00).

(Ord. of 4-12-21; Ord. of 4-26-21(1))

21-15—21-16 Reserved.

Note—See the editor's note to § 21-13

21-17 Emission of smoke or cinders prohibited; report of violations.

- (a) 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.
- (b) It shall be the duty of the health officer to report to the city attorney for prosecution any violation of the provisions of this section.

(Rev. Ords. 1962, §§ 2851, 2853)

Cross reference—Discharge of noxious substances into harbor prohibited, § 7-9; discharge of oil into harbor prohibited, § 7-10; open fires restricted, § 13-3; hours when outside fires permitted, § 13-4; outside fire endangering buildings or noxious to others prohibited, § 13-5.

21-18 Placing substances in reservoir and swimming in reservoir prohibited.

No person shall throw, put or place, or cause to be thrown, put or placed, in any public reservoir, or the water thereof, in the city, stone, dirt, ashes, shavings, sticks, garbage, rubbish or filth of any kind, nor shall any person wade or bathe in, or cause or permit a dog or other animal to go into or swim in the water of a public reservoir in the city.

(Rev. Ords. 1962, § 6017)

Cross reference—Discharge of noxious substances into harbor prohibited, § 7-9; discharge of oil into harbor prohibited, § 7-10; water, Ch. 31.

21-19 Keeping unwholesome, noisome or offensive houses or places prohibited.

No person shall keep any unwholesome, noisome or offensive house or place in the city.

(Rev. Ords. 1962, § 2601)

Cross reference—Barn cellars and ventilation, § 5-2; keeping pigsty regulated, § 5-3; health generally, Ch. 17.

21-20 Gambling prohibited; confiscation of devices.

No person shall 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 of 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 tables, instruments or devices taken as aforesaid.

(Rev. Ords. 1962, § 3559)

Charter reference—Power of city council to restrain and prohibit gambling, § 48(II).

Cross reference—Gambling prohibited in bowling alleys, shooting galleries, skating rinks and billiard parlors, §§ 4-6, 4-7; coin-operated devices, § 4-21 et seq.

State law reference—Gambling regulated, 13 V.S.A. § 2132 et seq.

21-21—21-23 Reserved.

Editor's note—An ordinance adopted Mar. 12, 2018, repealed §§ 21-21—21-23 which pertained to hitchhiking, indecent or profane language and indecent exhibitions and derived from Rev. Ords. 1962, §§ 3553, 3557 and 3558.

21-24 Urination and defecation in streets.

(a) No person shall urinate or defecate in any street, park or other public place except in facilities specifically provided for this purpose. A person who violates this subsection commits a civil offense punishable by a civil penalty of sixty dollars (\$60.00) (with a waiver penalty of fifty dollars (\$50.00)) for the first offense and seventy-five dollars (\$75.00) (with a waiver penalty of seventy dollars (\$70.00)) if the offense occurs less than six (6) months after having been found to have committed the first offense. The penalty shall be waived upon the successful completion of a restorative or reparative justice program through the Community Justice Center.

(b) A person who urinates or defecates in any street, park or other public place except in facilities specifically provided for this purpose after having been found to have committed two (2) civil offenses involving urination or defecation in a public place less than six (6) months previously shall have committed the criminal offense of repeated unlawful urination or defecation in a public place. The offense of repeated unlawful urination or defecation in a public place is designated as a criminal offense, pursuant to 24 V.S.A. § 1974, punishable by a

criminal penalty of one hundred dollars (\$100.00). The charge shall be dismissed and the penalty shall be waived upon the successful completion of a restorative or reparative justice program through the Community Justice Center.

(Ord. of 8-14-72; Ord. of 5-14-18)

21-25—21-27 Reserved.

Editor's note—An ordinance adopted Mar. 12, 2018, repealed §§ 21-25—21-27 which pertained to indecent writing, pictures, show bills, advertisements, signs or notices and loitering and derived from Rev. Ords. 1962, §§ 3551, 3553 and 3554 and an ordinance adopted April 10, 1975.

21-28 Use of buildings by disorderly persons.

No person shall 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 permit any boisterous, riotous or disorderly conduct therein or thereabout.

(Rev. Ords. 1962, § 3560)

Charter reference—Power of city council to prevent disorderly assemblages, § 48(V).

State law reference—Using building for purpose of prostitution, 13 V.S.A. § 2632.

21-29 Graffiti and defacement of property.

(a) *Findings and purpose.* This section seeks to help prevent the spread of graffiti and defacement of property, public and private. Graffiti and the defacement of property are destructive of the rights and values of property owners. They are aesthetic blights on the entire community. Graffiti and defacement of property are acts of vandalism, detrimental to the city, and are, therefore, public nuisances.

(b) *Definitions.*

(1) "Graffiti" means any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, without being authorized to do so by the owner of the property or the owner's duly authorized agent.

(2) "Graffiti implement" means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable

of scarring or leaving a visible mark on any natural or manmade surface.

(3) "*Defacement*" means any application or causing the application to any surface of public or private property of paint, varnish, lead, crayon, wax, ink, dye or other substance, or the carving, chiseling, writing, or other such act of any mark, figure or letter on such property without being authorized to do so by the owner of the property or the owner's duly authorized agent.

(c) *Prohibited acts.* It shall be unlawful for any person to make graffiti or deface any surface of public or private property unless authorized by the owner of the property or the owner's duly authorized agent.

(d) *Penalties.* A violation of this ordinance is a civil offense and shall be punishable by a fine of five hundred dollars (\$500.00) with a waiver penalty of four hundred dollars (\$400.00). At the discretion of the prosecuting officer or city attorney, this penalty or a part thereof may be waived upon the successful completion of community service related to the elimination of graffiti and defacement.

(Ord. of 10-16-72; Ord. of 6-4-07, eff. 7-4-07)

21-30 Littering.

No bottles, broken glass, ashes, wastepaper or other rubbish shall be left at any place on the Church Street Marketplace except at such place or places as may be specially designated by the marketplace commission.

(Ord. of 10-24-88)

21-30.1 Feeding of pigeons prohibited.

(a) No person shall deliberately dispense or distribute feed for or feed any pigeons in any public street, sidewalk, greenbelt, park, building, the Church Street Marketplace or any other public place in the city.

(b) In addition to the penalties which the city may seek under section 1-9 of this Code for violations of this section, private parties may also seek to remedy such violations under the provisions of section 54 of the City Charter.

(Ord. of 5-20-91, § 21-30A)

Editor's note—Two ordinances passed on May 20, 1991, amended Ch. 21 by adding provisions designated as §§ 21-30A and 21-30B. In order to conform to established Code format, the editor has redesignated these provisions as §§ 21-30.1 and 21-30.2

21-30.2 Feeding of sea gulls prohibited.

- (a) No person shall deliberately dispense or distribute feed for or feed any sea gulls in any public street, sidewalks, greenbelt, park, building, the Church Street Marketplace or any other public place in the city.
- (b) In addition to the penalties which the city may seek under section 1-9 of this Code for violations of this section, private parties may also seek to remedy such violations under the provisions of section 54 of the City Charter.

(Ord. of 5-20-91, § 21-30B)

Note—See the editor's note to § 21-30.1

21-31 Restaurant, hotel, amusements and admissions taxes.

(I) GENERAL PROVISIONS:

- (A) *Title*: This section may be cited as the "Restaurant, Hotels, Amusements and Admissions Taxes Ordinance."
- (B) *Purpose and Authority*: This section is enacted to raise revenue for municipal purposes pursuant to the Charter of the City of Burlington, Act No. 298, Acts of 1949, Sections 48III and 48XXIV.

The city council originally adopted this tax on January 30, 1986. Included in that ordinance was subsection "XVI Sunset." Subsequent to the adoption of the ordinance, the voters recommended and the Legislature adopted a change to the City Charter (Acts of 1986, M-21) which established a system of tax classification in Burlington.

That city council and each successor city council has construed the 1986 tax ordinance not to have sunset, to have been in continuous effect, and each has adopted a city budget which collected and expended funds raised by that 1986 ordinance.

On April 2, 1990, the Superior Court construed the intention of the 1986 enactment of this ordinance to trigger a sunset of it effective June 30, 1987, and declared it no longer effective.

The city council hereby enacts this ordinance as both a prospective and retroactive curative adoption. The city council views the Superior Court's construction of the intention of our predecessor 1986 city council to be erroneous. Despite the fact that an appeal of that decision is pending at the time of this enactment, the city council finds

that prudence further necessitates that this curative action also be taken by us as the local legislative body of the city.

It is therefore the express legislative purpose of this 1990 enactment of this ordinance to:

- (1) Adopt the "Restaurant, Hotel, Amusements and Admissions Taxes Ordinance," Code of Ordinances, Section 21-31, without the sunset clause which appeared at subsection XVI of the 1986 enactment, and which gave rise to the Superior Court declaration of defect in the ordinance's continued effectiveness after June 30, 1987; and
- (2) Make this enactment, which has eliminated the former sunset clause altogether, retroactive to the effective date of the original tax ordinance adopted January 30, 1986.

(II) **TAXES IMPOSED:**

- (A) *Restaurant Tax:* There is hereby imposed a business occupation tax upon all persons engaged in the restaurant business of whatever name or character in the City of Burlington. The tax imposed shall be at the rate of two (2) percent of the gross receipts from taxable business, as defined herein, done per monthly period in accordance with the provisions of this section.
- (B) *Hotel and Motel Tax:* There is hereby imposed a business occupation tax upon all persons engaged in the hotel or motel business of whatever name or character within the City of Burlington. The tax imposed shall be at a rate of two (2) percent of gross receipts from taxable business, as herein defined, done per monthly period in accordance with the provisions of this section.
- (C) *Short Term Rental Tax:* There is hereby imposed a business occupation tax upon all persons engaged in operating short term rentals within the City of Burlington. The tax imposed shall be at a rate of nine (9) percent of gross receipts from taxable business, as herein defined, done per monthly period in accordance with the provisions of this section and dedicated to the housing trust fund.
- (D) *Amusements Tax:* There is hereby imposed a business occupation tax upon all persons engaged in the business of operating places of amusement, including, but not limited to, pool halls, arcades, bowling alleys, or operating any establishment making available use of amusement devices of whatever name or character within the City of Burlington. The tax imposed shall be at the rate of two (2) percent of taxable business,

as defined herein, done per monthly period in accordance with the provisions of this section.

(E) *Admissions Tax:* There is hereby imposed a tax on admissions to circuses, menageries, carnivals, cinemas, shows of every kind, plays, athletic contests, exhibitions or entertainments for money of whatever name or character except those of educational or nonprofit institutions or organizations or wholly for charitable purposes. The tax imposed shall be at the rate of two (2) percent of the gross receipts from such admissions, as defined herein, done per monthly period in accordance with the provisions of this section.

(F) *Compliance Required:* It shall be unlawful for any person to transact or carry on any business, occupation or activity subject to the provisions of this section without complying with all applicable provisions herein.

(III) *DEFINITIONS:* For the purposes of this section, the following terms, phrases, words and their derivations shall have the meanings given herein:

(A) *Person* means any individual, male or female, estate, trust, receiver, cooperative association, domestic and foreign corporation, syndicate, joint stock corporation, partnership of any kind, club and society.

(B) *Council* means the city council of the City of Burlington, Vermont.

(C) *Treasurer* means the treasurer of the City of Burlington, or his/her designated representative.

(D) *Gross Receipts* means the total amounts received or receivable and the total amounts actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed when such act or service is done as part of or in connection with a taxable admission or a taxable business as herein defined. Included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deductions therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from "gross receipts" shall be the following:

(I) Cash discounts allowed and taken. For the purpose of this section, "cash discount" means a deduction from the invoice price of goods or charge for services which is allowed if the bill is paid on or before a specified date.

(2) Any tax required by Chapter 225 or Chapter 233 of Title 32 Vermont Statutes Annotated.

(E) *Monthly Period* means such period which shall begin on the first day of each calendar month and includes the last day of each calendar month.

(F) *Successor* means any person who shall, through direct or mense conveyance, purchase or succeed to the business, or portion thereof, or the whole or any part of the stocks, goods, wares or merchandise or fixtures or any interest therein of a taxpayer quitting, selling out, exchanging or otherwise disposing of his business. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

(G) *Taxable Business* means:

(1) Sales of any food or food products prepared on premises and delivered to the purchaser ready to eat, or of beverages, including alcoholic beverages, served for consumption on premises, but shall not include:

(a) Meals served on the premises of day care centers, nurseries, kindergartens, elementary or secondary schools;

(b) Meals prepared by the employees thereof and served to the patients or wards of any hospital, convalescent home, sanitorium, group home, nursing home or home for the aged;

(c) Meals furnished to the elderly pursuant to the Older Americans Act 42 USC, Chapter 35, Subchapter VII;

(d) Meals sold by nonprofit organizations at bazaars, fairs picnics, church suppers or similar events.

(2) Rental of hotel and motel rooms including the conduct of incidental activities such as conduct of conventions, seminars and meetings on hotel or motel premises.

(3) Charges of any kind received, including admission or minimum charges for the use of pool halls, billiard tables, bowling alleys, arcades, electric amusement devices, mechanical amusement devices, or the use of other places of amusement or of amusement devices of whatever name and character.

(H) *Taxpayer* includes any individual, group of individuals, corporation, partnership or association required to pay a tax under this section, or any person who engages in any

occupation for which tax is imposed by this section.

(I) *Hotel or Motel* means an establishment which holds itself out to the public by offering sleeping accommodations and food for consideration, whether or not the major portion of its operating receipts is derived therefrom and whether or not the sleeping accommodations are offered to the public by the owner or proprietor or lessee, sub-lessee, mortgagee, licensee, or any other person or agent of any of the foregoing. The term "hotel" shall not include the following:

- (1) A hospital, licensed un Chapter 43 of Title 18, or a sanitorium, convalescent home, nursing home or a home for the aged.
 - (2) An establishment operated by a nonprofit corporation or association organized and operated exclusively for religious, charitable or educational purposes, one or more, which, in furtherance of any of the purposes for which it was organized, operates a hotel as defined herein.
- (J) *Restaurant* means every eating and drinking establishment operated within the City of Burlington, including every restaurant, cafe, lunch counter, private and social club, bar, tavern, diner, cafeteria, delicatessen, sandwich shop, or other place, where any food or food products are prepared and delivered on premises to the purchaser ready to eat, or where beverages, including alcoholic beverages, are served for consumption on premises, or both, and for which charge is made. This term shall not include caterers who do not prepare and deliver food and beverages to customers at the caterer's place of business. This term shall include all sites of athletic contests, shows, performances, movies, theaters and entertainment places where food, beverages, including alcoholic beverages, or refreshments are sold for consumption on premises.
- (K) *Sworn Statement* shall mean an affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury or an accounting of gross receipts of business done as required to be filed under this section.

(IV) *TAX-WHEN DUE:*

(A) Every taxpayer subject to the provisions of this section shall file within thirty (30) days of the effective date hereof an application with the treasurer for a taxpayer identification number. This application shall contain the legal name of the taxpayer, any trade name(s) employed, the address, place(s) of business within the city, principal place of business, phone number, authorized agent for service of process, the type(s) of taxable admissions received by the taxpayer and that taxable business(es) in which the taxpayer is engaged. Upon receipt of a complete application, the treasurer shall issue to each taxpayer an identification number. Failure of a taxpayer, or anyone reasonable

likely to be a taxpayer as herein defined at the time that levy of the taxes herein commences, to file for an identification number shall be a violation.

(B) The tax imposed by this section shall be due and payable commencing March 1, 1986, in monthly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the monthly period in which the tax accrued. The remittance shall be made as provided in this section and shall be accompanied by a return on a form to be provided and prescribed by the city treasurer. The taxpayer shall be required to make a sworn statement that the information therein given is complete and true and that the taxpayer knows the same to be so.

(C) If a person fails to file a return under oath when required to do so by this section, the treasurer, with the approval of the city council, shall fix his gross receipts using any information in his possession for the period in respect to which such person has failed to file a return, and shall assess the amount of tax due including applicable penalties.

(D) The tax shall be considered delinquent on the day after it becomes due and payable pursuant to subsection (B) above.

(E) If the treasurer determines that a taxpayer has failed to pay any tax, penalty or portion thereof due under this section, the treasurer shall mail to such taxpayer a statement showing the balance due and shall add thereto a thirteen dollar (\$13.00) late penalty payment or interest at the rate of twelve (12) percent per year, whichever is greater. That unpaid balance and penalty total shall be subject to interest at a rate of twelve (12) percent per year from the date of underpayment. Such interest shall accrue until the date of payment. Within five (5) days from the date the statement is mailed, the taxpayer shall pay such balance and all interest due thereon. No such demand shall be made more than four (4) years after the close of the fiscal year in which the same accrued, except"

(1) As against a taxpayer who has been guilty of any fraud or misrepresentation of material facts; or

(2) Where a taxpayer has executed a written waiver of such limitation.

(F) In the event any business subject to the tax defined herein closes or changes ownership, said business shall file a closing return with the city treasurer and pay the tax due within thirty (30) days from the time of closing or changing of ownership of said business. A closing return shall be construed delinquent if not filed within the specified time.

In the event a business referenced above fails to file a closing return, it shall be the responsibility of the successor to file the return and pay any taxes and penalties due thereunder.

(G) It shall be the responsibility of the taxpayer to advise the city treasurer of any change in the type of business or the activities carried on.

(H) The treasurer may, for good cause and with the approval of the city council, extend for not more than ninety (90) days the time for paying any sum, or a portion thereof, required to be paid hereunder. The extension may be granted at any time, provided a written request therefor is filed with the city treasurer prior to the delinquency date. Interest at the rate herein stated shall accrue during the period of extension.

(V) *PAYMENT OF TAX:* At the time the return is required to be filed under this section, the tax shall be paid to the city treasurer by bank draft, certified check, cashier's check, personal check or money order, or in cash. If payment is made by draft or check, the tax shall not be deemed paid unless the check or draft is honored in the usual course of business; nor shall the acceptance of any sum by the treasurer be an acquittance or discharge of the tax due unless the amount of the payment is in full and actual amount due. The return shall be presented to the city treasurer who shall endorse thereon the date and amount of the payment received by him and forthwith file the return in the office of city treasurer.

(VI) *EXAMINATION OF RECORDS:*

(a) The treasurer or his/her designee is hereby authorized to request, examine, audit and inspect such books and records of any taxable business as may be relevant or necessary to verify or ascertain the amount of the tax due.

(b) All persons engaged in occupations subject to the provisions of this section are hereby required to permit examination of such books and records for the purpose aforesaid.

(VII) *INFORMATION CONFIDENTIAL:*

(A) Financial information furnished or secured pursuant to this section shall be deemed confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the person charged with the administration and enforcement of this section.

(B) No officer, administrator or employee of the City of Burlington shall in any manner reveal the contents of any part or portion of the contents of any confidential information

except as otherwise provided in this section, or in a legal action to enforce the provisions of this section, or pursuant to a court order.

(VIII) RECONSIDERATION AND APPEAL

(A) Any person aggrieved by any decision of the treasurer with respect to the assessment of any tax or penalty by the treasurer, or any person aggrieved by the refusal of the treasurer to make a refund requested under paragraph (IX), may petition the treasurer for a reconsideration within sixty (60) days after notice shall have been given such person. If a petition for reconsideration is not filed within such period, the amount of the assessment or the refusal to refund shall become final. If a petition is filed within such period, the treasurer shall reconsider his earlier action within twenty (20) days and, if the petitioner so requested in his petition, shall grant said petitioner an oral hearing and shall give the petitioner ten (10) days' notice of the time and place thereof. The treasurer shall issue his final determination in writing to the petitioner within ten (10) days of the petition or the close of the hearing, whichever is later.

(B) An appeal from any decision of the treasurer issued under subsection (A) above shall be taken to the superior court by filing notice of such appeal with the treasurer. Such notice shall be accompanied by a citation to the treasurer, signed by the clerk of the court, ordering that the treasurer appear before such court. The appeal shall be returnable at the same time and served and returned in the same manner as is required in the case of summons in a civil action. The authority issuing the citation shall take from the appellant a bond or recognizance to the city, with surety, to prosecute the appeal, and to comply with the orders and decrees of the court.

Such court may grant such relief as may be equitable and may order the treasurer to pay to the aggrieved taxpayer the amount of such relief with interest at the rate of six (6) percent per annum. Upon any appeal denied, costs may be taxed against the appellant, but no costs shall be taxed against the city.

(C) If a petition or an appeal is not taken in strict conformance to this paragraph (VIII), the decision of the treasurer shall be final. The remedies provided by this paragraph (VIII) shall be the exclusive remedies of a taxpayer with respect to any decision taken under this section. Upon failure to petition or appeal as provided under this section, the taxpayer shall be bound by such decision and shall not thereafter contest, either directly or indirectly, such decision in any proceeding, including, without limitation, any proceeding brought to enforce any provision of this section.

(IX) REFUNDS:

(A) In the event of overpayment of any tax due under this section, the treasurer, or his authorized agent, upon written application by the taxpayer for a refund or credit filed within two (2) years after the date of such overpayment, may offset the amount of such overpayment against the taxpayer's existing tax liability under this section or certify the request for refund for the purpose of processing a cash payment to such taxpayer.

Refund of overpayments as authorized in this paragraph (IX) shall be approved by the city council.

(B) No refund or credit may be allowed with respect to any payments made to the city more than two (2) years before the date of such application. Provided, however, where a taxpayer makes application for a refund or credit of any overpayment made more than two (2) years before the date of such application and such taxpayer has an outstanding tax deficiency, the amount of the refund or credit which would otherwise be allowable for the portion of the assessment period preceding the two-year period shall be offset against any such deficiency.

(X) *FAILURE TO COMPLY; FALSE RETURNS OR STATEMENTS:* It shall be unlawful for any person subject to the provisions of this section to fail or refuse to do any act required by this section. It shall also be a violation of this section for any person to make any false or fraudulent application or return or any false statement or any representation in or in connection with any such application or return, or to aid or abet another in any attempt to evade payment of the tax, or any part thereof. Any such violations shall be punished as provided in Section 1-9 of this Code.

(XI) *COLLECTION OF DELINQUENT TAX:* Any tax due and unpaid and delinquent under this section, and all penalties thereon, may be collected by civil action, which remedy shall be in addition to any and all existing remedies.

(XII) *TAX AS A DEBT:* *The amount of the tax and penalty imposed by the provisions of this section shall be deemed a debt to the city.*

(XIII) *REMEDIES CUMULATIVE:*

(A) All remedies prescribed in this section shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

(B) The conviction and punishment of any person for violation of this section shall not excuse or exempt such person from the payment of any tax due or unpaid at the time of such conviction.

(XIV) *ADMINISTRATION RULES AND REGULATIONS:* The council shall have the power and it shall be its duty from time to time to adopt, publish and enforce rules and regulations for the purpose of carrying out the provisions of this section and it shall be unlawful to violate or fail to comply with any such rule or regulation.

(XV) *SEVERABILITY:* If any part or parts or application of any part of this section is held invalid, such holding shall not affect the validity of the remaining parts of this section.

(Ord. of 1-30-86; Ord. of 4-16-90; Ord. of 6-11-91; Ord. of 5-15-00; Ord. of 5-19-03; Ord. of 6-27-22)

Charter reference—Power of city council to regulate and license, § 48(XXIV).

21-32 Operating hours of restaurants, lunchrooms, etc., in residential zones restricted.

In any low density residential zone of the city, no restaurant, lunchroom, public eating place, drugstore or other store dispensing food and drink to the public for consumption on the premises shall remain open for business during the four-hour period between the hours of 1:30 a.m. and 5:30 a.m. inclusive.

(Ord. of 12-8-70; Ord. of 10-14-86)

Annotation—The ordinance [Ordinance of December 8, 1970] from which the preceding section is derived was attacked as being unconstitutional in that it violated the due process and equal protection clauses of the Fourteenth Amendment. The court noted that ordinances are presumed to be constitutional unless clear evidence is shown to the contrary and held that inasmuch as no such evidence was presented and further that since the ordinance was a valid exercise of the city's police power, the ordinance is constitutional. *City of Burlington v. Lee Inc.*, 200 A2d 23 (1972).

21-33 Prostitution.

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

(Rev. Ords. 1962, § 3562)

State law reference—Prostitution prohibited, 13 V.S.A. § 2632.

21-34 Keeping house of prostitution.

It shall be unlawful for any person to keep a house of prostitution; permit prostitution in any house or building he may occupy; 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. It shall also be unlawful for any person having control of any house or building to lease or rent the same to any prostitute to be kept as a house of ill-fame.

(Rev. Ords. 1962, § 3561)

Charter reference—Power of city council to restrain and suppress houses of ill-fame, § 48(VII).

State law reference—Keeping house of prostitution prohibited, 13 V.S.A. § 2632.

21-35 Throwing stones or other missiles.

It shall be unlawful for any person to throw stones or other missiles in or upon a public street, common or other ground belonging to the city.

(Rev. Ords. 1962, § 3553)

Cross reference—Throwing stones or other objects in parks prohibited, § 22-6.

21-36 Wearing mask or disguise for illegal purposes.

No person shall wear any mask to conceal that person's facial features or wear any other personal disguise to alter the person's physical appearance, whether complete or partial, in any public street, space, building, or park or in any place of public accommodation with the intent or purpose:

- (a) To deprive any person or persons of their civil rights or the equal protection of the law;
- (b) To intimidate, threaten, abuse, or harass any person or persons or to cause them to fear for their own safety;
- (c) To avoid identification while committing, attempting to commit, or planning to commit a violation of any federal, state, or local law; or
- (d) To escape or evade criminal charges, issuance of a civil complaint for a violation of an ordinance, or arrest.

(Rev. Ords. 1962, § 3564; Ord. of 3-7-16(2))

21-37 Consumption of alcoholic beverages prohibited.

No person shall consume or attempt to consume any intoxicating malt or vinous beverage or intoxicating spirits upon the steps providing access to and egress from the Burlington City

Hall.

(Ord. of 10-25-76, § 2; Ord. of 1-9-95)

21-38 Alcohol consumption, possession in public places.

(a) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) *Open beverage container*—A container, bottle, can or vessel containing malt or vinous beverages or spirituous liquors, which is opened.
- (2) *Public place*—A public place shall mean any bridge, culvert, roadway, street, square, fairground, sidewalk, alley, playground, park, or school property or other place open temporarily or permanently to the public or general circulation of vehicles or pedestrians within the City of Burlington.

(b) *Prohibitions.* Except as authorized in subsections (b)(5) and (6) of this section:

- (1) No person shall have constructive or actual possession of an open beverage container in any public place or in any motor vehicle located in a public place. A person who violates this subsection commits a civil offense punishable by a civil penalty of sixty dollars (\$60.00) (with a waiver penalty of fifty dollars (\$50.00)) for the first offense and seventy-five dollars (\$75.00) (with a waiver penalty of seventy dollars (\$70.00)) if the offense occurs less than six (6) months after having been found to have committed the first offense. The penalty shall be waived upon the successful completion of a restorative or reparative justice program through the Community Justice Center.
- (2) No person shall consume the contents of an open beverage container in any public place or in any motor vehicle in a public place. A person who violates this subsection commits a civil offense punishable by a civil penalty of sixty dollars (\$60.00) (with a waiver penalty of fifty dollars (\$50.00)) for the first offense and seventy-five dollars (\$75.00) (with a waiver penalty of seventy dollars (\$70.00)) if the offense occurs less than six (6) months after having been found to have committed the first offense. The penalty shall be waived upon the successful completion of a restorative or reparative justice program through the Community Justice Center.
- (3) A person who has constructive or actual possession of an open beverage container in any public place or in any motor vehicle located in a public place after having been found to have committed two (2) civil offenses involving possession of an open beverage container in a public place less than six (6) months previously shall have committed the criminal offense of repeated unlawful possession of an open beverage container in a public place. The offense of repeated unlawful possession of an open beverage

container in a public place is designated as a criminal offense, pursuant to 24 V.S.A. § 1974, punishable by penalty of one hundred dollars (\$100.00). The charge shall be dismissed and the penalty shall be waived upon the successful completion of a restorative or reparative justice program through the Community Justice Center.

(4) A person who consumes the contents of an open beverage container in any public place or in any motor vehicle located in a public place after having been found to have committed two (2) civil offenses involving the consumption of an open beverage container in a public place less than six (6) months previously shall have committed the criminal offense of repeated unlawful consumption of an open beverage container in a public place. The offense of repeated unlawful consumption of an open beverage container in a public place is designated as a criminal offense, pursuant to 24 V.S.A. § 1974, punishable by criminal penalty of one hundred dollars (\$100.00). The charge shall be dismissed and the penalty shall be waived upon the successful completion of a restorative or reparative justice program through the Community Justice Center.

(5) Notwithstanding subsections (b)(1) to (4) of this section, it shall not be unlawful to possess an open beverage container or to consume the contents thereof in Oakledge, South, Leddy and North Beach Parks, where consumption of alcoholic beverages is allowed, if the following conditions are observed:

a. The open beverage container is possessed and the contents consumed between the hours of 7:00 a.m. and 9:00 p.m. daily.

b. No such possession or consumption occurs on the roadways, sidewalks or parking lots within such parks.

c. No such possession or consumption is of or from glass containers or beer kegs, so called.

(6) Notwithstanding subsections (b)(1) through (5) of this section, the parks and recreation commission may give specific advance approval for possession and consumption from open beverage containers, including beer kegs, within city parks up to and after 9:00 p.m. Possession or consumption from open containers within street space rented to restaurants as outdoor serving areas by the Church Street Marketplace commission shall not be a violation of this section.

(7) Notwithstanding subsections (b)(1) to (4) of this section, it shall not be unlawful to possess an open beverage container or to consume the contents thereof on public property on which such possession or consumption is permitted under a permit issued by the authority having jurisdiction, such as but not limited to a permit issued under the

authority of Section 27-5 or an outdoor consumption permit issued by the local control commission.

(c) *Possession by a minor:*

(1) It shall be prohibited, under the terms of this subsection, for any minor to purchase, possess, or consume any malt or vinous beverage or spirituous liquor within the City of Burlington. For purposes of this subsection, a minor is any person who has not yet attained the age of twenty-one (21).

(2) The odor or presence of malt or vinous beverage or spirituous liquor upon the breath of any minor shall be prima facie evidence of possession for the purposes of this subsection. If a law enforcement officer has reasonable grounds to believe that the minor has consumed any malt or vinous beverage or spirituous liquor, the officer may require the minor to submit to a field evidentiary test.

(3) The parents, guardian, or custodian of a minor alleged to be in violation of this subsection shall be notified as soon as reasonably possible of the alleged violation.

(4) A person who violates this subsection commits a civil offense which is punishable by a fine of one hundred fifty dollars (\$150.00). At the discretion of the city attorney's office, the fine may be waived upon the successful completion of an approved alcohol and drug screening program.

(Ord. of 3-12-79; Ord. of 11-15-82; Ord. of 5-20-85; Ord. of 1-9-95; Ord. of 8-9-99; Ord. of 2-5-01; Ord. of 5-14-18)

21-39 Disruption of school operations.

(a) No person shall conduct himself/herself on school property in such a manner as to harm the welfare of the students or to be detrimental to the orderly and stable operations of the school. The following activities are expressly prohibited on school property:

(1) Any activity in contravention of the law;

(2) Any violent or disruptive behavior;

(3) Any activity which subverts the efficient administration of the students, faculty, staff and/or school.

(b) When the superintendent of schools or his designee, in the exercise of reasonable judgment, determines that a person is acting in a manner described in subsection (a) above, he may order such person to leave the school property. A refusal to leave after the receipt of

such order or the failure to leave within a reasonably prompt period after receipt of such order shall be deemed a violation of this section.

(Ord. of 8-18-80)

21-40 Reserved.

Editor's note—An ordinance adopted Mar. 12, 2018, repealed § 21-40 which pertained to cruising and derived from ordinances adopted Mar. 30, 1992 and Jan. 9, 1995.

21-41 Impact fees.

- (a) *Authority.* This section is enacted pursuant to the specific authority granted municipalities to establish impact fees contained in Title 24, V.S.A. Chapter 131
- (b) *Purpose.* It is the purpose of this section to establish impact fees for new land development (as defined in Title 24, V.S.A. Section 4303) in the city that will appropriately allocate the cost of needed capital projects. To the extent that such capital projects are necessitated by new land development, it is appropriate that the new development should bear an appropriate portion of the costs for providing capital projects. Further, insofar as current residents of the city have contributed to the cost of existing facilities through payment of taxes and other contributions to the city, it is appropriate that they should be relieved from payment for an appropriate portion of the cost of providing these capital projects.

- (c) *Establishment of impact fees:*

- (1) There is hereby established an impact fee within the city which shall be imposed on all land development commenced within the city subsequent to the effective date hereof [November 13, 1992]. The amount of such impact fees shall be established by a resolution of the city council following receipt of the recommendations of the respective departments and the planning commission. Any such fees adopted through the resolution of the city council shall be based upon a reasonable formula developed pursuant to 24 V.S.A. Section 5203 and to any amendments thereto. The resolution will set forth the impact fee schedule.
 - (2) An applicant for a zoning permit for any development, including new projects, revisions and modifications to existing projects or subdivisions, shall be subject to the payment of impact fees for that project.

(3) An applicant seeking a zoning permit for development of a lot located in a subdivision shall be responsible for the payment of the impact fees for that project. However, upon documentation by an applicant that a fee for this project was paid prior to November 13, 1992, in any current impact fee category, the applicant shall receive a pro rata credit for the payment of the fee in that category. The pro rata credit shall be based on the number of lots in the subdivision.

(4) The city council may, from time to time, amend any impact fee which is established by resolution pursuant to this section in order to take into account new or changed information regarding the fee earlier established.

(5) Regulations regarding the implementation and application of this section shall be developed within six (6) months of the effective date of this section.

(d) *Payment of fees:*

(1) Any impact fee established pursuant to this section shall be imposed as a condition of the zoning permit and shall be paid to the office of the city treasurer prior to issuance of the certificate of occupancy granted under the zoning ordinance. The zoning administrative officer shall not issue the certificate of occupancy for such development without first receiving proof of payment of the required impact fees from the office of the city treasurer.

(2) An impact fee not paid in full at the time required in subsection (1) above shall be a lien upon all property and improvements within the land development for which the fee is assessed in the same manner and to the same effect as taxes are a lien upon real estate under Title 32 V.S.A. Section 5061.

(e) *Appeals.* An individual or entity required to pay an impact fee imposed under this section may appeal the fee by filing a written notice with the zoning board of adjustment within thirty (30) days of the imposition of the fee. The notice of appeal shall state the factual basis for the appellant's claim that the fee is inapplicable or excessive. Within sixty (60) days of receipt of the notice of appeal, the zoning board shall hold a hearing thereon. The zoning board shall take oral and written testimony from the appellant. Within forty-five (45) days after the conclusion of the hearing, the zoning board shall notify the appellant of its decision.

(f) *Accounting provisions.* All impact fees collected pursuant to this section shall be maintained annually by the city treasurer in a separate, interest-bearing account. The city treasurer shall maintain a register of the date of payment for each fee collected, the amount paid and the name of the payer, by each capital facility category.

(g) *Expenditure of impact fees:*

(1) All impact fees collected pursuant to this section and accrued interest shall be expended only for the identified capital facility category which was the basis for the fee. Such fees and accrued interest shall be expended for such capital facility category within such time period as required by 24 V.S.A. Chapter 131, as the same may be amended from time to time.

(2) The city treasurer shall pay expenses associated with an identified capital facility category as they become due and upon receipt of appropriate documentation regarding such expenses.

(h) *Refunds:*

(1) If the actual costs to the city for the provision of a capital facility category to be funded in part by impact fees is less than originally was calculated or if an impact fee is reduced after fees have been collected, the city shall refund that portion of any impact fee and accrued interest which is in excess of the appropriate portion due to the then owner of the property for which the fee was paid.

(2) Pursuant to 24 V.S.A. Section 5203(e) upon petition by any affected property owner, if the city shall fail to expend any collected impact fee within the time required by this section, the city shall refund that portion of any impact fee and accrued interest to the then owner of the property for which said fee was paid.

(i) *Enforcement.* Any individual who occupies a structure in the city without first paying any required impact fee imposed pursuant to this section and any implementing resolution shall be subject to a penalty of two hundred dollars (\$200.00) per day for each day that such violation continues, as well as injunctive and other relief as a court may order in a civil action commenced by the city.

(j) *Exemptions:*

(1) In order to encourage the development of additional housing for senior citizens, senior citizen housing projects are exempted from payment of school impact fees.

(2) In order to enable the development of housing that is affordable for all economic groups within the municipality, any residential project containing newly constructed housing units or substantially rehabilitated housing units that are affordable for households as described in subsections a., b., and c. below would be eligible to receive a waiver of impact fees for that portion of the project. In the application of this provision, the terms used herein shall be interpreted as defined in the "Low or Moderate Income Housing" zoning ordinance. In addition, the rules and regulations developed pursuant to that ordinance shall be used to implement this provision.

- a. *Twenty-five percent waiver of fees.* Twenty-five (25) percent of the fees will be waived for any unit in a project that initially sells for a price that is affordable for households below ninety (90) percent of median income or that initially rents for a three-year period for a price (including utilities) that is affordable for households below seventy-five (75) percent of median income.
- b. *Fifty percent waiver of fees.* Fifty (50) percent of the fees will be waived for that portion of a residential project that meets the dual test of initial affordability and continuing affordability. For purposes of this section, "initial affordability" would be defined as a unit that sells for a price that is affordable for households earning less than seventy-five (75) percent of median income or that rents for a price (including utilities) that is affordable for households earning below sixty-five (65) percent of median. "Continuing affordability" would be defined as affordability that lasts for a period of ninety-nine (99) years.
- c. *One hundred percent waiver of fees.* One hundred (100) percent of the fees will be waived for that portion of a residential project that initially sells or rents for a price that is affordable for households earning less than fifty (50) percent of median income and that remains continually affordable as defined above.

(k) *Off-site improvements.* In categories for which impact fees have been charged, no exactions for construction of off-site public facilities will be required by the planning commission as a condition for a zoning permit except for water distribution lines, sewer connection lines and stormwater improvements, and street and sidewalk infrastructure that are essential to the development of the project. For the purpose of this section, "off-site" public facilities are defined as those facilities which are not on or immediately adjacent to the private land proposed for development.

(l) *Severability.* In the event any provision of this section is for any reason invalid, such invalidity shall not affect the remaining provisions which can be given effect without the invalid provision.

(Ord. of 10-13-92; Ord. of 3-8-93)

Editor's note—An ordinance enacted Oct. 13, 1992, amended the Code by adding provisions designated as § 21-40. Inasmuch as the Code already contained provisions designated as § 21-40, the editor has redesignated these new provisions as § 21-41

Cross reference—Buildings and building construction, Ch. 8; subdivisions, Ch. 28.

21-42 Regulation of security alarm systems.

(a) *Purpose.* The purpose of this section is to provide for a prompt and efficient police response to security alarm signals throughout the city and to encourage alarm system owners to assume greater responsibility for the proper use and maintenance of such systems in order to prevent unnecessary use of emergency police services.

(b) *Permit required.* No person shall utilize or install a security alarm system within the city unless a permit has been obtained for its use from the Burlington police department by the owner of the property upon which the security alarm system is installed.

(1) *Definition.* For purposes of this section, a security alarm system shall include any type of assembly used to signal the occurrence of illegal entry or activity. Vehicle alarms shall not be considered security alarms for purposes of this section.

(2) *Term.* Permits shall have a term of no more than one (1) year and shall expire June 30 annually.

(3) *Fees.* The annual permit fee shall be sixty dollars (\$60.00), prorated monthly (five dollars (\$5.00)/month or any part thereof).

(4) *Application.* The owner of the property upon which the security alarm system is installed shall provide the following information on the permit application:

(a) Type and location of alarm;

(b) Name, address and phone number of owner of the property upon which the security alarm system is installed;

(c) Name and phone number of occupant(s) of property upon which the security alarm system is installed;

(d) Name, address, and phone number of the person to whom the fees and charges will be sent;

(e) Name, address and phone number of person to be contacted in the event of an alarm at the site and two (2) alternate contact persons;

(f) Name, address and phone number of person or company responsible for installing the alarm;

(g) Name, address and phone number of alarm company responsible for monitoring the alarm system.

- (5) *Confidentiality.* All information provided in the permit application shall be deemed confidential and shall not be subject to public disclosure.
- (c) *Penalty.* The installation or utilization of a security alarm system without the filing of a complete application, the payment of the permit fee, or the payment when due of response charges required by this section is a civil offense punishable by a fine of up to five hundred dollars (\$500.00) with a waiver penalty of one hundred dollars (\$100.00). All duly authorized enforcement officials are authorized to issue a municipal complaint for a violation of this section.
- (d) *Response charges.*
- (1) Response charges shall be assessed to the owner of the property upon which a security alarm system is installed when the police respond to an alarm and there has been or is no unlawful entry or activity on the property which led to the activation of the alarm. Response charges shall be assessed in the event of:
- (A) The activation of an alarm system through mechanical failure, malfunction, or improper installation;
 - (B) The activation of an alarm system through the negligence of the owner or tenant at the property where the alarm system is located or of their employees or agents; or
 - (C) The activation of an alarm system through any other cause unrelated to unlawful entry or activity on the property where the alarm system is located.
- (2) Response charges shall be assessed as follows for the period between July 1 and June 30:
- (A) First response—Warning
 - (B) Second response—Warning
 - (C) Third response—\$70.00
 - (D) Fourth response—\$100.00
 - (E) Fifth or subsequent response—\$150.00

(Ord. of 1-22-96; Ord. of 7-12-04, eff. 8-11-04; Ord. of 5-21-18)

21-43 Fletcher Free Library.

- (a) *Purpose.* The purpose of this section is to provide a system of standards for use of the Fletcher Free Library to ensure a safe, secure, relaxing, and pleasing environment for all visitors, library patrons, and staff, while maintaining access to library materials and facilities in order to promote education, reading, research, and learning.
- (b) *Scope.* This section applies to all persons accessing, using, or otherwise located on, at, or within all buildings and interior or exterior grounds controlled or operating by the Fletcher Free Library.
- (c) *Definitions.* The following definitions shall apply to this section:

- (1) "Commission" means the library commission.
- (2) "Regulated drug" means any drug as defined in 18 V.S.A. § 4201(29) or any drug prohibited under federal law.
- (3) "Library" means the Fletcher Free Library.
- (4) "Library resources" means any library materials, equipment, furniture, fixtures, or buildings located within the library premises.
- (5) "Library premises" means all buildings, interior portions of buildings, and exterior grounds connected to buildings that are controlled or operated by the Fletcher Free Library.

- (d) *Prohibited acts—Class A.* The following acts are designated as Class A acts that are prohibited on the library premises:

- (1) Activities or behavior that may result in injury or harm to any other person, including challenging another person to fight or engaging another person to fight.
- (2) Directing a specific threat of physical harm against an individual, group of individuals, or property.
- (3) Engaging in sexual conduct or lewd behavior.
- (4) Possession, use, selling, or distribution of any regulated drug.
- (5) Destroying, abusing, or damaging library resources.
- (6) Using library resources in a manner likely to cause personal injury or injury to other persons or property.

- (7) Having been found liable for committing a Class B prohibited act three (3) or more times in any one (1) calendar year.
- (e) *Prohibited acts—Class B.* The following acts are designated as Class B acts that are prohibited on the library premises:
- (1) Engaging in conduct that unreasonably disrupts or interferes with the normal operation of the library, or unreasonably disturbs library staff or patrons, including but not limited to, conduct that involves: (a) the use of abusive, threatening, or harassing language or gestures; (b) conduct that creates unreasonable noise; (c) conduct that consists of loud or boisterous physical behavior or talking; or (d) entering staff-only spaces without permission.
 - (2) Using library resources in a manner inconsistent with their intended use.
 - (3) Being under the influence of alcohol or a regulated drug.
 - (4) Possessing an open or unsealed container which contains an alcoholic beverage, or consuming or attempting to consume any alcoholic beverage, except as allowed at a library-approved event.
 - (5) Possessing marijuana unless the person is a registered patient in possession of a valid registration card under the provisions of the State of Vermont Therapeutic Use of Cannabis Act at 18 V.S.A. § 4201, et seq.
 - (6) Consuming or otherwise using marijuana.
 - (7) Smoking or vaping any substance of any kind.
 - (8) Having been found liable for a Class C prohibited act three (3) or more times in any one (1) calendar year.
- (f) *Prohibited acts—Class C.* The following acts are designated as Class C acts that are prohibited on the library premises:
- (1) Failing to abide by posted library rules, including rules for: (a) the acceptable use of the internet and library computers; (b) use of personal electronic equipment; (c) consumption of food or drinks; (d) use of designated library facilities; (e) use of restroom facilities; or (f) personal hygiene.
 - (2) Failing to follow the reasonable direction of library staff related to a library rule or policy.

- (3) Use or preparation of tobacco products, bidis, beedies, or tobacco substitutes as those terms are defined in 7 V.S.A. § 1001.
- (4) Leaving personal belongings unattended in a manner that interferes with library staff or other persons on the library premises or placing personal belongings on library resources in a manner that interferes with library staff or use of the library.
- (5) Interfering with the free passage of library staff or visitors to the library.
- (6) Primarily making use of the library premises for sleeping.

(g) *Prohibited acts—Class D.* The following acts are designated as Class D acts that are prohibited on the library premises:

- (1) Bringing bicycles or other similar modes of transportation inside library buildings, including, but not limited to, vestibules or covered doorways except that bicycles may be placed on bicycle racks provided in those areas.
- (2) Bringing animals into library buildings, with the exception of service animals or animals brought to a library-approved event where animals are permitted. Animals brought into library buildings must always remain under the control of the owner and not create a disturbance.
- (3) Leaving animals tethered or otherwise unattended on the library premises.
- (4) Soliciting, petitioning, or canvassing unless the activity is part of a program in a space designated for or expressly permitting the activity.
- (5) Taking library resources into restrooms.
- (6) Using roller skates, skateboards, or other similar devices.
- (7) Leaving children under the age of nine (9) without the supervision of a person over the age of sixteen (16) who is taking an active role in attending to and supervising the child.
- (8) Entering or remaining in library buildings without proper footwear or clothing.
- (9) Storing or using personal materials such as bedrolls, sleeping bags, large bags, or suitcases.

(h) *Enforcement.* Penalties for violations of this section shall be as follows:

(1) *Class A prohibited acts.* Any person that has committed a Class A prohibited act under this section shall have committed a civil offense and be subject to a fine of three hundred dollars (\$300.00) (with a two hundred fifty dollar (\$250.00) waiver penalty). The director of the library, or designee, is authorized to issue a Vermont municipal complaint for a violation of subsection (d) of this section.

(2) *Class B prohibited acts.* Any person that has committed a Class B prohibited act under this section shall have committed a civil offense and be subject to a fine of one hundred fifty dollars (\$150.00) (with a one hundred twenty-five dollar (\$125.00) waiver penalty). The director of the library, or designee, is authorized to issue a Vermont municipal complaint for a violation of subsection (e) of this section.

(3) *Class C prohibited acts.* Any person that has committed a Class C prohibited act under this section shall have committed a civil offense and be subject to a fine of fifty dollars (\$50.00) (with a thirty dollar (\$30.00) waiver penalty). The director of the library, or designee, is authorized to issue a Vermont municipal complaint for a violation of subsection (f) of this section. Failure to correct the prohibited act shall result in dismissal from the library premises for the remainder of the day after an opportunity to be heard by the director of the library, or designee.

(4) *Class D prohibited acts.* Any person that has committed a Class D prohibited act under this section will be asked to correct the prohibited conduct immediately. Failure to correct the prohibited act shall result in dismissal from the library premises for the remainder of the day after an opportunity to be heard by the director of the library, or designee.

(i) *Trespass.* In addition to any other penalties set forth in this section, the director of the library, or designee, may issue a notice of trespass to any person who has committed a Class A or Class B or Class C prohibited act in accordance with this subsection (i).

(1) *Initial determination.* If the library director, or designee, determines that a person has violated subsection (d), (e), or (f) of this section, the library director, or designee, may issue a notice of trespass against that person only after that person has received notice of intent to issue a notice of trespass and has been given the opportunity to be heard by the director, or designee, on the grounds for or extent of the notice. If, after giving the person the opportunity to present evidence, the director, or designee, determines that trespass is still warranted, the library director shall issue a notice of trespass to that person, which shall state the prohibited act committed, the date and time the act was committed, the contact information of the person issuing the notice of trespass, the trespass period, the effective date of the trespass notice if not appealed, the consequences of violating the notice of trespass, and information on how to appeal the

notice of trespass. The notice of trespass must be hand delivered or sent via first class mail to the last known mailing address. The notice of trespass shall become effective immediately upon issuance.

(2) *Appeal procedure.* The notice of trespass may be appealed to the commission by filing a written notice of appeal. The notice of appeal must be received by the library within three (3) business days of issuance of the notice of trespass. The notice of appeal shall set forth the basis for the appeal and include valid contact information, including a mailing and/or email address. Failure to file a timely petition shall constitute a waiver of any right to appeal the notice of trespass.

(3) *Hearing.* Except as otherwise directed by the commission, the appeal shall be heard within ten (10) business days following receipt of the appeal. The hearing before the commission shall be on the record. The commission shall consider the preponderance of the evidence and the burden of proof is on the library director, or designee. The commission shall render a decision at the conclusion of the hearing and mail a certified copy of the decision to the last known mailing address. The decision of the commission shall be deemed final and effective upon issuance.

(4) *Judicial review.* The decision of the commission may be appealed under Rule 75 of the Vermont Rules of Civil Procedure.

(5) *Restorative justice.* A person may choose to engage in a restorative justice process with the Burlington Community Justice Center that could adjust the duration of the trespass and the fine. The notice of willingness to engage in the restorative justice process must be communicated to the library either in person, by phone, electronic mail, or first class mail within seven (7) business days of issuance of the notice of trespass.

(6) *Duration.* A person that has committed a Class A prohibited act shall be subject to a notice of trespass for one hundred eighty (180) days. A person that has committed a Class B prohibited act shall be subject to a notice of trespass for sixty (60) days. A person that has committed a Class C prohibited act shall be subject to a notice of trespass for one (1) day.

(j) *Protection of library property; penalties.*

(1) The city may recover in a civil action damages for detained or damaged library property, together with costs and reasonable attorney's fees. Damages may include both delinquent fines and replacement fees.

(2) A person who willfully damages or defaces or removes without authorization any recording, book, or object available for public use or loan from the library shall be fined not more than one hundred dollars (\$100.00) for each offense. Each piece of library material shall be a single offense.

(3) A library patron who detains library property for more than ninety (90) days after being provided written notice to return the property shall be fined an amount equivalent to the replacement cost of the material wrongfully detained, including the staff time to replace it, up to a maximum of five hundred dollars (\$500.00).

(Ord. of 3-9-20(1))

21-44 Local sales tax enacted.

Pursuant to the authority of H. 883 of the 2006 Session of the Vermont General Assembly, a one (1) percent sales and use tax is imposed upon taxable sales within the city. The tax shall be upon all sales that are subject to the imposition of the State of Vermont Sales and Use Tax pursuant to the authority of T. 32 Vermont Statutes Annotated, Chapter 233 as the same may be amended from time to time. All exemptions from such Vermont Sales and Use Tax shall be applicable to this tax. The office of the chief administrative officer may promulgate regulations to aid in the assessment, collection and interpretation of the Section so long as such regulations are not inconsistent herewith. This tax shall be collected and administered by the State of Vermont Department of Taxes pursuant to the terms of such Act H. 883. This section shall take effect July 1, 2006 and apply to all sales on and after that date which are subject to the provisions of this section.

(Ord. of 5-22-06/6-21-06)

21-45 Unlawful trespass.

It shall be unlawful for a person who, without legal authority or the consent of the person in lawful possession, enters or remains on any land or in any place as to which notice against trespass is given by:

- (a) Actual communication by the person in lawful possession or his agent or by a law enforcement officer acting on behalf of such person or his agent; or
- (b) Signs or placards so designed and situated as to give reasonable notice.

A violation of this section shall be a civil matter and enforced in accordance with the provisions of 24 V.S.A. section 1974a and section 1977 et seq. A civil penalty of not more than

five hundred dollars (\$500.00) may be imposed for a violation of this section. The civil penalty may, at the discretion of the prosecuting official, be eliminated or reduced upon the successful completion of a restorative or reparative justice program through the community justice program. In lieu of further process and prosecution, persons ticketed for violations of this section may pay a waiver penalty under the schedule set out below:

Waiver Penalty:

First offense: The waiver penalty shall be two hundred fifty dollars (\$250.00).

Second offense, within a six-month period: The waiver penalty shall be three hundred dollars (\$300.00).

Third offense or more, within a twelve-month period: The waiver penalty shall be four hundred dollars (\$400.00).

Each time that the violation occurs will constitute a separate violation of this section. Any law enforcement officer can enforce this section.

(Ord. of 7-13-09(1); Ord. of 7-13-09(3))

21-45A Notice of trespass on city property.

(a) *Purpose.* The purpose of this section is to enable a city official in charge of city property to issue a notice of trespass and enforce that notice against an individual whose behavior is dangerous, illegal, or unreasonably disruptive, while recognizing the rights of individuals to engage in constitutionally protected activities on public or city-owned property.

(b) *City official authorized to issue notice of trespass.* The city council hereby expressly delegates its authority to issue a notice of trespass to any city official who is in charge, at the time of issuance, of the city property for which the notice of trespass is issued and to any sworn officer of the Burlington police department in the exercise of their official duties.

(c) *Issuance of notice of trespass – Initial conference.* If an individual violates any city ordinance, rule or regulation, or State law, or within a public building fails to follow the lawful directive of a city official or police officer authorized under subsection (b) of this section, that official may issue a notice of trespass for a violation which was committed while on or within a city facility, building, or outdoor area, including a municipal park, for the specific property where the violation occurred, excluding a right-of-way. Prior to issuance of the notice of trespass, the issuing official must ensure that the person to whom a notice of trespass will be issued has been informed of the basis for the notice of trespass and has been given an opportunity and reasonable amount of time to change or address the underlying conduct –

that is, a verbal warning must have been issued. No verbal warning is required if the reason for the trespass is an accusation of serious harmful conduct such as arson, assault, harassment or a threat of such conduct. Notices of trespass may be issued at the Fletcher Free Library as provided in Section 21-43.

(d) *Service of notice – Content.* In most cases, the notice of trespass must be hand-delivered to the person to whom it is issued by an authorized city official or a law enforcement officer; however, if the circumstances do not permit safe delivery of the notice in person, in the discretion of the authorized city official or law enforcement officer, it may be mailed to the individual's legal address. The written notice of trespass shall detail the basis for which the notice of trespass was issued, the length of time for which the notice of trespass remains in effect, and the consequences for violating the terms of the notice of trespass; it shall also advise the recipient of the right to contest the notice of trespass and the location at which to file the appeal.

(e) *Length of notice of trespass.*

(1) *Generally.* For minor, first-time violations, such as having an open container of alcohol, the notice may be issued for up to one (1) day. For moderate violations, such as other nonviolent disorderly conduct, or for a second offense within thirty (30) days, the notice may be issued for up to thirty (30) days. For more serious violations or a third offense within sixty (60) days, the notice may be issued for up to one hundred eighty (180) days. Generally, it is expected that the length of time should reflect the severity or repetitiveness of the underlying conduct. Only for more serious offenses such as conduct that involves violence, harassment, or threats of physical harm to an individual may a notice be issued for over one hundred eighty (180) days, and in any event, a notice of trespass may not be issued for more than one (1) year.

(2) *Fletcher Free Library.* Due to the nature and character of the Fletcher Free Library, the following durations apply to violations made under the library ordinance. For a violation of Section 21-43(a)(1), a notice of trespass may be issued for up to one hundred eighty (180) days. For a violation of Section 21-43(a)(2), a notice of trespass may be issued for a period up to sixty (60) days. For a violation of Section 21-43(a)(3), a notice of trespass may be issued for a period of one (1) day.

(f) *Appeal.*

(1) *Process.* The recipient of a notice of trespass may appeal the notice of trespass by filing an appeal, in writing, within seven (7) calendar days of the issuance of the notice. The written appeal shall include the appellant's name, address, phone number, and indicate whether a hearing is requested. No fee shall be charged for filing the appeal. The appeal shall be filed at the location designated in the notice of trespass. Except for

in exigent circumstances, any such appeal shall stay the operation of the notice of trespass beyond the day the appeal is filed, pending a hearing and/or written decision.

(2) *Exigent circumstances.* For purposes of this chapter, "exigent circumstances" means any situation in which the issuing city official or officer determines that a person presents an immediate and substantial threat or danger to the health, safety, or welfare of another person. In such circumstances, an appeal shall not stay the operation of the notice of trespass.

(3) *Designated hearing panels.* All appeals made under this chapter shall be heard by the public safety committee of the city council, which will make an annual report to the city council on the number of appeals.

(4) *Procedure.* When an appeal is filed, the designated hearing panel shall meet within ten (10) business days to consider the appeal. If no hearing is requested, the designated hearing panel may consider any written submissions as part of its decision. If a hearing is requested, the appellant must be provided at least three (3) business days' written notice of the date, time, and location of the hearing. The designated hearing panel shall allow oral and/or written testimony and evidence from the appellant and the issuing city official or officer. In reviewing the notice of trespass, the panel will utilize the preponderance of the evidence standard with the burden of proof on the charging official or their representative. The designated hearing panel shall issue a written decision within ten (10) business days of the hearing. The designated hearing panel may extend the time period for hearing if the operation of the notice of trespass is stayed or if the appellant consents.

(5) *Waiver requests.* An individual who has received a notice of trespass may request a waiver from the issuing official (or in the absence of that official from another city official authorized to issue the notice) in order to access the property for which the notice of trespass was issued for purpose of work, residence, access to government services, or the exercise of constitutionally protected activities. If that waiver is denied, an appeal may be made to the designated hearing panel. In addition, in the context of any appeal of a notice of trespass, the designated hearing panel shall also consider any waiver request from the individual appealing.

(g) *Enforcement.* Once a notice of trespass has been issued, unless the notice has been stayed by receipt of an appeal or the notice has been overturned by a decision on appeal, a violation of the notice may be enforced pursuant to Section 21-45 (a civil violation) or 13 V.S.A. § 3705 (a criminal violation). Unless the notice of trespass was issued for conduct involving violence, harassment, or threats of physical harm to an individual, enforcement pursuant to 13 V.S.A. § 3705 may only commence with issuance of a citation and a request to

leave the premises; however, arrest is permissible for refusal to leave the premises within a reasonable period after issuance of the citation.

(Ord. of 10-5-20)

21-46 Disorderly conduct.

It shall be unlawful for a person who, with the intent to cause public inconvenience, or annoyance or recklessly creating a risk thereof:

- (a) Engages in fighting or in violent, tumultuous or threatening behavior; or
- (b) Makes unreasonable noise; or
- (c) In a public place uses abusive or obscene language; or
- (d) Without lawful authority, disturbs any lawful assembly or meeting or persons; or
- (e) Obstructs vehicular or pedestrian traffic.

A violation of this section shall be a civil matter and enforced in accordance with the provisions of 24 V.S.A. section 1974a and section 1977 et seq. A civil penalty of not more than five hundred dollars (\$500.00) may be imposed for a violation of this section. The civil penalty may, at the discretion of the prosecuting official, be eliminated or reduced upon the successful completion of a restorative or reparative justice program through the community justice program. In lieu of further process and prosecution, persons ticketed for violations of this section may pay a waiver penalty under the schedule set out below:

Waiver Penalty:

First offense: The waiver penalty shall be two hundred fifty dollars (\$250.00).

Second offense, within a six-month period: The waiver penalty shall be three hundred dollars (\$300.00).

Third offense or more, within a twelve-month period: The waiver penalty shall be four hundred dollars (\$400.00).

Each time that the violation occurs will constitute a separate violation of this section. Any law enforcement officer can enforce this section.

(Ord. of 7-13-09(2); Ord. of 8-10-09(1))

21-47 Unlawful mischief.

It shall be unlawful for a person who, having no right to do so or any reasonable ground to believe that he has such a right, intentionally does damage to property of any value not exceeding two hundred fifty dollars (\$250.00).

A violation of this section shall be a civil matter and enforced in accordance with the provisions of 24 V.S.A. section 1974a and section 1977 et seq. A civil penalty of not more than five hundred dollars (\$500.00) may be imposed for a violation of this section. The civil penalty may, at the discretion of the prosecuting official, be eliminated or reduced upon the successful completion of a restorative or reparative justice program through the community justice program. In lieu of further process and prosecution, persons ticketed for violations of this section may pay a waiver penalty under the schedule set out below:

Waiver Penalty:

First offense: The waiver penalty shall be two hundred fifty dollars (\$250.00).

Second offense, within a six-month period: The waiver penalty shall be three hundred dollars (\$300.00).

Third offense or more, within a twelve-month period: The waiver penalty shall be four hundred dollars (\$400.00).

Each time that the violation occurs will constitute a separate violation of this section. Any law enforcement officer can enforce this section.

(Ord. of 6-15-09; Ord. of 7-13-09(4))

21-48 City Hall Park.

(a) *Prohibited activities.* Notwithstanding other rules and regulations, the following activities are prohibited at City Hall Park and may be ticketed under this section.

(1) *Disorderly conduct.* Any person who, with the intent to cause public inconvenience, or annoyance or recklessly creating a risk thereof:

- a. Engages in fighting or in violent, tumultuous or threatening behavior; or
- b. Makes unreasonable noise; or
- c. In a public place uses abusive or obscene language; or

- d. Without lawful authority, disturbs any lawful assembly or meeting or persons; or
 - e. Obstructs vehicular or pedestrian traffic.
- (2) *Unlawful mischief.* Any person who, having no right to do so or any reasonable ground to believe that he has such a right, intentionally does damage to property, private or public.
- (3) Possession of open or opened intoxicating liquor as defined in 23 V.S.A. § 1200(4), except as permitted pursuant to an outdoor consumption permit for properly organized and supervised activities or events held within the limits of City Hall Park.
- (4) Possession of a regulated drug as defined in 18 V.S.A. § 4201(29).

(b) *Enforcement.*

- (1) *First offense.* Any violation of any provision of subsection (a) above shall be deemed a civil offense and shall be punishable by a penalty of a minimum fine of two hundred dollars (\$200.00) to a maximum fine of five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be two hundred dollars (\$200.00). The recipient of a municipal complaint for violation of this section (first offense) shall not be permitted within the City Hall Park for the balance of the day on which the alleged offense occurred.
- (2) *Second offense.* Any violation of any provision of subsection (a) above by an individual who has previously violated any provision of subsection (a) above shall be deemed a civil offense and shall be punishable by a penalty of a minimum fine of three hundred dollars (\$300.00) to maximum fine of five hundred dollars (\$500.00). In addition, the recipient of a municipal complaint for violation of this section (second offense) may be issued an order of no trespass prohibiting the recipient from entering the City Hall Park for a period of up to 90 days commencing immediately upon said issuance. The waiver penalty for purposes of the municipal complaint (civil ticket) second offense shall be three hundred dollars (\$300.00); payment of which shall also be deemed acceptance of the no trespass order. Both the fine and the no trespass order may, at the discretion of the prosecuting official, be waived in whole or in part upon the successful completion of a restorative or reparative justice program through the community justice program.
- (3) *Third and subsequent offense.* Any violation of any provision of subsection (a) above by an individual who has on two (2) or more occasions violated any provision of subsection (a) above shall be deemed a civil offense and shall be punishable by a

penalty of from four hundred dollars (\$400.00) to five hundred dollars (\$500.00). In addition, the recipient of a municipal complaint for violation of this section (third and subsequent offense) may be issued an order of no trespass prohibiting the recipient from entering the City Hall Park for a period of up to one (1) year commencing immediately upon said issuance. The waiver penalty for purposes of the municipal complaint (civil ticket) third or subsequent offense shall be four hundred dollars (\$400.00); payment of which shall also be deemed acceptance of the no trespass order. Both the fine and the no trespass order may, at the discretion of the prosecuting official, be waived in whole or in part upon the successful completion of a restorative or reparative justice program through the community justice program.

(Ord. of 11-22-10)

21-49 Church Street Marketplace District trespass authority.

(a) *Purpose.* The Burlington city council finds and declares that the following substantial government interests will be advanced by the ability to issue a no trespass order created by this section, based on conditions the police department and the Church Street Marketplace District commission have identified and confront in the Church Street Marketplace District on a regular basis:

- (1) The abatement or removal of nuisances determined to be against the public health, safety or welfare of citizens;
- (2) The protection of citizens from physical threats or injury and from damage to property;
- (3) The prevention of harassment and intimidation of any member of the public;
- (4) The prevention of violent crime;
- (5) The orderly control and safety of pedestrian, car and cart traffic on Church Street; and
- (6) The provision and maintenance of a safe, attractive environment in areas designed to attract tourist revenue.

(b) *Findings.* The substantial government interests identified in subsection (a) of this section are undermined by unlawful and inappropriate behavior in the Church Street Marketplace District. Such behaviors include, but are not limited to, disorderly conduct, unlawful mischief, the possession and consumption of intoxicating liquor, and the possession and use of regulated drugs.

Specifically:

- (1) Unlawful behavior within the Church Street Marketplace District diminishes this public asset and deprives citizens and visitors of its full use and enjoyment;
- (2) In addition to more serious criminal acts that threaten personal injury and property damage, a wide range of illegal disorderly behaviors can and often do transform the Church Street Marketplace District into an unwelcoming, unattractive and ultimately unsafe public space requiring increased expenditures for public safety and maintenance;
- (3) Laws intended to preserve and protect public spaces like the Church Street Marketplace District for the benefit of all people are effective only if those present on the space obey the law. The current criminal and civil penalties for violating these types of laws are frequently inadequate to deter the illegal behavior, to prevent its recurrence, or to provide for the removal of offenders from the public space;
- (4) Compliance with behavior laws within the Church Street Marketplace District will be enhanced by the immediate administrative sanction of removing offenders from the Church Street Marketplace District in addition to issuing tickets to them. For repeat offenders and for more serious offenses, exclusion for extended periods will further provide a necessary additional remedy to protect the public;
- (5) The failure to comply with these and other laws creates a public nuisance.

(c) *Prohibited activities.* Notwithstanding other laws, ordinances, rules and regulations, the following activities are prohibited within the Church Street Marketplace District and may result in a no trespass order authorized under this section.

- (1) Disorderly conduct as defined by Section 21-46;
- (2) Unlawful mischief as defined by Section 21-47;
- (3) Possession of open or opened intoxicating liquor as defined by 23 V.S.A. § 1200(4), except as permitted pursuant to a valid liquor license and/or an outdoor consumption permit for properly organized and supervised activities or events held within the limits of the Church Street Marketplace District;
- (4) Possession of a regulated drug as defined in 18 V.S.A. § 4201(29).

(d) *Enforcement.*

(1) *First offense.* Any person ticketed for a prohibited activity noted in subsection (c) of this section as a first offense may also be issued an order of no trespass, and will not be permitted within the Church Street Marketplace District for the balance of the day on which the alleged offense occurred.

(2) *Second offense.* Any person ticketed for a prohibited activity noted in subsection (c) of this section as a second offense may also be issued an order of no trespass prohibiting the recipient from entering the Church Street Marketplace District for a period of up to ninety (90) days, commencing immediately upon said issuance.

(3) *Third and subsequent offense.* Any person ticketed for a prohibited activity noted in subsection (c) of this section as a third or subsequent offense may also be issued an order of no trespass prohibiting the recipient from entering the Church Street Marketplace District for a period of up to one (1) year commencing immediately upon said issuance.

(4) *Hearing procedure and staying of order of no trespass.*

a. Recipients of an order of no trespass issued pursuant to subsections (d)(2) and (3) of this section may appeal said order to a hearing panel designated by the Church Street Marketplace commission pursuant to the procedure detailed below. Any such appeal shall stay the order of no trespass pending the hearing and written decision of the hearing panel.

b. Any individual subject to the trespass provisions of subsection (d)(1), (2), or (3) of this section may request in writing that a hearing panel of the Church Street Marketplace commission hold a public hearing for the purpose of challenging the issuance of the order of no trespass and/or to request a waiver to access the Church Street Marketplace District for purpose of work, residence, access to government services, the exercise of constitutionally protected activities, and/or for any other good reason as determined by a hearing panel.

c. Recipients shall have thirty (30) days from the date of issuance of an order of no trespass to request a hearing. Requests shall be sent to the executive director of the marketplace commission at 2 Church Street, Suite 2A, Burlington, VT 05401-4457.

d. If a hearing is requested, the hearing shall be scheduled within ten (10) calendar days of receipt of the request, and a written notice of the hearing shall be sent to the recipient at least seven (7) calendar days prior to the hearing.

e. The hearing panel shall consist of three (3) people designated by the Church Street Marketplace commission or its designee, and be comprised of one (1)

representative from the business community, one (1) representative from the social services community, and one (1) representative from the general public.

f. The hearing panel shall allow for oral and/or written testimony and evidence from the recipient of the order of no trespass, the issuing police officer, and any other witnesses requesting to be heard.

g. The hearing panel shall issue a written decision within ten (10) calendar days of the hearing.

(Ord. of 2-11-13)

ARTICLE II. WOMEN IN CONSTRUCTION TRADES¹

21-50 Statement of purpose.

Whereas, women in Burlington, as elsewhere, need improved job opportunities and increased income to support themselves and their families; and

Whereas, the current development situation in Burlington is resulting in the expenditure of millions of dollars by both the private and public sectors for construction projects; and

Whereas, jobs in the construction trades; including entry level positions, are among the better paid jobs in the Burlington area; and

Whereas, the differential in the Burlington area between number of female employees and number of male employees is largest in the field of construction trades; and

Whereas, job training for construction trades is primarily on-site and involves paid positions; and

Whereas, women in construction trades offer highly visible role models of employment of women in nontraditional fields; and

Whereas, for all of the above reasons, it is the intention of the city council in passing this article to improve job opportunities for women in the construction trades.

(Ord. of 3-10-86, § 21-40)

21-51 Definitions.

As used in this article, the following terms shall be defined as follows:

- (1) *Construction contract.* An agreement to provide labor and related materials, supplies or services for any construction within the city which involves any city funds, other governmental funds funneled through the city, private funds funneled through the city, or other publicly supported projects including those financed by tax-exempt industrial revenue bonds.
- (2) *Construction contractor.* Any person or persons, firm partnership, corporation or combination thereof who submits a bid and/or enters into construction contracts let or awarded in the city which involve any amount of public financing, including financing by tax-exempt industrial revenue bonds.
- (3) *Subcontractor.* Any person or persons, firm, partnership, corporation or any combination thereof, who enters into a contract or agreement with the construction contractor to perform a substantial specified portion of the contract let or awarded in the city which involves any amount of public financing, including financing by tax-exempt industrial revenue bonds.
- (4) *Construction trades workers.* Workers performing job categories including, but not limited to:

Brickmasons, stonemasons, tile setters;

Carpenters;

Electricians and power transmission installers;

Painters, paperhangers, plasterers;

Plumbers, pipefitters, and steamfitters;

Carpet installers;

Drywall installers and drywall finishers;

Concrete and terrazzo finishers;

Glaziers;

Insulation workers;

Paving, surfacing and tamping equipment operators;

Roofers;

Sheetmetal duct installers;

Structural metal workers.

(Ord. of 3-10-86, § 21-41)

21-52 Establishment of work force participation rates for women.

(a) The following work force participation rates shall apply to each category of construction trades workers and each construction contract entered into in which the total project cost is fifty thousand dollars (\$50,000.00) or more:

(1) Contractors and subcontractors whose total number of employees is one to five (1—5) shall be exempt from any specific requirement under this article.

(2) Contractors and subcontractors whose total number of employees is six to fifteen (6—15) shall be required to employ and maintain the employment of at least one woman as a condition of any construction contract which they enter into within the city.

(3) Contractors and subcontractors whose total number of employees is sixteen (16) or more shall be required to employ and maintain the employment of women in at least ten (10) percent of the positions in each of the construction trades performed by that contractor or subcontractor.

(b) It is the purpose of this article to require work force participation rates for women in the amount of ten (10) percent of the construction trades workers in each category of construction trade and in all applicable construction contracts within the city. Compliance with this article specifically includes the submission of a plan for compliance by the contractor or subcontractor as part of any bid or contract proposal; compliance with this article at the beginning of the contract; and continued compliance during the term of the contract, including any extensions of the term which may be agreed to by the parties to the contract.

(Ord. of 3-10-86, § 21-42)

21-53 Enforcement.

(a) Each contractor and subcontractor who submits a bid and/or enters into construction contracts let or awarded for publicly financed projects within the city shall submit as part of the bid or contract proposal a specific plan detailing how the contractor or subcontractor intends to comply with the work force participation rates for women.

(b) The plan submitted shall include a list of specific jobs in the construction trades which will be required for the contract; a list of current employees of the contractor or subcontractor by name, trade and sex; sample advertisements which will be used to recruit construction trades workers for the contract; a list of all places that recruitment will be done including the names of publications where advertisements will be placed; a description of any apprenticeship/training programs provided by the contractor or subcontractor; any available evidence of the contractor's or subcontractor's previous record of hiring women in the construction trades; and the name of the person or persons who will be responsible for the contractor's or subcontractor's compliance with this article.

(c) Compliance with work force participation rates for women shall be a condition precedent of any construction contract awarded within the city for a project which is partially or totally financed with public funds, including tax-exempt industrial revenue bonds.

(d) In order to assure continued compliance with this article during the duration of the contract, all contractors and subcontractors affected by this article shall submit monthly work force charts listing construction trades workers by name, trade, hours worked, hourly rate of pay and sex.

(e) In order to have consistency in enforcement of this article, negotiations for implementation of the work force participation rates for women in applicable contracts and monitoring of the contracts awarded for applicable projects shall be conducted by the community and economic development office. Other city departments who award construction contracts shall cooperate with the community and economic development office and the office of the city attorney in the enforcement of this article.

(Ord. of 3-10-86, § 21-43)

21-54 Penalty.

In addition to the fact that construction contracts shall not be awarded to contractors or subcontractors who do not present a specific plan for compliance with the requirements of this article, penalties for noncompliance after contracts are awarded shall be a fine of fifty dollars (\$50.00) for each day of the violation and for each position under the contract which the contractor or subcontractor was to have filled with a female employee and failed to comply.

(Ord. of 3-10-86, § 21-44)

21-55 Identification to law enforcement officers required.

Upon identification and request of a law enforcement officer or any other municipal officer duly authorized to serve a Vermont Municipal Complaint or other civil or criminal process who is investigating an alleged violation of any of the provisions of the city's ordinances, a person being investigated shall provide his or her name and current address and all other information necessary for the officer or official to make a positive identification of that individual or fulfill the requirements of law for the service of the appropriate process.

(Ord. of 1-9-95; Ord. of 12-18-00)

¹**Editor's note**—An ordinance of March 10, 1986, amended Ch. 21 by adding new provisions designated §§ 21-40—21-46. In order to provide better classification and to facilitate the indexing, reference and use of these new provisions, the editor, at his discretion, has redesignated them as a new Art. II, §§ 21-50—21-55. The provisions of said ordinance set out as §§ 21-45 and 21-46, providing a repealer and severability clause, have not been included herein by the editor.

ARTICLE III. PENALTIES

21-56 Penalty.

(a) A violation of any of the following sections of this chapter shall be deemed a civil offense:

Section 21-1. Abandoned iceboxes.

Section 21-5. Signs in public ways; on vehicles.

Section 21-6. Posting bills.

Section 21-18. Placing substances in reservoir and swimming in reservoir prohibited.

Section 21-30. Littering.

Section 21-30.1. Feeding of pigeons prohibited.

Section 21-30.2. Feeding of sea gulls prohibited.

Section 21-35. Throwing stones or other missiles.

Section 21-37. Consumption of alcoholic beverages prohibited.

The violation of these sections shall be punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00).

The waiver penalty for such offenses for purposes of the municipal complaint form (civil ticket) shall be fifty dollars (\$50.00).

All law enforcement officers are authorized to issue a municipal complaint for a violation of any of these sections.

(b) *Reserved.*

(Ord. of 1-9-95; Ord. of 5-6-96; Ord. of 6-22-98; Ord. of 6-4-07, eff. 7-4-07; Ord. of 5-14-18)

21-57—21-59 Reserved.

ARTICLE IV. YOUTH ACCESS TO TOBACCO

21-60—21-63 Reserved.

Editor's note—As per instructions from the City of Burlington, Vermont, §§ 21-60—21-63 have been deleted effective with Code Supplement No. 80 (May, 2001) in Art. IV, "Youth Access to Tobacco." These sections referred to the purpose of the article, findings of the city council, restrictions on tobacco advertising and product give-aways, and sponsorship of events using tobacco product names or indicia and derived from an ordinance adopted April 13, 1998.

21-64 Self-service tobacco sales displays prohibited.

No person holding a tobacco license within the City of Burlington shall display or store tobacco products where those products are accessible to consumers without direct assistance by the sales personnel. This provision applies to all tobacco product displays including: single pack displays, multipack displays, smokeless tobacco displays and humidor displays.

(Ord. of 4-13-98)

21-65, 21-66 Reserved.

ARTICLE V. PREQUALIFICATION OF CONSTRUCTION CONTRACTORS¹

21-67 Policy.

It is the policy of the City of Burlington to let contracts for city construction projects only to contractors and subcontractors that demonstrate they are responsible contractors as defined in this article.

(Ord. of 5-4-98, § 21-57; Ord. of 1-10-22(2))

21-68 Definitions.

As used in this article, the following terms shall be defined as follows:

- (1) *City-funded project.* Any construction project which involves any city funds and the execution of construction contracts by a department, board or council of the city, or those construction projects financed by tax-exempt bonds issued by the Burlington Community Development Corporation, in which the total project cost is one hundred thousand dollars (\$100,000.00) or more.
- (2) *Construction contract.* An agreement with the City of Burlington for any construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property for a city-funded project, which shall include all projects carried out by a city department.
- (3) *Construction contractor.* Any person or persons, firm, partnership, corporation or other legal entity, or combination thereof who submits a bid for or enters into construction contracts that are awarded in the city for a city-funded project.
- (4) *Subcontractor.* Any person or persons, firm, partnership, corporation or other legal entity, or any combination thereof, who enters into a contract or agreement with a construction contractor to perform a portion of a city-funded project. This term also includes any person or persons, firm, partnership, corporation or other legal entity, or any combination thereof, who enters into a contract or agreement with another subcontractor.
- (5) *Construction employee.* Any individual employed or permitted to work by a construction contractor or subcontractor on a city-funded project.
- (6) *Contracting authority.* Any department, board or council of the city or any person, agency or entity which enters into a construction contract on behalf of a city-funded project.
- (7) *Responsible contractors.* Responsible contractors are those contractors and subcontractors who have demonstrated to the city that they are financially responsible, have experience suggesting that they have the ability to perform city-funded projects

responsibly, have demonstrated that they are responsible employers, and have demonstrated that they have fair subcontractor relations, or that they perform all work with their own forces. Once determined to be a responsible contractor by the city, a contractor must continue to demonstrate these qualities during the duration of the city-funded project. However, they will not need to submit another prequalification application for the next twelve (12) months to submit a bid or proposal to the city. After the twelve (12) month period, they will need to submit another prequalification application.

(Ord. of 5-4-98, § 21-58; Ord. of 1-10-22(2))

21-69 Prequalification requirement; bidding process.

The contracting authority shall include a prequalification requirement as a part of the bidding process for a construction contract for any covered city-funded project.

(Ord. of 5-4-98, § 21-59; Ord. of 1-10-22(2))

21-70 Prequalification application.

The clerk/treasurer of the City of Burlington is authorized and directed to develop, and amend as needed, a construction contractor prequalification application form which shall be used to determine whether each contractor or subcontractor applying to work on a city-funded project is a responsible contractor.

(Ord. of 5-4-98, § 21-60; Ord. of 1-10-22(2))

21-71 Financially responsible.

The contracting authority shall consider the following criteria to determine whether the applicant is financially responsible:

- (a) Whether the applicant has a stable financial condition and the level of financial capability of the applicant;
- (b) Whether the applicant has sufficient bonding capacity with respect to its application to participate in the city-funded project;
- (c) Whether the applicant has sufficient liability insurance with respect to its application to participate in the city-funded project.

21-72 Experience; record.

The contracting authority shall consider the following criteria to determine whether the applicant has a record of experience suggesting that the applicant has the ability to complete construction projects responsibly:

- (a) Any debarments, civil or criminal prosecutions against the applicant for violations of the anti-trust laws, unfair competition laws, or fraud within the last five (5) years;
- (b) A list of projects completed, or in progress by the applicant within the last five (5) years;
- (c) A list of any projects commenced, but not finished, by the applicant within the last five (5) years;
- (d) A list of not less than three (3) customer references for the applicant; and
- (e) A list of the applicant's key personnel, together with a description of their professional backgrounds.

(Ord. of 5-4-98, § 21-62; Ord. of 1-10-22(2))

21-73 Employment practices.

The contracting authority shall determine whether the applicant is a responsible employer by taking into account the following criteria:

- (a) Whether the wages paid and benefits extended to employees are consistent with the wages and fringe benefits set by the current Vermont State Construction Prevailing Wage Rate Schedule applicable to the Burlington area;
- (b) Whether the applicant has a responsible company safety program in place;
- (c) Whether the applicant's OSHA incidence rate for reported injuries is reasonable;
- (d) Whether the applicant has provided a certificate demonstrating that it provides workers' compensation insurance for its employees; and
- (e) Whether the applicant certifies that its workers are properly classified as employees or independent contractors for purposes of workplace provisions such as workers'

compensation insurance coverage, unemployment benefits, social security and income tax withholding, and the Affordable Care Act.

(Ord. of 5-4-98, § 21-63; Ord. of 1-10-22(2))

21-74 Fair subcontractor relations.

The contracting authority shall determine whether the contractor has a record of fair subcontractor relations, or in the alternative, has demonstrated that it performs all its work with its own forces, taking into consideration whether the contractor has a record of promptly and fairly meeting its payment obligations to subcontractors.

(Ord. of 5-4-98, § 21-64; Ord. of 1-10-22(2))

21-75 Proprietary information.

All information submitted by contractors and subcontractors in connection with a prequalification application shall be considered proprietary information. The city shall not release the information except as may be required by the Access to Public Records law, 1 V.S.A. section 315 et seq. or by court order.

(Ord. of 5-4-98, § 21-65)

21-76 Implementation; exception.

- (a) No contract for a city-funded project shall be let to any contractor or subcontractor unless the contractor or subcontractor has been found to be a responsible contractor pursuant to the terms of this article.
- (b) Notwithstanding the above, the prequalification requirement shall not apply to subcontractors on a city-funded project where the total value of the work to be performed by that subcontractor is the lesser of twenty-five (25) percent of the contract value or one hundred thousand dollars (\$100,000.00).

(Ord. of 5-4-98, § 21-66; Ord. of 1-10-22(2))

21-77 Enforcement.

- (a) Any contractor or subcontractor who files false or materially misleading information in connection with an application or request for information pursuant to the provisions of this

article or does not maintain their status as responsible contractors during construction of the city-funded project as set forth in the approved prequalification application shall be deemed to be in violation of this article.

(b) A violation of this article shall result in, at the sole discretion of the city, one (1) or more of the following sanctions:

- (1) After no more than sixty (60) days to provide an opportunity to correct, cessation of work on the project until compliance is obtained;
- (2) Withholding of payment due under any contract or subcontract until compliance is obtained;
- (3) Permanent removal from any further work on the project;
- (4) A civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). All law enforcement officers are authorized to issue a municipal complaint for a violation of this article. Each day any violation of any provision of this article shall continue shall constitute a separate violation.

(c) In addition to the sanctions outlined above, a proposer, general bidder or contractor shall be equally liable for the violations of its subcontractor. Any contractor or subcontractor that has been determined by the city or by any court or agency to have violated any of the obligations set forth in this article shall be barred from performing any work on any city-funded projects for six (6) months for a first violation, three (3) years for a second violation and permanently for a third violation. The names of all contractors or subcontractors that are found to be in violation of this article shall be disclosed to the public.

(Ord. of 5-4-98, § 21-67; Ord. of 1-10-22(2))

21-78 Severability.

If any part or parts or application of any part of this article is held invalid, such holding shall not affect the validity of the remaining parts of this article.

(Ord. of 5-4-98, § 21-68; Ord. of 1-10-22(2))

21-79 Reserved.

¹ **Editor's note**—An ordinance enacted May 4, 1998, amended Ch. 21 by adding provisions designated as Art. IV, §§ 21-57—21-68. In as much as an ordinance of April 13, 1998, already enacted provisions

designated as Art. IV, §§ 21-60—21-64, the editor, at his discretion, has redesignated these provisions as Art. V, §§ 21-67—21-78. The original numbering has been retained in the history notes following each section and in the Code Comparative Table in order to facilitate tracking.

ARTICLE VI. LIVABLE WAGES¹

21-80 Findings and purpose.

In enacting this article, the city council states the following findings and purposes:

- (a) Income from full-time work should be sufficient to meet an individual's basic needs;
- (b) The City of Burlington is committed to ensuring that its employees have an opportunity for a decent quality of life and are compensated such that they are not dependent on public assistance to meet their basic needs;
- (c) The City of Burlington is committed, through its contracts with vendors and provision of financial assistance, to encourage the private sector to pay its employees a livable wage and contribute to employee health care benefits;
- (d) The creation of jobs that pay livable wages promotes the prosperity and general welfare of the City of Burlington and its residents, increases consumer spending with local businesses, improves the economic welfare and security of affected employees and reduces expenditures for public assistance;
- (e) It is the intention of the city council in passing this article to provide a minimum level of compensation for employees of entities that enter into service contracts or receive financial assistance from the City of Burlington.

(Ord. of 11-19-01; Ord. of 10-21-13)

21-81 Definitions.

As used in this article, the following terms shall be defined as follows:

- (a) *Contractor or vendor* is a person or entity that has a service contract with the City of Burlington where the total amount of the service contract or service contracts exceeds fifteen thousand dollars (\$15,000.00) for any twelve (12) month period, including any subcontractors of such contractor or vendor.

(b) *Grantee* is a person or entity that is the recipient of financial assistance from the City of Burlington in the form of grants, including any contractors or subgrantees of the grantee, that exceed fifteen thousand dollars (\$15,000.00) for any twelve (12) month period.

(c) *Covered employer* means the City of Burlington, a contractor or vendor or a grantee as defined above. The primary contractor, vendor, or grantee shall be responsible for the compliance of each of its subcontractors (or of each subgrantee) that is a covered employer.

(d) *Covered employee* means an "employee" as defined below, who is employed by a "covered employer," subject to the following:

(1) An employee who is employed by a contractor or vendor is a "covered employee" during the period of time he or she expends on furnishing services under a service contract with the City of Burlington, notwithstanding that the employee may be a temporary or seasonal employee;

(2) An employee who is employed by a grantee who expends at least half of his or her time on activities funded by the City of Burlington is a "covered employee."

(e) *Designated accountability monitor* shall mean a nonprofit organization, business, or individual hired or retained by the city that is independent of the city contractors it is monitoring.

(f) *Employee* means a person who is employed on a full-time or part-time regular basis. In addition, commencing with the next fiscal year, a seasonal or temporary employee of the City of Burlington who works ten (10) or more hours per week and has been employed by the City of Burlington for a period of four (4) years shall be considered a covered employee commencing in the fifth year of employment. "Employee" shall not refer to volunteers working without pay or for a nominal stipend, persons working in an approved apprenticeship program, persons who are hired for a prescribed period of six (6) months or less to fulfill the requirements to obtain a professional license as an attorney, persons who are hired through youth employment programs or student workers or interns participating in established educational internship programs.

(g) *Employer-assisted health care* means health care benefits provided by employers for employees (or employees and their dependents) at the employer's cost or at an employer contribution towards the purchase of such health care benefits, provided that the employer cost or contribution consists of at least one dollar and twenty cents (\$1.20) per hour. (Said amount shall be adjusted every two (2) years for inflation, by the chief administrative officer of the city.)

(h) *Livable wage* has the meaning set forth in Section 21-82.

(i) *Retaliation* shall mean the denial of any right guaranteed under this article, and any threat, discipline, discharge, demotion, suspension, reduction of hours, or any other adverse action against an employee for exercising any right guaranteed under this article. Retaliation shall also include coercion, intimidation, threat, harassment, or interference in any manner with any investigation, proceeding, or hearing under this article.

(j) *Service contract* means a contract primarily for the furnishing of services to the City of Burlington (as opposed to the purchasing or leasing of goods or property). A contract involving the furnishing of financial products, insurance products, or software, even if that contract also includes some support or other services related to the provision of the products, shall not be considered a service contract.

(Ord. of 11-19-01; Ord. of 10-21-13; Ord. of 6-28-21(2))

21-82 Livable wages required.

(a) Every covered employer shall pay each and every covered employee at least a livable wage no less than:

(1) For a covered employer that provides employer assisted health care, the livable wage shall be at least thirteen dollars and ninety-four cents (\$13.94) per hour on the effective date of the amendments to this article.

(2) For a covered employer that does not provide employer assisted health care, the livable wage shall be at least fifteen dollars and eighty-three cents (\$15.83) per hour on the effective date of the amendments to this article.

(3) Covered employees whose wage compensation consists of more or other than hourly wages, including, but not limited to, tips, commissions, flat fees or bonuses, shall be paid so that the total of all wage compensation will at least equal the livable wage as established under this article.

(b) The amount of the livable wage established in this section shall be adjusted by the chief administrative officer of the city as of July 1 of each year based upon a report of the Joint Fiscal Office of the State of Vermont that describes the basic needs budget for a single person but utilizes a model of two (2) adults residing in a two (2) bedroom living unit in an urban area with the moderate cost food plan. Should there be no such report from the Joint Fiscal Office, the chief administrative officer shall obtain and utilize a basic needs budget that applies a similar methodology. The livable wage rates derived from utilizing a model of two (2) adults

residing in a two (2) bedroom living unit in an urban area with a moderate cost food plan shall not become effective until rates meet or exceed the 2010 posted livable wage rates. Prior to May 1 preceding any such adjustment and prior to May 1 of each calendar year thereafter, the chief administrative officer will provide public notice of this adjustment by posting a written notice in a prominent place in City Hall by sending written notice to the city council and, in the case of covered employers that have requested individual notice and provided contact information to the chief administrative officer, by notice to each such covered employer. However, once a livable wage is applied to an individual employee, no reduction in that employee's pay rate is permissible due to this annual adjustment.

- (c) Covered employers shall provide at least twelve (12) compensated days off per year for full-time covered employees, and a proportionate amount for part-time covered employees, for sick leave, vacation, personal, or combined time off leave.

(Ord. of 11-19-01; Ord. of 5-2-11; Ord. of 6-13-11; Ord. of 10-21-13)

21-83 Applicability.

(a) This article shall apply to any service contract or grant, as provided by this article that is awarded or entered into after the effective date of the article. After the effective date of the article, entering into any agreement or an extension, renewal or amendment of any contract or grant as defined herein shall be subject to compliance with this article.

(b) The requirements of this article shall apply during the term of any service contract subject to the article. Covered employers who receive grants shall comply with this article during the period of time the funds awarded by the City of Burlington are being expended by the covered employer.

(Ord. of 11-19-01; Ord. of 10-21-13)

21-84 Enforcement.

(a) Each service contract or grant covered by this article shall contain provisions requiring that the covered employer or grantee submit a written certification, under oath, during each year during the term of the service contract or grant, that the covered employer or grantee (including all of its subcontractors and subgrantees, if any) is in compliance with this article. The failure of a contract to contain such provisions does not excuse a covered employer from its obligations under this article. The covered employer shall agree to post a notice regarding the applicability of this section in any workplace or other location where employees or other persons contracted for employment are working. The covered employer shall agree to provide payroll records or other documentation for itself and any subcontractors or

subgrantees, as deemed necessary by the chief administrative officer of the City of Burlington, within ten (10) business days from receipt of the City of Burlington's request.

(b) The chief administrative officer of the City of Burlington may require that a covered employer submit proof of compliance with this article at any time, including but not limited to:

- (1) Verification of an individual employee's compensation;
- (2) Production of payroll, health insurance enrollment records, or other relevant documentation; or
- (3) Evidence of proper posting of notice.

If a covered employer is not able to provide that information within ten (10) business days of the request, the chief administrative officer may turn the matter over to the city attorney's office for further enforcement proceedings.

(c) The City of Burlington shall appoint one or more designated accountability monitors that shall have the authority:

- (1) To inform and educate covered employers and their employees about all applicable provisions of this article and other applicable laws, codes, and regulations;
- (2) To work with the chief administrative officer to create a system to receive complaints under this article;
- (3) To visit work sites of city contractors (and their subcontractors) or communicate directly with contractors' employees to check for compliance with this article;
- (4) To assist the chief administrative officer to conduct periodic audits of payroll and leave records of covered employees; and
- (5) To refer credible complaints to the city attorney's office for potential enforcement action under this article and assist in enforcement actions.

The designated accountability monitor shall forward to the City of Burlington all credible complaints of violations within ten (10) days of their receipt.

(d) Any covered employee who believes his or her covered employer is not complying with this article may file a complaint in writing with the city attorney's office within one (1) year after the alleged violation. The city attorney's office shall conduct an investigation of the complaint, during which it may require from the covered employer evidence such as may be

required to determine whether the covered employer has been compliant, and shall make a finding of compliance or noncompliance within a reasonable time after receiving the complaint. Prior to ordering any penalty provided in subsection (e), (f), or (g) of this section, the city attorney's office shall give notice to the covered employer. The covered employer may request a hearing within thirty (30) days of receipt of such notice. The hearing shall be conducted by a hearing officer appointed by the city attorney's office, who shall affirm or reverse the finding or the penalty based upon evidence presented by the city attorney's office and the covered employer.

(e) The City of Burlington shall have the right to modify, terminate and/or seek specific performance of any contract or grant with a covered employer from any court of competent jurisdiction, if the covered employer has not complied with this article.

(f) Any covered employer who violates this article may be barred from receiving a contract or grant from the city for a period up to two (2) years from the date of the finding of violation.

(g) A violation of this article shall be a civil offense subject to a civil penalty of from two hundred dollars (\$200.00) to five hundred dollars (\$500.00). All law enforcement officers and any other duly authorized municipal officials are authorized to issue a municipal complaint for a violation of this article. Each day any covered employee is not compensated as required by this article shall constitute a separate violation.

(h) If a complaint is received that implicates any City of Burlington employee in a possible violation of this article, that complaint will be handled through the City's personnel procedures, not through the process outlined in this article.

(i) Any covered employee aggrieved by a violation of this article may bring a civil action in a court of competent jurisdiction against the covered employer within two (2) years after discovery of the alleged violation. The court may award any covered employee who files suit pursuant to this section, as to the relevant period of time, the following:

(1) The difference between the livable wage required under this article and the amount actually paid to the covered employee;

(2) Equitable payment for any compensated days off that were unlawfully denied or were not properly compensated;

(3) Liquidated damages in an amount equal to the amount of back wages and/or compensated days off unlawfully withheld or fifty dollars (\$50.00) for each employee or person whose rights under this article were violated for each day that the violation occurred or continued, whichever is greater;

- (4) Reinstatement in employment and/or injunctive relief; and
 - (5) Reasonable attorneys' fees and costs.
- (j) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this article. No person shall engage in retaliation against an employee or threaten to do so because such employee has exercised rights or is planning to exercise rights protected under this article or has cooperated in any investigation conducted pursuant to this article.

(Ord. of 11-19-01; Ord. of 2-17-04; Ord. of 5-2-11; Ord. of 10-21-13; Ord. of 6-28-21(2))

21-85 Other provisions.

- (a) No covered employer shall reduce the compensation, wages, fringe benefits or leave available to any covered employee in order to pay the livable wage required by this article. Any action in violation of this subsection shall be deemed a violation of this article subject to the remedies of Section 21-84.
- (b) No covered employer with a current contract, as of the effective date of this provision, with the City of Burlington for the use of property located at the Burlington International Airport may reduce, during the term of that contract, the wages of a covered employee below the livable wage as a result of amendments to this article.
- (c) Where pursuant to a contract for services with the city, the contractor or subcontractor incurs a contractual obligation to pay its employees certain wage rates, in no case except as stated in subsection (d) of this section, shall the wage rates paid pursuant to that contract be less than the minimum livable wage paid pursuant to this article.
- (d) Notwithstanding subsection (c) of this section, where employees are represented by a bargaining unit or labor union pursuant to rights conferred by state or federal law and a collective bargaining labor agreement is in effect governing the terms and conditions of employment of those employees, this chapter shall not apply to those employees, and the collective bargaining labor agreement shall control.
- (e) Covered employers shall inform employees making less than twelve dollars (\$12.00) per hour of their possible right to the Earned Income Tax Credit under federal and state law.
- (f) The chief administrative officer of the city shall have the authority to promulgate rules as necessary to administer the provisions of this article, which shall become effective upon approval by the city council.

21-86 Exemptions.

An exemption from any requirement of this article may be requested for a period not to exceed two (2) years:

- (a) By a covered employer where payment of the livable wage would cause substantial economic hardship; and
- (b) By the City of Burlington where application of this article to a particular contract or grant is found to violate specific state or federal statutory, regulatory or constitutional provisions or where granting the exemption would be in the best interests of the City.

A covered employer or grantee granted an exemption under this section may reapply for an exemption upon the expiration of the exemption. Requests for exemption may be granted by majority vote of the city council. All requests for exemption shall be submitted to the chief administrative officer. The finance committee of the City of Burlington shall first consider such request and make a recommendation to the city council. The decision of the city council shall be final.

(Ord. of 11-19-01; Ord. of 10-21-13)

21-87 Severability.

If any part or parts or application of any part of this article is held invalid, such holding shall not affect the validity of the remaining parts of this article.

(Ord. of 11-19-01; Ord. of 10-21-13)

21-88 Annual reporting.

On or before April 15 of each year, the city attorney's office shall submit a report to the city council that provides the following information:

- (a) A list of all covered employers broken down by department;
- (b) A list of all covered employers whose service contract did not contain the language required by this article; and

- (c) All complaints filed and investigated by the city attorney's office and the results of such investigation.

(Ord. of 10-21-13)

21-89 Effective date.

The amendments to this article shall take effect on January 1, 2014, and shall not be retroactively applied.

(Ord. of 10-21-13)

¹ **Cross reference**—Personnel, Ch. 24.

ARTICLE VII. OUTSOURCING

21-90 Policy.

It is the policy of the City of Burlington to let service contracts to contractors, subcontractors and vendors who perform work in the United States.

(Ord. of 11-21-05/12-21-05)

21-91 Definitions.

- (a) *Contractor or vendor.* A person or entity that has a contract with the City of Burlington primarily for the furnishing of services (as opposed to the purchasing of goods), including any subcontractors of such contractor or vendor.
- (b) *Government funded project.* Any contract for services which involves any city funds and the total amount of the contract is fifty thousand dollars (\$50,000.00) or more. Burlington School Department contracts shall not be considered government funded projects under this article.
- (c) *Outsourcing.* The assigning or reassigning, directly, or indirectly through subcontracting, of services under a government funded project to workers performing the work outside of the United States.

(Ord. of 11-21-05/12-21-05)

21-92 Implementation.

- (a) No contract for a government funded project shall be let to any contractor, subcontractor, or vendor who is outsourcing, or causing the work to be performed outside of the United States or Canada.
- (b) Prior to the commencement of work on a government funded project a contractor, subcontractor or vendor shall provide written certification that the services provided under the contract will be performed in the United States or Canada.

(Ord. of 11-21-05/12-21-05)

21-93 Exemption.

An exemption from requirements of this article may be authorized by the chief administrative officer based upon a determination that the services to be performed for the government funded project are not available in the United States or Canada at a reasonable cost. Any such exemption decision by the chief administrative officer shall be reported to the board of finance in writing within five (5) days. The board of finance may, if it should vote to do so, override the exemption decision if such vote occurs within fourteen (14) days of the date of the chief administrative officer's communication to such board.

(Ord. of 11-21-05/12-21-05)

21-94 Enforcement.

- (a) Any contractor, subcontractor or vendor who files false or materially misleading information in connection with an application, certification or request for information pursuant to the provisions of this article or outsources work on a government funded project shall be deemed to be in violation of this article.
- (b) A violation of this article shall be a civil offense subject to a civil penalty of from one hundred dollars (\$100.00) to five hundred (\$500.00). All law enforcement officers and any other duly authorized municipal officials are authorized to issue a municipal complaint for a violation of this article. Each day any violation of any provision of this article shall continue shall constitute a separate violation.
- (c) The City of Burlington shall have the right to modify, terminate and or seek specific performance of any contract for a government funded project if the contractor, subcontractor or vendor has not complied with this article.

21-95—21-99 Reserved.**ARTICLE VIII. UNION DETERRENCE****21-100 Policy.**

It is the policy of the City of Burlington to limit letting contracts to organizations that provide union deterrence services to other companies.

(Ord. of 3-27-06/4-26-06)

21-101 Definitions.

(a) *Contractor or vendor.* A person or entity that has a contract with the City of Burlington primarily for the furnishing of services (as opposed to the purchasing of goods), including any subcontractors of such contractor or vendor.

(b) *Government funded project.* Any contract for services which involves any City funds and the total amount of the contract is fifteen thousand dollars (\$15,000.00) or more. Burlington School Department contracts shall not be considered government funded projects under this article.

(c) *Union deterrence services.* Services provided by a contractor, subcontractor or vendor that are not restricted to advice concerning what activities by an employer are prohibited and permitted by applicable laws and regulations, but extend beyond such legal advice to encouraging an employer to do any of the following:

- 1) Hold captive audience, (i.e., mandatory) meetings with employees encouraging employees to vote against the union;
- 2) Have supervisors force workers to meet individually with them to discuss the union;
- 3) Imply to employees, whether through written or oral communication, that their employer may have to shut down or lay people off if the union wins the election;
- 4) Discipline or fire workers for union activity;
- 5) Train managers on how to dissuade employees from supporting the union.

(d) *Substantial portion of income.* For the purposes of this article, substantial portion of income shall mean greater than ten (10) percent of annual gross revenues or one hundred thousand dollars (\$100,000.00), whichever is less.

(Ord. of 3-27-06/4-26-06)

21-102 Implementation.

(a) No contract for a government funded project shall be let to any contractor, subcontractor, or vendor who

- 1) Advises or has advised an employer to conduct any illegal activity in its dealings with a union.
- 2) Advertises union deterrence services as specialty services;
- 3) Earns a substantial portion of its income by providing union deterrence services to other companies in order to defeat union organizing efforts.

(b) Prior to the commencement of work on a government funded project a contractor, subcontractor or vendor shall provide written certification that it has not advised the conduct of any illegal activity, it does not currently, nor will it over the life of the contract provide union deterrence services in violation of this article.

(Ord. of 3-27-06/4-26-06)

21-103 Enforcement.

(a) Any contractor, subcontractor or vendor who files false or materially misleading information in connection with an application, certification or request for information pursuant to the provisions of this article or provided union deterrence services during the life of a contract for a government funded project shall be deemed to be in violation of this article.

(b) The City of Burlington shall have the right to modify, terminate and or seek specific performance of any contract for a government funded project if the contractor, subcontractor or vendor has not complied with this article.

(Ord. of 3-27-06/4-26-06)

21-104—21-110 Reserved.

ARTICLE IX. REPRODUCTIVE HEALTH CENTER ACCESS

21-111 Findings.

The city council recognizes that a person's right to choose their own reproductive health care services and the right to free speech regarding this right are protected by the Constitution and the city council strongly supports these rights. The city council recognizes that access to reproductive health care facilities is an important interest and medical necessity for residents and visitors to the city, and also recognizes that the exercise of a person's right to speak for or against certain medical procedures is a First Amendment activity that must be protected and balanced against another person's right to obtain medical counseling and treatment in an unobstructed manner. The city has a compelling interest in protecting privacy and health rights and a strong interest in protecting the health and safety of its people while not burdening freedom of speech more than is necessary to further these interests.

Therefore, through this article, the city council seeks to ensure public safety and order, regulate the use of public sidewalks and other conduct, promote the free flow of traffic on streets and sidewalks, reduce disputes and confrontations requiring law enforcement services, protect property rights, protect constitutional freedoms of privacy, liberty, expression, secure a person's right to seek reproductive health care services and provide unobstructed access to reproductive health care facilities by setting clear guidelines for activity in the immediate vicinity of the reproductive health care facilities.

(Ord. of 7-16-12; Ord. of 10-20-14)

21-112 Definitions.

For the purpose of this article:

- (a) *Reproductive Health Care Facilities* shall mean any building, structure or place, or any portion thereof, at which licensed, certified, or otherwise legally authorized persons provide health care services or health care counseling relating to the human reproductive system.
- (b) *Premises of a Reproductive Health Care Facility* shall mean the driveway, entrance, entryway, or exit of a reproductive health care facility and any parking lot in which the facility has an ownership, easement or leasehold interest or other property right.
- (c) Person shall include, but is not limited to:
 - (1) Individuals;

(2) Corporations;

(3) Not-for-profit organizations;

(4) Partnerships;

(5) Associations; and

(6) Groups or other entities.

(d) *Harass* shall mean: (1) Approaching, following or otherwise acting towards a person: (a) in a threatening manner with the intent of, or recklessly creating the risk of, causing a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property; or (b) using abusive or obscene language, which shall be construed as the Vermont Supreme Court has construed the same language in 13 V.S.A. § 1026(3); (2) Continually attempting to engage or otherwise solicit a person after such person has indicated that he or she does not desire to be engaged or solicited; (3) Intentionally touching or causing physical contact with a person without that person's consent; or (4) Using violent or threatening gestures toward a person.

(Ord. of 7-16-12; Ord. of 10-20-14)

21-113 Prohibited acts.

(a) No person shall knowingly obstruct, detain, hinder, impede, harass or block another person's entry to or exit from a reproductive health care facility.

(1) *Exceptions.* This subsection shall not apply to the following:

- a. Law enforcement, ambulance, firefighting, construction, utilities, public works, and other municipal agents acting within the scope of their employment; and/or
- b. Employees or agents of such reproductive health care facility acting within the scope of their employment.

(Ord. of 7-16-12; Ord. of 10-20-14)

21-114 Penalties.

(a) Any violation of the provisions of this law constitutes a civil offense punishable by a fine from fifty dollars (\$50.00) to eight hundred dollars (\$800.00). The waiver penalty for such offense shall be fifty dollars (\$50.00). The minimum fine and waiver penalty shall be tripled

for each additional offense within a two (2) year period up to a maximum of four hundred fifty dollars (\$450.00).

(b) In addition to the penalty provided for in subsection (a) of this section, a law enforcement official may order the one (1) or more individuals who have on that day violated Section 21-113 to immediately withdraw and cease to stand or be located within at least twenty-five (25) feet of an entrance or a driveway to the reproductive health care facility. Such an order shall remain in place for twelve (12) hours. A withdrawal order may only be issued if the twenty-five (25) foot boundary is clearly marked and warnings of this section are conspicuously posted outside of the reproductive health care facility. A withdrawal order issued pursuant to this section shall be in writing and such writing shall include the following statements: "You, having violated section 21-113, are hereby ordered to immediately withdraw and cease to stand or be located within at least 25 feet of an entrance or a driveway to the reproductive health care facility. This order shall remain in place for 12 hours." A person who violates a withdrawal order issued under this subsection (b) shall be subject to a criminal misdemeanor penalty of up to five hundred dollars (\$500.00) or not more than one (1) year imprisonment.

(Ord. of 7-16-12; Ord. of 10-20-14)

21-115 Severability.

If any section, sentence, clause or phrase of this law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

(Ord. of 7-16-12; Ord. of 10-20-14)

21-116—21-119 Reserved.

ARTICLE X. PERCENT FOR PUBLIC ART

21-120 Purpose.

(a) *Name.* This article shall be known as the percent for public art ordinance.

(b) *Purposes.* The purpose of this article is to provide funding for public art in capital projects funded wholly or in part by the City of Burlington. Public art strengthens public places and enhances and promotes Burlington's identity as a livable, creative city and a desirable place to live, work and visit. The purpose of the percent for public art ordinance is

to provide funding to involve artists in the design, implementation and integration of art in public projects, to support administration of the public art process, and to establish funds for maintenance of the city's public art collection.

(Ord. of 6-28-21(3))

21-121 Definitions.

For purposes of this article, the following terms shall have the following meanings:

- (a) *The Art in Public Places Guidelines and Policies* (the guidelines) shall mean a policy adopted by the board of advisors of Burlington city arts and approved by the city council that will guide the development of the city's art in public places program and that will be funded in part through the percent for public art fund established by this article.
- (b) *Capital project* shall mean any project that is funded wholly or in part by the City of Burlington and that involves the construction, renovation, or remodeling of buildings, structures, or parking facilities; street improvements; streetscape improvements; or park or recreational area construction or remodeling. It does not mean any project or any portion of a project that is solely for repair or maintenance.
- (c) *Eligible budget* shall mean that portion of the total budget for the capital project that is related to construction or rebuilding, but not debt issuance costs, permits, fees, maintenance, or other costs as may be excluded by the guidelines.
- (d) *Public art* means a work of visual art or an artistically designed feature created by an individual who is professionally engaged in the production of creative and original artwork that is owned by the City of Burlington. The work shall be intended to be permanent or longstanding, not temporary or transitory, so as to qualify for capital funding.
- (e) *The percent for public art fund* shall mean one or more reserve funds of the city created for the purpose of housing the funds set aside pursuant to this article and shall be carried over from year to year until expended.
- (f) *The public art administrator* shall mean the employee of Burlington city arts responsible for administration of the city' s public art collection and art in public places program.
- (g) *The public art committee* shall mean a committee created by the board of advisors of Burlington city arts that includes city planning staff and may include individuals who are not members of the board. A majority of the committee shall be residents or taxpayers of the City of Burlington. The board may appoint specific members to serve on the public art committee for any specific public art or capital project.

21-122 Eligible projects.

- (a) *One percent set aside.* Any capital project, except as provided below, shall set aside at least one (1) percent of its eligible budget for public art.
- (b) *Set aside not required.* A capital project is not required to set aside funds for public art if:
 - (1) The ability to set aside project funds is limited by law, regulation, bond covenant, grant terms, or funding agency rules;
 - (2) The project is funded by a bond for which the voters did not authorize the use of funds for public art; or
 - (3) The city council specifically determines that a particular project will not fund the one (1) percent for public art.
- (c) *Public art or set aside funds.* The one (1) percent set aside shall either be used to incorporate public art into the project or be contributed to the percent for public art fund, as determined by the public art committee in consultation with the project's managers, except that for any capital project resulting in a set-aside of ten thousand dollars (\$10,000.00) or less, the set-aside will be contributed to the percent for public art fund.
- (d) *Determination of eligible capital projects.* For each capital project of the city within the city's capital budgets, the chief administrative officer and the executive director will consult with the responsible department head and project manager to determine whether the project is a capital project within the meaning of this article. The mayor will resolve any dispute about the eligibility of a capital project.
- (e) *Additional contributions.* The city may encourage other projects that are not capital projects to contribute to the percent for public art fund, as appropriate.

(Ord. of 6-28-21(3))

21-123 The percent for public art fund.

- (a) *Eligible costs.* Monies reserved in the percent for public art fund are dedicated to the creation, management and maintenance of public art. They may be used, with respect to public art, for any of the following capital expenses:

- (1) Design, selection, acquisition, purchase, or commissioning;
 - (2) Display, installation, or transport;
 - (3) Conservation, cleaning, repair, maintenance, or restoration;
 - (4) Insuring;
 - (5) Decommissioning or sale; or
 - (6) Administration of the art in public places program.
- (b) *Ineligible costs.* Monies from the percent for public art fund may not be used for:
- (1) Mass-produced, standard design objects or visual works;
 - (2) Decorative, color, textural, or functional elements of a project designed by an architect, rather than as an integrated art work by an artist;
 - (3) Landscape architecture or gardening except if an artist has included them as integral parts of a work of art;
 - (4) Directional signage except as an integral part of an artist's design; or
 - (5) Other ineligible costs identified in the guidelines.
- (c) *Percent for public art fund budget.* The executive director of Burlington city arts, with the approval of the public art committee, will annually prepare a budget for the percent for public art fund that includes maintenance of the city's public art and administration of the city's art in public places program to be included in the annual mayor's recommended budget for city council approval.
- (d) *Committee authorization.* The executive director may authorize the acquisition of any public art using the percent for public art fund, consistent with the approved budget and the guidelines.

(Ord. of 6-28-21(3))

21-124 Public art project guidelines and policies.

- (a) *Establishment of guidelines.* The board of advisors of Burlington city arts will create and oversee the guidelines related to the selection, management, and maintenance of public art

and the related use of the percent for public art fund, subject to approval of the guidelines by the city council.

(b) *Content of guidelines.* The guidelines shall include:

- (1) Criteria for the selection and placement of the city's public art, including standards for public solicitation of artists;
- (2) Requirements to ensure that the city's public art reflects the cultural, racial, and ethnic diversity of the city, including methods to ensure representation by artists who reflect that cultural, racial, and ethnic diversity;
- (3) Standards to ensure sufficient funding for the continuing conservation, maintenance, repair, and restoration of the city's public art;
- (4) Procedures for acquiring and deaccessioning the city's public art;
- (5) A process for public input and selection of members to serve on artist-selection juries.

(c) *City ownership.* The City of Burlington shall own all public art funded pursuant to this article unless formally deaccessioned.

(Ord. of 6-28-21(3))

Chapter 22 PARKS¹

22-1 City parks enumerated.

22-2 Damage to parks.

22-3 Digging or blasting prohibited.

22-4 Littering.

22-5 Glass bottles prohibited; exception.

22-6 Throwing stones or other objects prohibited; exception.

22-7 Camping in parks prohibited.

22-8, 22-9. Reserved.

22-10 Fires prohibited.

22-11 Discharging fireworks prohibited.

22-12 Firearms prohibited.

22-13 Animals prohibited; exception.

22-14 Disturbing birds, nests, eggs or animals prohibited.

22-15 Hitching horses to trees or shrubs prohibited.

22-16 Motor vehicles subject to park regulations.

22-17 Reserved.

22-18 Driving on grass.

22-19 Bathing prohibited.

22-20 Nudity prohibited.

22-21 Reserved.

22-22 Consumption of alcoholic beverages prohibited.

22-23 Penalty.

22-1 City parks enumerated.

The following shall constitute the parks of the city to be used and enjoyed as such by the public under the rules and regulations of the park commissioners:

(1) *City Hall Park.* That certain piece, parcel or plot of ground situated between Main and College Streets and St. Paul and Church Streets not covered by the city hall building, police headquarters building, Chittenden County Trust Company building and the McAuliffe building shall be known as City Hall Park.

(2) *Battery Park.* The lot of land enclosed and lying north of Pearl Street extended westerly, west of Park Street, and south of Sherman Street, which land was deeded to the city by warranty deed of Herman Allen, et al., dated April 17, 1840, and recorded in Volume 14, page 535, of the land records of the Town of Burlington shall be known as Battery Park.

(3) *Ethan Allen Park.* So much of the "Ethan Allen Farm," so called, as was acquired by the city from W. J VanPatten shall be known as Ethan Allen Park.

(4) *North Beach.* The land bordering on Lake Champlain which was conveyed to the city by Mary E. Arthur by her deed dated July 16, 1918, and recorded in Volume 72, on pages 513 and 514 of the land records of the city shall be known as North Beach.

Also, the land contiguous to the land described in the preceding paragraph which was conveyed to the city by warranty deed of Josephine A. Rohrer, dated July 16, 1931, and recorded in Volume 97, 552 of the land records of the city shall be included in North Beach Park.

(5) *Smalley Park.* The land on the southeast corner of Adams and St. Paul Streets, bounded on the east by the west line of Church Street extended southerly and on the north by Adams Street and which was conveyed to the city by J. Holmes Jackson and Caroline S. Jackson by deed dated April 23, 1920, and recorded in Volume 72, on page 462 of the land records of the city shall be known as Smalley Park.

(6) *Roosevelt Park.* The land deeded to the city by warranty deed of Henry B. Shaw, et al., dated October 18, 1920, and recorded in Volume 76, page 396 of the land records of the city shall be known and designated as Roosevelt Park.

(7) *Lyman Calahan Park.* The land and premises conveyed to the City of Burlington by deed of the Estate of Horatio Hickok dated January 1, 1924, and recorded in Volume 82 at Page 242 of the land records of the City of Burlington; by deed of Queen City Cotton Company dated January 29, 1924 and recorded in Volume 80 at Page 385 of the land records of the City of Burlington; and by deed of John J. Flynn dated January 25, 1924 and recorded in Volume 80 at Page 94 of the land records of the City of Burlington. Said property is set out on a plan entitled "Plan of Property Purchased by the City of Burlington from Mrs. Harriet W. Hickok, Queen City Cotton Co., John J. Flynn and Burlington Gas Light Co." dated 1924 and recorded in Volume 82 at Page 586-7 of the land records of the City of Burlington.

Also, such part of the land deeded to the city August 2, 1026, by Paul D. Kelley, by two (2) warranty deeds recorded in Volume 90, Pages 3 and 4 of the land records of the city as is used for park purposes. Also, that parcel conveyed to the City of Burlington by warranty deed of G.E. Burlington Employee Credit Union dated November 3, 1972, and recorded in Volume 212 at Page 764 of the land records of the City of Burlington.

(8) *Ledge Road Overlook.* The land conveyed to the city by Lewis C. Clark by deed recorded in Volume 83, page 442 of the land records of the city shall be known as Ledge Road Overlook.

(9) *Dewey Park.* The land located in the intersection of Elmwood Avenue, Spring Street, Archibald Street and Walnut Street conveyed to the city by Eli B. Johnson and wife by their warranty deed recorded in Volume 25, page 439 of the lands records of the city shall be known as Dewey Park.

(10) The land lying and being westerly of Riverside Avenue conveyed to the city by the American Woolen Company by its deed recorded in Volume 93, page 452 of the land records of the city.

(11) The triangular piece of land in the intersection of North, Hyde and School Streets which is not used for street purposes, the easterly side thereof being parallel with School Street and 82.35 feet in length, the southerly side thereof being parallel with North Street and 41 feet in length and the northwesterly side thereof being parallel with Hyde Street and 92 feet in length.

(12) The land and premises at the intersection of St. Paul Street and South Winooski Avenue conveyed to the city by Charles F. Killary, Howard F. Killary, et al, by deed recorded in Volume 83, page 432 of the land records of the city.

(13) *Schmanska Park.* The land lying and being on the southerly side of Grove Street in the city which was conveyed to the city by Pearl E. Schmanska by her warranty deeds dated January 19, 1942, and recorded in Volume 117, page 537, and dated July 8, 1942, and recorded in Volume 117, page 686, respectively, of the land records of the city shall be known as Schmanska Park. Said Pearl E. Schmanska reserves a life estate in and to said land conveyed on July 8, 1942.

(14) *Reserved.*

(15) *Champlain Park.* The land on the west side of South Champlain Street conveyed to the city by warranty deed of Hyman and Rachel Wasserman dated August 7, 1952, and recorded in Volume 142, page 247 of the land records of the city.

(16) *Perkins Pier.* That land lying north of the westernmost part of Maple Street conveyed to the City of Burlington by the Rutland Railway Corporation dated August 12, 1965. and recorded in Volume 174, page 151 of the Land Records of the City of Burlington; also that land lying adjacent to the above conveyed to the City of Burlington by the Rutland Railroad Corporation dated November 4, 1952, and recorded in Volume 130, page 445 of the Land Records of the City of Burlington; the total of the two parcels to be known as Perkins Pier.

(17) *College Street Pier and Boathouse.* The land and premises bordering on Lake Champlain northerly of an adjacent to College Street, said land and premises being

more particularly designated as "Parcel 2" in the conveyance by Central Vermont Railway, Inc., to the City of Burlington by quit claim deed dated August 17, 1942, and recorded in Volume 114 at page 292. Said land and premises as set forth on a plan recorded in Volume 115 at page 626 of the land records of the city shall be known as College Street Pier and Boathouse.

(18) *Lakeside Park.* The same land and premises conveyed to the City of Burlington by quit-claim deed of Burlington Realty Corporation dated September 16, 1948, and of record in Volume 130 at pages 68, 69 of the land records of the City of Burlington shall be known as Lakeside Park.

(19) *Burlington Waterfront Bikeway.* The land and premises of the former Rutland Railroad right-of-way beginning at a point approximately one thousand one hundred ninety-two (1,192) feet northerly of the northern property line of Leddy Park, and continuing in a northerly direction along said railroad right-of-way to the mouth of the Winooski River, and being all and the same lands and premises conveyed to the city by deeds of Rutland Railway Corporation, dated May 24, 1965, and recorded in Volume 169 at Pages 647—649, and dated May 24, 1965, and recorded in Volume 169 at Pages 650—652, respectively, of the Land Records of the City of Burlington, and all such property, easements, rights-of-way, etc., southerly of this point as shall be acquired by the City of Burlington for the purpose of extending the Burlington Waterfront Bikeway.

(20) *Starr Farm Park.* The land and premises of the former John Flynn Estate located off Starr Farm Road vested in the City by Judgment Order dated June 1, 1990, and recorded in Volume 417 at pages 455—461 of the Land Records of the City of Burlington. Said land and premises are partially depicted on a Plat entitled "Windrows A Retirement Community" dated February 23, 1986; and recorded in Map Hangar 167, Number 84 of the land records.

(21) *Baird Park.* The land and premises on the easterly side of Pine Street conveyed to the City of Burlington by warranty deed of South Meadow Housing Associates dated January 20, 1988, and recorded in Volume 375 at Page 33 of the land records of the City of Burlington.

(22) *Cresent Woods.* The land and premises conveyed to the City of Burlington by warranty deed of Blumer-Rose, Inc.; dated March 31, 1987, and recorded in Volume 360 at pages 213—215 of the land records of the City of Burlington. The land and premises conveyed are depicted as Lot 7 on a plan entitled "Plat Showing Proposed Subdivision, Crescent Terrace," dated June, 1985, and recorded in Map Volume V, page 30 of the land records.

(23) *Red Maple Wetland.* The land and premises adjacent to the Fairmont Place Condominiums which was conveyed to the City of Burlington Parks and Recreation by warranty deed of Hauke Building Supply, Inc. dated January 10, 1989, and recorded in Volume 394 at page 404 of the land records of the City of Burlington. Such land is depicted as park land on a map entitled "Plan Showing Fairmount Place Condos" dated January, 1988 and recorded in Volume 375 at page 61 of the land records.

(24) *McKenzie Park.* The land and premises located in the Intervale and bounded generally on the north and east by the Winooski River which was conveyed to the City of Burlington by warranty deed of the John McKenzie Packing Co., Inc., dated November 24, 1980, and recorded in Volume 272 at page 491 of the land records of the City of Burlington.

(25) *Arms Park.* A portion of the land and premises located north of Institute Road west of North Avenue and south of the land of BPOE which was conveyed to the City of Burlington by warranty deed of Lakeview Heights, Inc. dated November 27, 1962, and recorded in Volume 164 at page 179 of the land records of the City of Burlington.

(26) *Arthur Park.* A portion of the land and premises located on the easterly side of North Avenue bounded by the northerly line of Institute Road extended easterly which was conveyed to the City of Burlington by warranty deed of Josephine Rohrer dated July 16, 1931, and recorded in Volume 97 at page 552 of the land records of the City of Burlington.

(27) *Schifilliti Park.* A portion of the land and premises conveyed to the City of Burlington by warranty deed of Henry Berger dated December 7, 1901, and recorded in Volume 49 at page 84 of the lands records of the City of Burlington.

(28) *Pomeroy Park.* The land and premises located at the intersection of Booth Street and North Street conveyed to the City of Burlington by warranty deed of Loren Palmer dated May 6, 1898, and recorded in Volume 41 at page 382 of the land records of the City of Burlington.

(29) *Oakledge Park.* The land bordering on Lake Champlain which was conveyed to the City of Burlington by quit-claim deed of Mobil Oil Corporation dated February 25, 1987, and recorded in Volume 361 at page 776 of the land records of the City of Burlington. The land conveyed is shown on a document entitled "Property of Mobil Oil Corporation Burlington, Vermont" dated May, 1986, and recorded at Map Hanger 179, Number 53.

Also, the land conveyed to the City of Burlington by warranty deed of Cliffside County Club, Inc., dated June 24, 1971, and recorded in Volume 205 at page 239 of the land records of the City of Burlington.

Also, a lot of land conveyed to the City of Burlington by warranty deed of Ralph N. Hill, Jr., dated October 31, 1977, and recorded in Volume 248 at page 196 of the land records of the City of Burlington. Said property is set out on a plan entitled "Property Plan, City of Burlington, Vt." dated September, 1977, and recorded at Map Hanger 100, Number 76 of the land records of the City of Burlington.

(30) *Burlington Waterfront Bikeway.*

- (a) The land and premises bordering Lake Champlain and southerly of Perkins Pier which was conveyed to the City of Burlington by warranty deed of Equipco, Inc., dated September 16, 1969, and recorded in Volume 196 at page 13 of the land records of the City of Burlington.
- (b) The land and premises described in a Lease Agreement between the State of Vermont and the City of Burlington dated June 18, 1985, and recorded in Volume 319 at page 575 of the land records of the City of Burlington.
- (c) The strip of land described in the Revocable License Agreement between Central Vermont Railway, Inc., and the City of Burlington dated December 17, 1985.
- (d) The strip of land described in Amendment No. 1 to June 18, 1985 Lease Agreement between the State of Vermont, Agency of Transportation, the Vermont Railway, Inc., and the City of Burlington dated December 6, 1985.
- (e) The land and premises described in the Memorandum of Understanding between the State of Vermont, the City of Burlington, Vermont Railway, Inc., and G.S. Blodgett Co., Inc., and Cloverleaf Properties, Inc., dated in October, 1987.
- (f) The land and premises described in the easement deed granted to the City of Burlington by Cloverleaf Properties, Inc., dated August 8, 1988, and recorded in Volume 393 at page 689 of the land records of the City of Burlington.

(31) *Bernard J. Leddy Park.* The land and premises consisting of approximately seventy-five (75) acres of land located to the west of North Avenue obtained from Corenco Corporation through condemnation proceedings by order dated November 23, 1970, and recorded in Volume 199 at page 278 of the land records of the City of Burlington.

Also, a parcel of land fifty feet by fifteen feet (50'—15') located at the westerly end of Leonard Street which was conveyed to the City of Burlington by quit-claim deed of Charles Anagolano dated August 5, 1977, and recorded in Volume 246 at page 374 of the land records of the City of Burlington.

(32) *Waterfront Park and Promenade.* The land and premises bordering Lake Champlain and identified as parcels A and C which were conveyed to the City of Burlington by quit-claim deed of Central Vermont Railway, Inc., dated August 3, 1990, and recorded in Volume 420 at page 322 of the land records of the City of Burlington.

(33) *Waterfront Shelter.*

(34) *Northern Connector Bikepath & Bridges.*

(35) *Elaine and George Little Park.* The land and premises located on North Winooski Avenue which was conveyed to the City of Burlington by quitclaim deed of Burlington Community Land Trust dated August 11, 1995, and recorded in Volume 529 at page 364 of the land records of the City Burlington. Said property is a triangular parcel bounded northerly by Archibald Street, westerly by Bright Street and easterly by North Winooski Avenue.

(36) *Appletree Park.* The parcel of land containing 3.67 acres of land located northerly of Edinborough Drive and easterly of Murfield Road which was conveyed to the City of Burlington by limited warranty deed of The Merchants Bank dated March 3, 1997, and recorded in Volume 561 at page 558 of the land records of the City of Burlington. Said parcel is designated as recreation lot and depicted on a plan captioned "Final Plat—Phase Three. Strathmore, Appletree Point" dated October 15, 1987, last revised May 8, 1990, and recorded at Map Hanger 228A.

(37) *Burlington Skate Park.* The triangular piece of land and premises located on Lake Street, north of Waterfront Park, being a portion of the land and premises conveyed to the City of Burlington by deed of Central Vermont Railway, Inc., dated October 15, 1991, and recorded in Volume 438 at page 402 of the land records of the City of Burlington. The Skate Park consists of approximately one and four tenths (1.4) acres, the southerly side bounded by Waterfront Park and two hundred thirty-five (235) feet in length, the westerly side bounded by the City of Burlington water plant and three hundred eighty (380) feet in length, and the easterly side bounded by the New England Central Railroad tracks and five hundred thirty (530) feet in length.

(38) *Kieslich Park.* The land and premises consisting of approximately twelve (12) acres located at 311 North Avenue, bordered by Lake Champlain, BCCH properties, North Avenue and the city public land noted as "Texaco Parcel" conveyed to the City of Burlington by warranty deed of VLTBTM Parkland, LLC dated February 11, 2019, and recorded in Volume 1434 at page 232—233 of the land records of the City of Burlington.

(Rev. Ords. 1962, § 3801; Ord. of 12-17-73, § 1; Ord. of 11-16-81; Ord. of 10-24-83; Ord. of 5-20-85; Res. of 2-18-97, § 1; Ord. of 1-26-98; Ord. of 6-26-00; Ord. of 5-10-04. eff. 6-9-04; Ord. of 10-24-22(2))

Charter reference—Authority of city council to establish and control parks, § 48 (XXXVI).

22-2 Damage to parks.

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 the city parks, or cut, carve, point, mark or paste on any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement or inscription whatsoever.

(Rev. Ords. 1962, § 3902)

22-3 Digging or blasting prohibited.

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 the city parks without the special order or license of the park commission.

(Rev. Ords. 1962, § 3912)

Cross reference—Removal of soil from cemetery prohibited, § 9-15.

22-4 Littering.

No bottles, broken glass, ashes, wastepaper or other rubbish shall be left in any of the city parks, except at such place or places as may be specially designated by the park commission.

(Rev. Ords. 1962, § 3913)

Cross reference—Rubbish to be removed from city cemeteries, § 9-7.

22-5 Glass bottles prohibited; exception.

No person shall possess glass beverage bottles in any city park or city school playground except in the campsite area at North Beach.

(1969 Cum. Supp., § 3919)

22-6 Throwing stones or other objects prohibited; exception.

No stone or other missile shall be thrown or rolled from, into, within or upon any of the city parks, except in such places as the park commission may designate as a ball field in playing games in which a ball is used.

(Rev. Ords. 1962, § 3903)

Cross reference—Throwing stones or other missiles prohibited, § 21-35.

22-7 Camping in parks prohibited.

(a) It shall be unlawful for any person to camp in any public park in the city unless otherwise authorized by this code. Camping may occur at public areas designated as campsites by the parks and recreation department.

(b) The term "to camp" shall include the placing of any bedding, sleeping bag or other material at a site to serve as a sleeping area; the placing of any tent, lean-to, other structure or vehicle at a site to serve as a sleeping or living area; or the use of any public park for sleeping between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. of 10-2-95)

22-8, 22-9 Reserved.

Editor's note—An ordinance enacted Aug. 4, 1986, repealed the provisions formerly codified as §§ 22-7—22-9, derived from §§ 3905, 3906 and 3918 of the city's 1962 Revised Ordinances, and which pertained to the prohibition of threatening or abusive speech and public demonstrations; prohibiting selling; and regulating the use of inflatable toys or devices at the municipal beach.

22-10 Fires prohibited.

No person, except by authority of the park commission, shall light, kindle or use any fire in any of the city parks.

(Rev. Ords. 1962, § 3908)

Cross reference—Open fires restricted, §§ 13-3—13-5; emission of smoke or cinders prohibited, § 21-17.

22-11 Discharging fireworks prohibited.

No person shall discharge or set off, on or within any of the city parks, any firecrackers, torpedoes, rockets or other fireworks, except by license from the park commission.

Charter reference—Authority of city council to regulate or restrain fireworks, § 48(XXV).

22-12 Firearms prohibited.

No person shall carry or have any firearms in any of the city parks, and no firearms shall be discharged in, from or into the same.

(Rev. Ords. 1962, § 3903)

Cross reference—Shooting galleries to be licensed, § 4-6; firearms prohibited in cemeteries, § 9-13; discharging firearms prohibited, § 21-12; bow and arrow and air guns prohibited, § 21-10.

22-13 Animals prohibited; exception.

No domestic animals, except dogs, shall be permitted in any park.

(Rev. Ords. 1962, § 3901; Ord. of 9-10-12(1))

Cross reference—Animals going at large in streets or parks prohibited, § 5-1; dogs running at large prohibited, § 5-21; dogs prohibited in cemetery, § 9-14.

22-14 Disturbing birds, nests, eggs or animals prohibited.

No person shall disturb or injure any bird, bird's nest or eggs, or any squirrel or other animal within any of the city parks.

(Rev. Ords. 1962, § 3910)

22-15 Hitching horses to trees or shrubs prohibited.

No horse shall be hitched to any shrub or tree in any of the city parks.

(Rev. Ords. 1962, § 3914)

22-16 Motor vehicles subject to park regulations.

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 park commission may from time to time especially designate by public notice set up for that purpose within the park.

(Rev. Ords. 1962, § 3915)

Cross reference—Operation of vehicles generally, § 20-23 et seq.

22-17 Reserved.

Editor's note—A regulation adopted July 8, 2020, deleted § 22-17 which pertained to speed limits and derived from Rev. Ords. 1962, § 3904 and 1969 Cum. Supp., § 3904.

22-18 Driving on grass.

No person shall ride or drive upon the grass, turf or lawns of any city park.

(Rev. Ords. 1962, § 3909)

22-19 Bathing prohibited.

No person shall bathe in any waters in or adjacent to any of the city parks, except in such places and subject to such regulations as the park commission may from time to time especially designate by a public notice set up for that purpose within the park.

(Rev. Ords. 1962, § 3907)

22-20 Nudity prohibited.

No person shall go about naked within any of the city parks.

(Rev. Ords. 1962, § 3907)

22-21 Reserved.

Editor's note—An ordinance adopted December 12, 2022, deleted § 22-21 which pertained to Burlington Municipal Arena rules and regulations and derived from resolutions of Dec. 10, 1973 and July 26, 1976 and ordinances of Nov. 22, 1976, Apr. 14, 1980, and May 26, 1981.

22-22 Consumption of alcoholic beverages prohibited.

No person shall consume or attempt to consume any intoxicating malt or vinous beverages or any intoxicating spirits within that portion of the City of Burlington bounded on the north by the curbline of College Street, on the west by the curbline of St. Paul Street, on the south

by the curbline of Main Street and on the east by the curbline of Church Street, excluding the interior of any building located within such boundaries. Provided, this section may be waived by the board of park commissioners upon prior application for properly organized and supervised activities within the limits of City Hall Park as described in section 22-1 hereof.

(Ord. of 10-25-76, § 1; Ord. of 1-9-95)

22-23 Penalty.

A violation of the following sections of this chapter shall be deemed a civil offense:

Section 22-2. Damage to parks.

Section 22-3. Digging or blasting prohibited.

Section 22-4. Littering.

Section 22-5. Glass bottles prohibited; exception.

Section 22-6. Throwing stones or other objects prohibited; exception.

Section 22-7. Camping in parks prohibited.

Section 22-10. Fire prohibited.

Section 22-11. Discharging fireworks prohibited.

Section 22-13. Animals prohibited, exception.

Section 22-14. Disturbing birds, nests, eggs or animals prohibited.

Section 22-15. Hitching horses to trees or shrubs prohibited.

Section 22-16. Motor vehicles subject to parks regulations.

Section 22-18. Driving on grass.

Section 22-22. Consumption of alcoholic beverages prohibited.

In addition, a violation of any provision of the rules and regulations of the parks, recreation and waterfront department contained in Appendix D of this Code of Ordinances shall be deemed a civil offense. A violation of these sections or the rules and regulations shall be punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for such offenses for purposes of the municipal complaint (civil ticket)

shall be fifty dollars (\$50.00). Each day's continued violation shall be a separate offense. The director of the parks, recreation and waterfront department, waterfront managers, city arborist, urban park rangers, seasonal operations supervisors and all law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter. For the limited purpose of interim stewardship and pending completion of a long-term planning process the land known as Urban Reserve, bordered on the north by Kieslich Park, on the east by the railroad, on the west by Lake Champlain, and the south by the Community Sailing Center, shall be considered a city park subject to this chapter and the rules and regulations set forth in Appendix D.

(Ord. of 1-9-95; Ord. of 6-26-95; Ord. of 10-2-95; Ord. of 6-6-22(2); Ord. of 4-17-23(2); Ord. of 6-20-23)

¹ **Charter reference**—Power of city council to regulate, § 48(XXXVI); appropriations for park expenditures authorized, § 67; board of park commissioners established, § 120; department of public parks generally, §§ 203—217.

Chapter 23 PEDDLERS AND SOLICITORS

23-1 License required.

23-2 Definitions.

23-3 Application.

23-4 Investigation.

23-5 Granting of license.

23-6 License issuance, duration, and fees.

23-7 Transfer and display; employees.

23-8 Loud noises and speaking devices.

23-9 Prohibited and regulated locations.

23-10 Severability.

23-11 Location; size limitation; refuse; appearance.

23-12 Peddling by charitable organizations, etc.

23-13 Penalty.

23-14 Amendments.**23-15 Church Street Marketplace District peddlers and solicitors.****23-1 License required.**

It shall be unlawful for any person to engage in the business of peddler as defined in section 23-2 of this chapter within the city without first obtaining a license therefor as herein provided.

(Ord. of 3-3-76; Ord. of 6-11-79)

23-2 Definitions.

The word "peddler," as used herein, shall include any person, whether a resident of the city or not, traveling by foot, or utilizing a wagon, motor vehicle, pushcart, van or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, pastries, fish, vegetables, fruits, garden truck, farm products or other provisions, food or services, and offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a table or stand, or from a wagon, motor vehicle, pushcart, van, railroad car or other vehicle or conveyance. The following businesses/individuals are exempt from this licensing requirement: One who, for or on behalf of a nonprofit organization, solicits orders and as a separate transaction makes deliveries to purchasers, a farmer who is selling the produce of his/her own farm; delivery services.

(Ord. of 3-3-76; Ord. of 6-11-79; Ord. of 2-25-91; Ord. of 11-27-95)

23-3 Application.

Except for those persons seeking certification pursuant to Section 23-15 to peddle or solicit in the Church Street Marketplace District or Parks/Waterfront area, applicants for a license under this chapter shall file an application with the city clerk meeting the requirements of Section 19-4. In addition to the requirements of Section 19-4, an application for a peddler's license shall likewise include the following information:

- (a) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant;

- (b) If employed, name and address of the employer;
- (c) The length of time for which the right to do business is desired;
- (d) If a vehicle is to be used, a description of the same, together with the license number or other means of identification;
- (e) One (1) photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing the application, which picture shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (f) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;
- (g) A statement as to the dimension, construction and appearance of applicant's stand or cart, and a photograph of such, and a description of the area where peddler requests his/her cart or stand be located;
- (h) Proof that applicant maintains public liability insurance for personal injury and property damage. Proof shall be in the form of a certificate from an insurance company authorized to do business in this state, with the provision that such insurance shall be noncancelable except after ten (10) days' notice to the city clerk. Such public liability insurance shall provide coverage of at least one hundred thousand dollars (\$100,000.00) for personal injury to or death of any one or more persons in any one accident, and for damage to property in the amount of at least twenty-five thousand dollars (\$25,000.00) resulting from any one accident.

Liability insurance for bodily injury shall not be required for noncommercial functions or endeavors, provided that the applicant agrees in writing to hold and save the city harmless for any and all liability arising out of such function or endeavor.

(Ord. of 3-3-76; Ord. of 9-11-78; Ord. of 6-11-79; Ord. of 10-19-81; Ord. of 10-24-83; Ord. of 5-11-92; Ord. of 10-13-15(3))

23-4 Investigation.

Upon receipt of any application filed under Section 23-3, the city clerk shall forward a background check form to the appropriate authorities, who shall cause an investigation of the applicant to be made, including a history of criminal convictions. The information received from the background check inquiry shall be considered by the city in determining

whether a license shall be issued or the applicant certified as qualified for the issuance of a peddler's license.

(Ord. of 3-3-76; Ord. of 6-11-79; Ord. of 10-19-81; Ord. of 5-12-86; Ord. of 2-25-91; Ord. of 11-27-95; Ord. of 10-13-15(3))

23-5 Granting of license.

Applications for peddlers' licenses filed pursuant to Section 23-3 will be granted under the provisions of Section 19-6 of this Code.

(Ord. of 3-3-76; Ord. of 6-11-79; Ord. of 10-19-81; Ord. of 5-12-86)

23-6 License issuance, duration, and fees.

(a) *Types of licenses.* There shall be two (2) types of peddlers' licenses available for issuance under this section. Except for peddlers who deliver goods from place to place, each license is good for only one (1) stationary location at any one (1) time.

(1) A general license shall authorize peddling at all locations throughout the city except:

- a. Within the Church Street Marketplace District;
- b. Within the Central Peddling District;
- c. Between the curblines of any street, unless the license carries a vehicle license endorsement; or
- d. Within any city park or within twenty (20) feet of the boundary of any city park except by authorization from the parks and recreation commission. Unless authorized by the commission, peddlers shall also be prohibited from the following areas located near city parks:

1. East from North Beach on the Institute Road right-of-way to North Avenue.
2. Lake Street right-of-way from Depot Street to College Street inclusive.
3. College Street right-of-way west of Battery Street.
4. City-owned land north of Waterfront Park until North Beach including the Water Division access road and the Burlington bikeway.
5. Maple Street right-of-way west of Battery Street.

(2) A Central Peddling District license which, in addition to operating as a general license, shall authorize peddling within the Central Peddling District at one of the designated peddler sites. "Central Peddling District," for the purposes of this chapter, shall be defined as the area bounded by, and including both sides of, Main Street, Battery Street, Pearl Street, and South Union Street except within the Church Street Marketplace District as defined in the City Charter at Section 321 and except within the boundaries of City Hall Park and sidewalks adjacent thereto.

(b) *Vehicle endorsement:*

(1) Peddlers who receive a general license may request a vehicle endorsement that authorizes the placement of that vehicle on a city street or right-of-way. No vehicle endorsement shall be applicable in the Central Peddling District. The location and placement of peddler's vehicles shall be regulated by the city. In addition, the city may limit the number of general licenses which shall receive a vehicle endorsement. The maximum size of any peddler's vehicle may not exceed thirty (30) feet in length.

On receipt of an application requesting endorsement, the city clerk shall review the traffic, parking and other relevant areas affected at the proposed location of the vehicle. The city may decline to grant a vehicle endorsement for a permanent location.

Peddlers who receive a vehicle endorsement shall be responsible for cleaning the area of the public way near and covered by that vehicle. Peddlers who receive a vehicle endorsement for this or any location must at all times comply with all city parking ordinances.

(2) The particular parking limitations on University Place warrant a specific limitation on the number of peddlers who may locate vehicles at that site. Therefore, the number of licenses with vehicle endorsement that may be issued for University Place in Burlington is hereby limited to seven (7) spaces. The city clerk's office shall monitor and administer the occupancy of these spaces. Those spaces shall be marked and signed for use by peddlers from the hours of 7:00 a.m. through 7:00 p.m. Peddlers' vehicles shall be removed from these spaces at the close of each business day.

(c) *Allocation of licenses and peddler sites.* Within the central business district, peddlers may locate only at sites that have been designated as peddler sites by the city council license committee. A map of designated sites shall be available for review at the city clerk's office. An applicant may petition the license committee to add a site to the map. Both general and unoccupied central peddling district peddler sites shall be allocated on a first-come, first-serve basis. A peddler may remain at an approved site by renewing his/her annual license on a timely basis. The clerk's office shall keep a waiting list of persons interested in obtaining a peddler site on University Place. If a designated site on University Place is vacated by an

existing peddler, that space will first be offered to other existing peddlers in order of seniority and then to the general public on the waiting list. The clerk's office shall also keep a waiting list of persons interested in designated sites in the central peddling district. If a designated site becomes available, the site shall be offered to persons from the waiting list.

(d) *Fees and duration.* Licenses shall be issued annually on June 1. Existing peddlers must submit renewal applications to the city clerk's office by May 15 in order to ensure that they retain their current peddler sites. There shall be a thirty dollar (\$30.00) fee charged, in addition to the license fees, for all applications submitted after June 1, unless otherwise set by order of the city council. The fee for all licenses issued under this section shall be payable in full upon application, and be refunded less a five dollar (\$5.00) processing fee if the application is denied. Fees for licenses shall be as follows:

(1) *General licenses:* One hundred dollars (\$100.00) per year or fifteen dollars (\$15.00) per month. Vehicle license endorsements shall be an additional three hundred dollars (\$300.00) per year or an additional thirty dollars (\$30.00) per month or any part thereof.

(2) *Central Peddling District licenses:* Three hundred dollars (\$300.00) per year or two hundred dollars (\$200.00) for six (6) months or sixty dollars (\$60.00) per month or any part thereof.

(3) Peddlers selling food shall make a deposit of one hundred dollars (\$100.00) to the city clerk to ensure that the peddling area is kept clean. The deposit shall be returned to the peddler on termination of the licensing period once the clerk confirms that the area has been maintained as required by this section. If the area has not been properly maintained, the city shall retain the deposit to pay for the cleaning of the area.

(Ord. of 3-3-76; Ord. of 2-27-78; Ord. of 9-11-78; Ord. of 6-11-79; Ord. of 10-19-81; Ord. of 5-20-85; Ord. of 2-25-91; Ord. of 8-23-93; Ord. of 10-25-93; Ord. of 11-27-95; Ord. of 5-21-01; Ord. of 10-13-15(3))

23-7 Transfer and display; employees.

(a) No license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued or an employee thereof. A licensee shall display his/her license at all times while peddling. Failure to do so shall be considered cause for revocation of such license.

(b) Employees. A licensed peddler may utilize the services of employees and shall be fully responsible for insuring that his/her employees comply with the provisions of this chapter.

(Ord. of 3-3-76; Ord. of 6-11-79; Ord. of 10-19-81; Ord. of 7-23-84; Ord. of 5-12-86; Ord. of 2-25-91; Ord. of 5-11-92)

23-8 Loud noises and speaking devices.

No peddler, except one granted a vehicle license pursuant to subsection 23-6(a)(2) or a Church Street Marketplace certificate under section 23-15 hereof, nor any person in his behalf, shall shout, make and cry out, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in said city if sufficient volume is produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(Ord. of 3-3-76; Ord. of 6-11-79; Ord. of 10-19-81)

23-9 Prohibited and regulated locations.

- (a) Unless otherwise specifically provided herein, no peddling shall be permitted in, nor shall any peddler occupy for the purpose of peddling at any time, the following areas: The Church Street Marketplace District or between the curblines of Main and Pearl Streets between South Union and Battery Streets.
- (b) All licensed peddlers utilizing city sidewalks for peddling shall establish themselves, their displays and the product they are holding out for sale as close as is reasonably possible to the curbline unless otherwise directed by the city. At no time shall a peddler intervene with or obstruct the free passage of pedestrians upon a sidewalk.
- (c) All peddlers shall remove their carts or vehicles from the public street or sidewalk at the close of each business day.
- (d) Peddlers shall not be licensed to sell food or merchandise within thirty (30) feet of a business or peddler selling similar produce or wares.

(Ord. of 3-13-76; Ord. of 2-27-78; Ord. of 9-11-78; Ord. of 6-11-79; Ord. of 8-18-80; Ord. of 10-19-81; Ord. of 5-11-92; Ord. of 8-23-93; Ord. of 11-27-95; Ord. of 10-13-15(3))

23-10 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The city council hereby declares

that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or ineffective.

(Ord. of 9-11-78; Ord. of 6-11-79; Ord. of 10-13-15(3))

23-11 Location; size limitation; refuse; appearance.

The city may regulate the placement and location of peddlers including, but not limited to, the following restrictions: No peddler may locate their table, stand, pushcart, or other such device in front of, or within five (5) feet of either side of an entry way or in front of or within five (5) feet on any side of any window of any business while the business is open, or in front of a marked handicapped space, unless the vehicle in the space belongs to the handicapped peddler, or under or within ten (10) feet of the Flynn Theatre Marquee. Except within the Church Street Marketplace District, no peddler peddling upon the sidewalks of the city shall utilize any table, stand, pushcart or other device for holding and/or dispensing his/her products which exceeds a total height of eight (8) feet, including all accessories, total length of eight (8) feet, and total area of twenty-four (24) square feet. The longest dimension shall at all times be parallel to the curb. All such tables, stands, pushcarts or other such devices, including vehicles, shall be maintained to be neat and safe, and products for sale shall be displayed in a manner pleasing to the public. The extra inventory and devices to carry merchandise shall be stored completely out of the public view. No peddler shall discharge, or cause to be discharged, any grease, ash or any other form of refuse on to any street or sidewalk area. All food peddlers will provide appropriate trash receptacles and be responsible for sweeping broom-clean the area within at least a fifteen-foot radius of their operations and for cleaning all food and/or grease from the sidewalk. All peddlers shall keep the area surrounding their location clear of trash, debris, snow or ice for a distance of four (4) feet. No peddler shall locate any portion of his/her cart or table within fifteen (15) feet of another peddler's cart or table within the Central Peddling District unless otherwise designated by the license committee. No peddler shall keep animals of any kind near their location. No peddler shall use parking meters, utility poles, trees, or property other than the peddler's or solicitor's own stand, cart, table, etc. to advertise in any manner. No peddler shall operate in a manner which jeopardizes the public health, safety, or general welfare.

(Ord. of 3-3-76; Ord. of 6-11-79; Ord. of 10-19-81; Ord. of 2-25-91; Ord. of 5-11-92; Ord. of 11-27-95; Ord. of 2-16-99; Ord. of 2-19-02)

23-12 Peddling by charitable organizations, etc.

Nothing in this chapter shall prohibit the clerk/treasurer, or city council, from authorizing the issuance of permits for peddling by representatives of public, pious or charitable organizations for such periods of time as the city council or the clerk/treasurer, shall authorize without payment of a license fee. The clerk/treasurer may issue a permit upon receipt of an application and proof of required insurance or an acceptable alternative in accordance with section 23-3(h) of this chapter. Peddling by representatives of public, pious or charitable organizations within the Church Street Marketplace District shall require a certificate and payment of a fee pursuant to section 23-15 of this chapter.

(Ord. of 3-3-76; Ord. of 6-11-79; Ord. of 10-19-81; Ord. of 2-25-91; Ord. of 5-5-97)

23-13 Penalty.

Persons violating any of the provisions of this chapter, with the exception of section 23-15, shall be subject to a civil penalty of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). The waiver penalty for such offense for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00). Each day the violation continues shall be a separate offense. The clerk/treasurer, assistant clerk/treasurer and all law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter. The peddler's license may also be suspended or revoked by the city council if such is recommended by the license committee of the board after notice and hearing for such violation before such committee.

(Ord. of 9-11-78; Ord. of 6-11-79; Ord. of 10-19-81; Ord. of 1-9-95)

23-14 Amendments.

The city council may amend this chapter at any time by adding or eliminating spaces or changing space locations as required, despite the fact that licenses may already be granted for any license year.

(Ord. of 6-11-79; Ord. of 10-19-81)

23-15 Church Street Marketplace District peddlers and solicitors.

(a) *Certificate required.* It shall be unlawful for any person to engage in the business of peddler as defined in section 23-2 of this Code within the area coming under the jurisdiction of the Church Street Marketplace district Commission as defined in section 322 of the Burlington City Charter without first obtaining a certificate therefor as herein provided.

(b) *Definitions.*

- (1) *Commission.* The Church Street Marketplace District Commission as defined in the City Charter at section 322
- (2) *District.* The Church Street Marketplace District as defined in the City Charter at section 321 as it may hereafter be altered pursuant to section 323 of the City Charter.
- (3) *Peddler.* The word "peddler" as used herein shall be as elsewhere defined in this Code at section 23-2
- (4) *Solicitors.* Persons or organizations requesting financial contributions or distributing information concerning a political person or organization.
- (5) *Marketplace street artist.* A person who, while in the marketplace, produces arts or crafts items for immediate sale on the marketplace and who receives a marketplace street artist certificate.
- (6) *Arts or crafts items.* Items belonging to the following categories: Painting, textiles, glasswork, ironwork, macrame, graphic arts, woodworking, lapidary, photography, ceramics, pottery, jewelry, wax, leather work, sculpture, lithography, holiday wreathes and garlands.
- (7) *Marketplace peddler.* A person who peddles goods and/or food and/or nonalcoholic beverages within the Church Street Marketplace.
- (8) *Marketplace seasonal peddler.* Any person who meets the definition of marketplace peddler and who chooses to obtain a seasonable peddler certificate for increments of time of not less than one month beginning on the following dates: May 15, June 15, July 15, August 15.
- (9) *Marketplace merchant.* Any person engaged in a business from a building within the district.
- (10) *Marketplace street artisan.* A person who peddles only arts or crafts items, which items may be produced either on or off the marketplace and who receives a marketplace street artisan certificate.
- (11) *Person.* Any individual, married couple, partnership with five (5) or fewer partners or corporation with five (5) or fewer shareholders.

(c) *Administration.*

- (1) *Certification by commission.* The commission administers the certification and siting of all peddlers and solicitors in the district.
- (2) *Establishment of zones and sites.* On or before June thirtieth of each year, the commission will establish zone(s) for peddler operation within the area coming under commission jurisdiction, and will also set the number and location of not more than forty (40) sites available within the zone(s) for the ensuing fiscal year commencing July first.
- (3) *Granting of certificates.* Annual certificates may be granted by the commission for the following categories of peddler:

Marketplace street artist;

Marketplace street artisan; and

Marketplace [food] peddler.

Seasonal certificates may be granted by the commission for the following category of peddler:

Marketplace seasonal peddler.

Weekly certificates may be granted by the commission for the following categories of peddler:

Marketplace street artist;

Marketplace street artisan; and

Marketplace peddler.

Twenty-four hour permits may be granted by the commission for the following categories of peddlers and solicitors:

Marketplace street artist;

Marketplace street artisan;

Marketplace peddler;

Marketplace merchants; and

Persons or organizations who wish to set up a booth or stand for noncommercial purposes.

a. *Application for annual, seasonal or weekly certificates.* Every person desiring certification as a marketplace street artist, marketplace street artisan, marketplace peddler or marketplace seasonal peddler pursuant to this section shall file an application with the commission. Persons holding current annual certificates may reapply for such certificates during a two-week period before the application period for the general public begins. A person may hold two (2) annual marketplace peddler certificates in any one (1) year. All applications submitted shall contain the following:

1. The name and mailing address of the applicant and the name and mailing address of a person through whom the applicant may be reached.
2. Two (2) photographs of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which pictures shall be not less than two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
3. A statement as to the dimension, construction and appearance of applicant's stand or cart, and a photograph, blueprint, or drawing of such.
4. A statement as to which zone the applicant prefers.
5. Marketplace street artisan applicants shall also submit:
 - (i) A description of the art or craft items for which the applicant seeks certification.
 - (ii) A declaration that the art or craft items for which the street artisan seeks certification is of the street artisan's own creation, and that the street artisan is not employed by another person in the production of the art or craft items for which certification is sought.
6. Marketplace peddler applicants and marketplace seasonal peddler applicants shall also submit a description of the foods and/or drinks and/or goods the applicant proposes to sell.
7. Marketplace street artisans shall also submit a description of the arts and crafts items the applicant proposes to sell.

8. Marketplace street artist applicants shall also submit a description of the art or craft items the applicant proposes to produce for immediate sale.
 9. A deposit equal to fifty dollars (\$50.00) for applicants for annual and seasonal certificates, and equal to not less than one-quarter the fee, if any, for applicants for weekly and twenty-four-hour certificates, which deposit shall be refundable only in the event either the commission finds the applicant unacceptable or there is no available peddling location in the marketplace.
- b. *Application for twenty-four-hour certificates.* Persons desiring twenty-four-hour certificates to operate as a marketplace street artist, marketplace street artisan, marketplace food peddler or a marketplace street peddler pursuant to this section shall file an application with the commission, therein stating or submitting the following:
1. The name and mailing address of the applicant.
 2. A statement as to the dimension, construction and appearance of applicant's stand or cart.
 3. For marketplace street artisan applicants, a description of the art or craft items for which the applicant seeks certification.
 4. For marketplace food peddler applicants, a description of the foods and/or drinks the applicant proposes to sell.
 5. For marketplace street peddler applicants, a description of the merchandise the applicant proposes to sell.
 6. For marketplace street artist applicants, a description of the art or craft items the applicant proposes to produce for immediate sale.
- c. *Marketplace merchants.* A marketplace merchant may receive a certificate to transact business on the public right-of-way in an area and for a maximum number of days which shall be determined by the commission on or before June thirtieth of each year for the ensuing fiscal year commencing July first. The fee, method of application, and design requirement for stands or carts shall also be determined annually by the commission.
- d. *Booths or stands for noncommercial purposes.* Persons wishing to set up a booth or stand for noncommercial purposes pursuant to this section shall file an application with the commission, therein stating or submitting the following:

1. The name and mailing address of the applicant.
2. A description of the activity the applicant proposes to undertake.
3. A declaration that the applicant or specified designee will be present at the proposed activity for the duration of the permit period and will have the certificate available for inspection at all times during the permit period.

The applicant need not obtain liability insurance, however, as required pursuant to Section 23-15(c)(5) and (6), provided the applicant agrees in writing to hold and save the city harmless for any and all liability arising out of the activity undertaken by the applicant.

(4) *Approval of applications for annual, seasonal and weekly certificates.* Upon receipt of any application filed pursuant to this section, the marketplace district administrator shall immediately forward said application to the commission. The commission shall either approve or disapprove of each application submitted not more than thirty (30) days subsequent to receipt by the administrator of the application in question.

(5) *Issuance of annual, seasonal and weekly certificates.* If the commission finds the application to be satisfactory, the administrator shall issue a certificate, duly signed, and shall show therein that the person named has been approved and is entitled to engage in the display and/or sale of the specific merchandise set forth in said certificate in accordance with the provisions of this section, provided the applicant shall:

- a. Pay the appropriate certificate fee;
- b. Submit a photograph of the applicant's cart or stand, if not already filed, which photograph demonstrates the compliance by the cart or stand with any drawing earlier submitted;
- c. Submit proof that applicant maintains liability insurance for bodily injury and property damage in the amount of at least one hundred thousand dollars (\$100,000.00) for personal injury to or death of any one or more persons in any one accident, and for damages to property in the amount of at least twenty-five thousand dollars (\$25,000.00) resulting from any one accident. Proof shall be in the form of a certificate from an insurance company authorized to do business in the state, which certificate shall contain the provision that such insurance shall be noncancelable except after ten (10) days' notice to the commission, and which names the city as coinsured.

d. File with the administrator an executed copy of the document entitled "Terms and Conditions of Marketplace Peddling."

(6) *Issuance of twenty-four-hour certificates.* Upon receipt of a satisfactorily completed application, the requisite fee, and proof of insurance as required for annual certificates, the administrator shall forthwith issue the appropriate twenty-four-hour certificate, as long as space is available, as provided under this section or the regulations adopted now or hereafter by the commission, and provided further that the applicant is not in violation of any applicable provision of this Code. The administrator shall notify the commission of all actions on twenty-four-hour certificates at the next regular or special meeting of the commission next following such action(s). Any denial of a twenty-four-hour certificate may be appealed by the applicant to the commission, provided such appeal is in writing and filed with the commission within three (3) working days of the denial. The commission shall hear such appeal at its next regular or special meeting and shall render its decision within fifteen (15) days thereafter.

(d) *Nonendorsement of commercial articles.* On each commercial certificate the following words shall appear:

"The issuance of this certificate does not constitute an endorsement by the City of Burlington or the Church Street Marketplace District Commission of any article sold pursuant to the terms of this certificate."

(e) *Transfer and display of certificate.*

(1) Except as specified in subparagraph (2) below, no certificate issued under the provisions of this section shall be used or worn at any time by any person other than the one to whom it was issued or that person's employee, as provided for under subsection (g) below. A certificate holder or his employee shall display the certificate at all times while that person is peddling or soliciting. Failure to do so shall be considered cause for revocation of such certificate. Such revocation shall not entitle the former certificate holder to any rebate on fees paid.

(2) All persons having valid current annual certificates shall be allowed by the commission to transfer such certificates to the new owner of the certificate holder's business upon a valid sale of the business. The new owner shall be allowed by the commission to operate the business at the same location as the previous certificate holder and under the same terms and conditions of marketplace peddling as enjoyed by the previous certificate holder.

(f) *Certificate period.*

(1) *Annual certificates.* Marketplace street artist, marketplace street artisan; marketplace food peddler and marketplace street peddler certificates shall be valid for a

period of one year from the first day of the quarter next following the date of successful examination, provided that all appropriate fees are paid. Nonpayment of fees shall be cause for revocation. Payment shall be made before the first day on which certificate holder places his/her cart on the marketplace.

(2) *Seasonal certificates.* Seasonal certificates shall be valid for increments of not less than one month beginning on the following dates: May 15, June 15, July 15, August 15.

(3) *Weekly certificates.* Weekly certificates shall be valid for a period of seven (7) days ending at 11:59 p.m. on the seventh day specified on such certificate.

(4) *Twenty-four-hour certificates.* Twenty-four-hour certificates shall be valid for a period of twenty-four (24) hours ending at midnight of the day specified on such certificate by the administrator.

(5) *Conversion of certificate.* At the time of the enactment of this amended ordinance, any person who is currently holding an annual marketplace peddler certificate may be allowed by the commission to convert it to a seasonal marketplace peddler certificate with an appropriate proration of fees.

(g) *Employees.* A certificate holder may utilize the services of three (3) employees who shall otherwise meet the requirements provided for in Section 23-7(b) of this Code. The fee for each employee shall be five dollars (\$5.00) per three-month period.

(h) *Fees.*

(1) On or before June thirtieth of each year, the board of aldermen, upon the recommendation of the commission, will set fees for marketplace peddling and soliciting for the ensuing fiscal year commencing July first. The board of aldermen, upon recommendation of the commission may set different fees for each category of marketplace peddler.

(2) The commission may factor fees by zone.

(3) There shall be no proration of fees, unless otherwise provided for in this section or the rules and regulations now or hereafter promulgated by the commission.

(i) *Commission-issued carts and commission-provided storage areas.* Certificate holders may contract with the commission for use of commission-owned carts or storage space upon arrangements agreed to by the commission. Any fees charged shall be in addition to the certificate fee provided for herein.

(j) *Peddling in the Wintergarden (the alley way at 60-64 Church Street extending from Church Street eastward to the municipal parking garage) and in the bus shelter at the northeast corner of Church and College Streets.* The commission may contract with peddlers to use space in the Wintergarden and/or in the bus shelter upon arrangements and the payment of fees deemed suitable by the commission.

(k) *Special festivals, exhibits, markets.* The commission may contract with persons or organizations to use portions of the Marketplace for festivals, exhibits, markets or the like upon arrangements and the payment of fees deemed suitable by the commission.

(l) *Certificate suspension or revocation.* On advice of the administrator, the commission may suspend or revoke a certificate without providing any rebate of fees to the certificate holder if the certificate holder:

- (1) Has exposed inventory stock at or near the stand or cart;
- (2) Has a display stand or cart which differs from that submitted in the photograph to the commission;
- (3) Has a display stand or cart whose dimensions substantially differ from those approved by the commission;
- (4) Fails to keep the area surrounding the stand or cart clear of trash, debris, snow or ice for a distance of four (4) feet;
- (5) Uses a motor vehicle in the district for the purpose of selling merchandise;
- (6) Keeps animals of any kind near the stand or cart;
- (7) Uses parking meters, utility poles, trees, or property other than the peddler or solicitor's own stand or cart to advertise in any manner;
- (8) Fails to remove the stand or cart at the end of every business day;
- (9) Attempts to obtain the economic benefits from more than one location within the jurisdiction of the commission;
- (10) Fails to operate from the site specified by either the commission or the administrator, as appropriate;
- (11) Fails to display the certificate issued at all times while peddling or soliciting;
- (12) Or in any other manner violates any provision of this section or violates any of the terms and conditions of the certificate issued.

Prior to suspending or revoking a certificate, the commission shall notify the certificate holder of the time, place, and nature of the hearing, shall specify the legal authority and jurisdiction under which the hearing is to be held, shall reference the particular section of the ordinance or regulations involved, shall set forth a short and plain statement of the matters at issue, and shall provide the certificate holder with an opportunity to respond to any charges and present evidence and argument on all issues involved. The provisions of 3 V.S.A. Chapter 25 pertaining to contested cases shall govern any hearings conducted hereunder.

(Ord. of 6-11-79; Ord. of 10-19-81; Ord. of 5-2-83; Ord. of 10-24-83; Ord. of 5-14-84; Ord. of 12-2-85; Ord. of 6-12-86; Ord. of 11-14-88; Ord. of 7-24-89)

Chapter 24 PERSONNEL¹

Article I. In General

24-1 Examination of employees.

24-2 Examination of disabled employees; report.

24-3 Reserved.

24-4 Reserved.

24-5—24-13 Reserved.

Article II. Retirement System

Division 1. Generally

24-14 Definitions.

24-15 Title of system.

24-16 Date of establishment.

24-17 Classes of members.

24-18 Reserved.

24-19 When membership required.

24-20 Termination of membership; exception for military service.

24-21 Statement of service, military service; treatment of break in service.

- 24-22 Retirement; benefits.**
- 24-23 Disability retirement; benefits.**
- 24-24 Reinstatement of disabled employees.**
- 24-25 Accidental death benefits.**
- 24-26 Vested retirement benefits; payment of benefits at death.**
- 24-27 Normal and optional benefits.**
- 24-28 Benefits received from worker's compensation or similar plans may be offset.**
- 24-29 Method of financing; fund established.**
- 24-30 Custodian of fund designated; payments from fund to be by warrant.**
- 24-31 Retirement board to be trustee of funds; authority to invest funds.**
- 24-32 Appropriations by city.**
- 24-33 How retirement benefits and pensions payable; rights not assignable.**
- 24-34 Insurance policies may be purchased in lieu of making cash payments.**
- 24-35 Authority to correct errors in payments.**
- 24-36 Cash reserve to be kept.**
- 24-37 Social Security.**
- 24-38 Increase in benefits to those retired members who were in receipt of benefits prior to July 1, 1967.**
- 24-39 Leaves of absence.**
- 24-40 Post-retirement adjustments to retirement benefits.**
- 24-41 Survivor income benefit.**
- 24-42 Effective date.**
- 24-43—24-46 Reserved.**

24-47 Creation; duties generally.

24-48 Composition.

24-49 Chairman and secretary to be designated.

24-50 Terms.

24-51 Vacancies.

24-52 Members to serve without compensation.

24-53 Votes; quorum.

24-54 Members to be notified of meetings.

24-55 Legal advisors.

24-56 Establishment of regulations for administration of system.

24-57 Authority to engage medical, actuarial and other services.

24-58 Board to designate an actuary.

24-59 Designation of medical examiners authorized; duties.

24-60 Actuary to make valuations of system.

24-61 Adoption of mortality and service tables.

24-62 Authority to designate depository for funds.

24-63 Records and data to be kept.

24-64 Members to have no interests in business of board.

24-65 Early retirement options.

24-66 Class "A" union members post-retirement health accounts.

24-67—24-75 Reserved.

Article III. Reserved

24-76—24-86 Reserved.

¹Cross reference—Administration, Ch. 2; livable wages, 21-80 et seq.; rules and regulations of board of aldermen, App. B.

ARTICLE I. IN GENERAL

24-1 Examination of employees.

(a) The city human resources director shall create and maintain a list of the positions or categories of positions in city employment for which applicants must be medically certified prior to employment. Applicants for the listed positions shall, after receipt of a conditional offer of employment, be examined by a member of the board of medical examiners established under Article II of this chapter. Certification shall be made only after such medical examinations(s) as the board determines appropriate. All examinations shall be paid for by the employing department. Except for those seeking employment as a police officer, fire fighter or in a part-time or seasonal position designated as hazardous, all persons must be examined during the first four (4) weeks of their employment. Those seeking employment as a police officer, fire fighter or in a hazardous part-time or seasonal position must be examined and found medically qualified by the board before commencing work. If necessary, the board may require an applicant to be examined by a medical specialist. For purposes of this section employment shall not be construed to include individuals engaged by the city on a contractual basis.

(b) At the conclusion of its examination(s), the medical board member shall submit a report to the human resources department, which report shall be a part of the person's retirement file. The report shall contain one of the following conclusions as to the medical condition of the applicant:

- (1) Medically qualified for the position;
- (2) Medically qualified for the position sought if the following accommodations can be provided;
- (3) Not medically qualified for the position.

(c) If the conclusion is number (1) above, the person will be considered eligible for employment as a probationary employee with the city. If the conclusion is number (2) above, the person shall be considered medically qualified for employment as a probationary employee if the referenced accommodations are reasonable and within the city's fiscal ability. In the event the conclusion of the board is number (3) above, the person shall be notified that he is ineligible for employment in that position with the city.

24-2 Examination of disabled employees; report.

- (a) In the event that any regular city employee, other than an employee of the school department, shall hereafter have been disabled from his/her employment for a period of three (3) months, the head of the department employing such employee, or the mayor in the case of an employee appointed by the mayor, shall immediately arrange for an examination of such employee by a member of the board of medical examiners for the purpose of determining the status of his/her disability. In the event of a disability of less than three (3) months, a department head or the mayor may, in his or her discretion, order such examination. A department head or the mayor may also, in his or her discretion, order and arrange for the examination of an employee who, although not absent from work for any extended period of time, is not, in the opinion of the department head or the mayor, capable of performing the duties of his/her specific job classification because of medical reasons. In each of the above-listed situations, the employee shall submit to the examination required hereunder as a condition of employment.
- (b) The medical board member shall, examine the employee and render a report upon such examination to human resources, the employee examined, and retirement board in the event the employee shall be a member of the Burlington Employees' Retirement System. The report shall set forth the nature and extent of the employee's illness or injury and whether, based upon all of the information available to the medical board member at the time of examination, it is reasonably likely that the employee will be able to return to work and perform all of the duties of his/her position within six (6) months from the date of illness or injury. In making such decision, the medical board member shall in addition to considering the employee's existing illness or injury, consider the employee's work history, overall physical and mental condition, and any other relevant information bearing upon the question of the reasonable likelihood of the employee's return to full duty.
- (c) If the medical board member advises that, in the board's opinion, it is reasonably probable that the employee will recover sufficiently to allow return to full duty within six (6) months of the onset of injury or illness, the medical board member shall advise human resources of the date the employee is expected to return to the full duties of his/her position and, where appropriate, schedule and conduct a review examination approximately thirty (30) days from the initial examination and at appropriate intervals thereafter until the employee is certified to return to his/her full duties. At any time that a medical board member determines, upon reexamination as set forth herein, that it is not reasonably probable that the employee will return to full duty within six (6) months of the onset of injury

or illness, the medical board members shall so advise the department head or mayor, which shall thereafter proceed pursuant to the requirements of paragraph (d) of this section.

(d) If the medical board member advised that it is not reasonably probable that the employee will return to full duty within six (6) months of the onset of injury or illness, but it is reasonably probable that the employee will be able to return to full duty if the time period for such return is extended for up to an additional six (6) months of the onset of injury or illness, the medical board member shall so advise the mayor, who may extend such period for return to full duty up to an additional six (6) months from the onset of injury or illness. The mayor shall consider the impact of such an extension on departmental operations and budget and the employee's length of service in making this determination. In the event that the employee under consideration under this section is a mayoral appointee, the medical board member's report shall be forwarded to the human resources director who shall have authority to make a final determination on the extension of medical leave for such employee and who shall apply the criteria identified above in making that decision.

(e) If it is determined that it is not reasonably probable that the employee will return to full duty within the time frames set forth above, the medical board member shall so advise human resources, who shall notify the employee of the medical board's decision and take steps to terminate the employee's employment, effective not earlier than ninety (90) days following onset of illness or injury, and advise and otherwise facilitate the employee's application for disability benefits under the Burlington Employees' Retirement System.

(f) Failure on the part of the employee to provide medical information to the medical examiner shall not be cause for extension of the time periods in this subsection.

(Rev. Ords. 1962, § 302; Ord. of 12-9-74; Ord. of 11-14-88; Ord. of 10-29-01)

24-3 Reserved.

Editor's note—An ordinance adopted Oct. 29, 2001, repealed § 24-3, which pertained to probationary period, and derived from an ordinance adopted Sept. 8, 1975.

24-4 Reserved.

Editor's note—An ordinance adopted Oct. 29, 2001, repealed § 24-3, which pertained to reexamination after an illness or injury, and derived from an ordinance adopted Sept. 8, 1975.

24-5—24-13 Reserved.

ARTICLE II. RETIREMENT SYSTEM

24-14 Definitions.

Unless a different meaning is plainly required by the context, the following words and phrases as used in this article shall have the following meanings:

Accumulated contributions shall mean the sum of all the amounts deducted from the compensation of a member and credited to his or her individual account in the system, plus interest accruing thereon at a rate of five and one-half (5 1/2) percent per annum up through December 31, 2017, and beginning January 1, 2018, at a rate of two (2) percent per annum, or such higher rate as may be set by the retirement board; provided, however, that such interest will accrue only on those contributions made after June 30, 1980.

Actuarial equivalent shall mean a benefit of equal value computed upon the basis of an eight (8) percent interest assumption and such mortality and service tables as the retirement board shall adopt.

Average final compensation shall mean the average annual earned compensation of a member during the five (5) nonoverlapping twelve (12) month periods prior to the member's actual retirement which will afford him or her the highest such average, or, if he or she has less than sixty (60) months of creditable service, his or her average final compensation shall be his or her average annual earned compensation during his or her total creditable service. Notwithstanding the above definition, for any member hired prior to January 1, 2018, "average final compensation" shall mean the average annual earned compensation during the three (3) nonoverlapping twelve (12) month periods prior to the member's actual retirement which will afford him or her the highest such average, except for the following Class A employees: sergeants, lieutenants, deputy chiefs, and chief of the Burlington police department (to whom the five (5) year period already applies).

Beneficiary shall mean any person in receipt of a retirement benefit, death benefit or other benefit provided by this article.

Creditable service shall mean the years and months of membership service plus prior service.

Earned compensation shall mean the full rate of normal compensation paid to an employee for working the full normal time for his position. Normal compensation shall not include extra payments for working on holidays, overtime work, shift differentials, longevity pay, payments for unused disability leave or bonuses. In cases where normal compensation includes shelter and/or board, the retirement board shall determine the value of that part of the normal compensation not paid in money. In no case shall there be a benefit accrual on earned

compensation amounts in any year that exceed the compensation limit in effect under Section 401(a)(17) of the Internal Revenue Code of 1986, as amended.

Employee shall mean any regular and permanent officer or employee of the city, including appointive officers, but excluding elective officers other than the mayor, who is regularly employed on a basis of not less than one thousand two hundred (1,200) hours in a twelve (12) month period, including teachers in the school department who were in city employment as teachers in said department as of July 1, 1947, and who become members of the State Teachers' Retirement System of Vermont, but excluding all other teachers. In all cases of doubt, the retirement board shall determine whether any person is an employee as herein defined.

Mandatory retirement age shall mean age sixty (60) for Class A members.

Member shall mean any employee included in the membership of the retirement system, as provided in Sections 24-19 and 24-20. For the purposes of the death, survivor income and disability retirement benefits provided to members of the retirement system, "member" shall include otherwise eligible employees who have not acquired permanent employee status.

Membership service shall mean service rendered while a member of the retirement system for which credit is allowable under Section 24-21 as well as that period during which a disability beneficiary is totally and permanently disabled under Section 24-23. A period of total and permanent disability prior to July 1, 1983, shall be considered membership service if the retiree again becomes a member.

Month shall mean not less than fifteen (15) days and shall be considered one-twelfth (1/12th) of a year.

Normal retirement age shall mean age fifty-five (55) for Class A members and age sixty-five (65) for Class B members.

Prior service shall mean service rendered prior to July 1, 1954, for which credit is allowable under Section 24-21.

Regular interest shall mean compound interest at such rate as may be set from time to time by the retirement board in accordance with Section 24-60.

Retirement board shall mean the board provided for in Section 24-27 et seq. to administer the retirement system.

Service shall mean service as an employee for which compensation is paid by the city, including the period covered by paid disability leave as well as the period covered by a payment for accumulated vacation leave but not including a period covered by a payment for

unused disability leave. Commencing July 1, 1996, Class A service shall be adjusted such that any Class A employee who retires on or after July 1, 1996, shall be granted 1.07 years of credit for each year in which the employee worked prior to July 1, 1996, in a position regularly assigned a workweek consisting on average of fifty-three (53) or more hours of work per week. A Class A employee shall be granted 1.17 years of credit for each year in which the employee worked after July 1, 1996, in a position regularly assigned a workweek consisting on average of fifty-three (53) or more hours of work per week. This adjusted service shall be used for benefit calculation only and shall not affect the actual creditable service for purposes of establishing eligibility for retirement or for any other purpose.

Year shall mean a twelve (12) month period.

(Rev. Ords. 1962, § 321; 1969 Cum. Supp., § 321; Ord. of 8-14-79; Ord. of 12-15-80; Ord. of 10-29-84; Ord. of 2-13-89; Ord. of 5-24-93; Ord. of 6-10-96; Ord. of 3-23-98; Ord. of 8-14-00; Ord. of 6-4-07; Ord. of 1-24-11; Ord. of 1-22-18(1))

24-15 Title of system.

The retirement system created by this article shall be known as the "Burlington Employees' Retirement System" and by such name all of its business shall be transacted, its funds invested and its assets held in trust for the purposes for which received.

(Rev. Ords. 1962, § 322)

24-16 Date of establishment.

The date of establishment of the retirement system shall be July 1, 1954.

(Rev. Ords. 1962, § 322)

24-17 Classes of members.

The membership of the system shall be divided into classes as follows:

- (a) *Class A.* Any member who is a member of the police or fire department, not including secretarial, clerical or other employees not having the status of members.
- (b) *Class B.* All other members as defined in Section 24-14

(Rev. Ords. 1962, § 323; Ord. of 12-5-05/2-1-06)

24-18 Reserved.

Editor's note—Section 24-18, pertaining to required physical examination derived from Rev. Ords. 1962, § 324, and the 1969 Cum. Supp., § 324, was repealed by an ordinance of Sept. 8, 1975.

24-19 When membership required.

Except for those individuals who are permitted by the city council to retain membership in a retirement system other than the city retirement system, any employee who enters into service with the city shall within two (2) weeks after being hired submit to the office of the city treasurer a completed application form for membership in the city retirement system. Such employee shall become a member of the retirement system as a condition of employment. Upon acquisition of permanent employee status, membership in the retirement system shall be considered as attained retroactive to the date the individual commenced work for the city as an employee; provided, however, that a Class A employee must, in addition, be approved by the medical examiners as medically qualified for Class A type of employment, and Class A employees and Class B employees must submit sufficient proof of birth in order to obtain membership in the retirement system. The provisions of this section shall not be applicable to persons hired pursuant to funding provided under the so-called Emergency Employment Act, Comprehensive Employment and Training Act, Law Enforcement Assistance Act or other federal or state-financed employment program. The city council, in connection with the recruitment of any particular employee, may, in its sole discretion, waive the requirement for membership in the city retirement system and allow such employee to retain membership in an alternate retirement system under such conditions as may be agreed upon between the city and such employee.

(Rev. Ords. 1962, § 324; 1969 Cum. Supp., § 324; Ord. of 9-8-76; Ord. of 8-14-79; Ord. of 10-29-84; Ord. of 10-27-86; Ord. of 2-13-89; Ord. of 1-24-11)

24-20 Termination of membership; exception for military service.

Should any member's service with the city be terminated for any reason, including resignation, disability or other retirement, discharge or death, he shall thereupon cease to be a member. However, the membership of any employee entering such classes of military, naval or air service of the United States as may be approved by resolution of the retirement board shall be continued during such service if he does not withdraw his contributions, but no such member shall be considered in the service of the city for the purpose of the retirement system during such military, naval or air service, except as provided in the following section.

(Rev. Ords. 1962, § 325; 1969 Cum. Supp., § 325; Ord. of 10-29-84)

24-21 Statement of service, military service; treatment of break in service.

- (a) All service of a member since he last became a member shall be credited as membership service along with that service prior to a break in service which is allowed under subsections (h) through (l) hereof.
- (b) Under such rules and regulations as the retirement board shall adopt, each employee in service on the date of establishment who becomes a member on or before June 30, 1955, shall file a detailed statement of all service for which the claims credit rendered by him as an employee prior to July 1, 1954.
- (c) The retirement board shall fix and determine by appropriate rules and regulations how much service in any one (1) year is equivalent to one (1) year of service, but in no case shall it allow credit for a period of absence without pay of more than a month's duration, except as provided in subsection (g) herein and a member's period of total and permanent disability as recognized by the retirement board, nor shall more than one (1) year of service be creditable for all service in one (1) year. Service rendered for the full normal working time in any year shall be equivalent to one (1) year's service, but in no case shall less than one thousand two hundred (1,200) hours in a twelve-month period be regarded as full normal working time.
- (d) Subject to the above restrictions and to such other rules and regulations as the retirement board may adopt, the board shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed, and issue to each member a prior service certificate certifying the length of service rendered prior to July 1, 1954, with which he is credited on the basis of his statement of service. Such certificate shall be final and conclusive as long as membership continues, but any member may, within one (1) year of the date of its issuance or modification, request the retirement board to modify or correct his prior service certificate.
- (e) When membership ceases, a prior service certificate shall remain valid should the employee again become a member.
- (f) Creditable service at retirement shall consist of membership service plus, if the member has a prior service certificate in full force and effect, the period of service certified thereon.
- (g) Anything in this article to the contrary notwithstanding, credit for any period of absence from service due to any class of full-time military, naval or air service approved by the retirement board, whether before or after July 1, 1954, shall be allowed as prior service credit and a prior service certificate issued therefor in the case of any employee who left the service of the city to enter such full-time military, naval or air service, and, for the purposes of the

retirement system, the earnable compensation of the employee at the time of entering such service shall be the earnable compensation for the period thereof. However, this subsection shall not apply to any employee not returning to the active service of the city within one hundred twenty (120) days of his discharge from such full-time military, naval or air service. Notwithstanding any provision of this article to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with section 414(u) of the Internal Revenue Code of 1986, as amended, and, effective January 1, 2007, section 401(a)(37) of the Internal Revenue Code of 1986, as amended.

(h) (1) *Return to service.* Except as provided in subsection (h)(3) of this section, all former Class A and Class B members who did not withdraw their accumulated contributions to the retirement system and who have returned to Class A or Class B service respectively after the effective date of this amendment to the ordinance and again become members of the retirement system shall be entitled upon subsequent retirement from service, if eligible therefor, to separate retirement benefits attributable to each period of creditable service, as per plan provisions and rules in effect at the time of leaving service. Notwithstanding the above provision, all years of service shall be combined for purposes of vesting and the average final compensation.

(2) *Transitional provision.* All members of Class A and Class B who did not withdraw their accumulated contributions to the retirement system and who returned to Class A or Class B service respectively between January 1, 2006, and the effective date of this amendment to the ordinance and again became members of the retirement system shall be entitled upon subsequent retirement from service, if eligible therefor, to either the benefit option set forth in subsection (h)(1) of this section or a single benefit calculated by multiplying the combined years of creditable service by the average final compensation by the accrual rate and other plan provisions and rules in effect at the time of leaving service, such option to be chosen by the member.

(3) *Return to service within one (1) year.* Any vested member who leaves and then returns to the same class of employment with the city within one (1) year from the date of leaving shall be entitled to continue the employee's prior retirement benefit, in lieu of two (2) separate retirement benefits, under the following conditions:

- a. The employee was fully vested before leaving employment and has not withdrawn any accumulated contributions;
- b. The employee was in good standing with the city at the time of separation;
- c. The pension plan in which the individual was originally vested still exists;

- d. The period of separation is not counted as creditable service, and neither the employee nor the city shall be required to make any contribution to the system for the period of separation;
 - e. In no instance may an employee leave, return, and receive a higher pension than the employee would have had if there had been no break in service.
- (i) A former Class B member who, with or without a break in service, becomes a Class A member upon subsequent retirement shall be entitled to two (2) separate retirement benefits attributable to the individual's lengths of Class B and Class A service respectively. Each separate retirement benefit shall be calculated according to its applicable average final compensation.
 - (j) A former Class A member who did not withdraw his accumulated contributions to the retirement system upon separation from Class A service and who, with or without a break in service, becomes a Class B member shall, upon subsequent retirement from service, be entitled to two (2) separate retirement benefits attributable to the individual's lengths of Class A and Class B service respectively. Each separate retirement benefit shall be calculated according to its applicable average final compensation.
 - (k) For a member with both Class A and Class B creditable service, there shall be no requirement that the member earned vested retirement benefits under section 24-26 during either of his two (2) classes of service; provided, that his total creditable service is sufficient to give him vested retirement benefits. By way of illustration, a member with four (4) years of creditable service equally divided between Class A and Class B service shall be eligible for vested retirement benefits under Section 24-26 with the applicable vested percentage determined by the total creditable service applied to the retirement benefit for Class A service as well as the retirement benefit for Class B service.
 - (l) A former Class A member who withdrew his accumulated contributions to the retirement system and who again becomes a Class A member may, within the time period prescribed by the retirement board, repay his Class A accumulated contributions which he withdrew from the retirement system as well as such additional amount as prescribed by the retirement board and having as a basis either the compounded amounts that the retirement system would have earned on such accumulated contributions had they not been withdrawn, or the total annual actuarial assumptions for the period such accumulated contributions had been withdrawn, whichever is higher. The amount to be repaid will be increased by an interest amount for the period of repayment as established by the retirement board. Upon such repayment, the member shall be entitled to apply his creditable service earned as a Class A employee prior to his separation from city service along with that earned subsequent to his return to Class A service for the determination of a single Class A retirement benefit. A

former Class A member who withdrew his accumulated contributions to the retirement system and who again becomes a Class A member but does not repay his withdrawn accumulated contributions shall have his prior Class A service for which his accumulated contributions have been withdrawn treated as Class B service. A former Class A member who withdrew his accumulated contributions to the retirement system and who becomes a Class B member shall not be entitled to repay his withdrawn Class A accumulated contributions in order to have his Class A service treated as other than Class B service upon his subsequent retirement. A former member may withdraw his accumulated contributions and the retirement board shall establish procedures governing the distribution of these accumulated contributions, including the terms and conditions under which such amounts may be rolled over to another retirement plan.

(Rev. Ords. 1962, § 326; Ord. of 10-29-84; Ord. of 3-18-85; Ord. of 2-13-89; Ord. of 3-23-98; Ord. of 1-24-11; Ord. of 7-11-11(1); Ord. of 1-22-18(1))

24-22 Retirement; benefits.

- (a) Any member may retire on a service retirement benefit upon written application to the retirement board setting forth at what time, not less than thirty (30) days subsequent to the filing thereof nor more than ninety (90) days or longer for cause shown, after the date he may have separated from service, he desires to be retired; provided, that such member at the time so specified for his retirement shall then have creditable service of at least five (5) years and shall have attained age forty-two (42) in the case of Class A members, or age fifty-five (55) in the case of Class B members. Notwithstanding, any member so retiring who has accumulated vacation time shall have the retirement benefit payment commence upon the end of such accumulated vacation time but, in no event, later than the date set forth in subsection (b) of this section.
- (b) Any Class A employee in service who attains age sixty (60) shall be retired forthwith on a service retirement benefit; provided, that any official appointed for a definite term may remain in service until the end of the term.
- (c) Upon service retirement after July 1, 1996, a member shall receive during his lifetime an annual service retirement benefit which shall be:
 - (1) For a Class A member, equal to two and seventy-five hundredths (2.75) percent of his average final compensation multiplied by his years of creditable service not in excess of twenty-five (25) years. Upon service retirement between January 1, 1992, and July 1, 1996, a member shall receive an annual service retirement benefit of two (2) percent of his average final compensation for years of service prior to January 1, 1992, and two and thirty-five-hundredths (2.35), percent of his average final compensation for years

between January 1, 1992, and July 1, 1996, multiplied by his years of creditable service not in excess of twenty-five (25) years. There will be an additional five-tenths (0.5) percent of average final compensation for each additional year beyond twenty-five (25) years for up to an additional ten (10) years of creditable service.

(2) For a Class B member retiring at age sixty-five (65) or thereafter, one and six-tenths (1.6) percent of his average final compensation multiplied by his years of creditable service at age sixty-five (65) not in excess of twenty-five (25) years, plus five-tenths (0.5) percent of such average final compensation multiplied by the number of years of his creditable service at age sixty-five (65) in excess of twenty-five (25) years. The annual service retirement benefit payable to a Class B member in service as of July 1, 1983, retiring prior to age sixty-five (65), with such benefit commencing after having attained age sixty-two (62), shall be computed on the basis of his average final compensation at retirement and his years of creditable service reduced by five-eighteenthths of one percent ($5/18$ of 1%) for each month between his age at retirement and age sixty-five (65). The annual service retirement benefit payable to a Class B member not in service on July 1, 1983, retiring prior to the attainment of age sixty-five (65), as well as the annual service retirement benefit payable to a Class B member in service on July 1, 1983, who retires prior to attaining the age of sixty-two (62), shall be computed on the basis of his average final compensation at retirement reduced actuarially according to actuarial tables adopted by the retirement board, as set forth in section 24-14, the benefit determined by the length of time between the date of retirement and the attained age of sixty-five (65). A Class A member who retires prior to the attained age of fifty-five (55) shall have his annual service retirement benefit computed on the basis of his average final compensation at retirement reduced actuarially according to actuarial tables adopted by the retirement board, as set forth in section 24-14, the benefit determined by the period of time which his retirement precedes the earlier of his completion of twenty-five (25) years of creditable service or his attainment of age fifty-five (55). However, for Class A members, the early retirement reduction where service is twenty (20) to twenty-five (25) years shall be as follows:

24 years	1.82%
23 years	3.64%
22 years	5.46%
21 years	7.28%
20 years	9.09%

Notwithstanding the provisions of section 24-22(c)(2), a Class B nonunion, City AFSCME and Burlington School District Paraeducator (BSDP) member in service since July 1, 2000; a Burlington School District (BSD) AFSCME member in service on August 1, 2001; or an IBEW

member in service on July 1, 2001, retiring prior to age sixty-five (65) shall have his benefit computed on the basis of his average final compensation at retirement and his years of creditable service, reduced by two (2) percent for each year between his age at retirement and age sixty-five (65).

(d) Anything in this article to the contrary notwithstanding, a Class A member with at least twenty-five (25) years of Class A creditable service shall be entitled to take a normal retirement without regard to his age at the date of retirement.

(e) Cost of living adjustments and accrual rates:

(1) In lieu of the accrual rate of 2.76% provided in subsection (c), at the time of retirement, a Class A member may choose either an accrual rate of 3.25% for the first twenty-five (25) years of service and a cost of living adjustment equal to one-half that provided for in section 24-40, or an accrual rate of 3.80% for the first twenty-five (25) years of service and no cost of living adjustment.

(2) In lieu of the accrual rate of 1.6% provided in subsection (c), at the time of retirement, a Class B member may choose either an accrual rate of 1.9% for the first twenty-five (25) years of service and a cost of living adjustment equal to one-half that provided for in section 24-40, or an accrual rate of 2.20% for the first twenty-five (25) years of service and no cost of living adjustment.

(f) Notwithstanding the provisions of section 24-21, a former Class A member in receipt of a retirement benefit who returns to Class B service shall continue to receive his Class A retirement benefit but for Class B membership purposes, his years of Class A service may not be used for the purpose of his meeting the age requirements of section 24-19 and the vesting period minimum of section 24-26

(g) Notwithstanding the provisions of sections 24-19 and 24-21, a former Class A member in receipt of a retirement benefit pursuant to subsection (d) hereof, who returns to Class A service, shall continue to receive his Class A retirement benefit pursuant to subsection (d) and may earn a separate additional Class A retirement benefit, but only if at the time of commencing his most recent Class A service he was three (3) or more years from his mandatory retirement age.

(h) In determining a member's retirement benefit under this section, the member's years and months of service shall be considered.

(i) The annual service retirement benefit payable to a Class B member retiring after having attained age sixty-five (65) shall be computed on the basis of his average final compensation at retirement increased by considering creditable service beyond age sixty-five (65), or

increased actuarially according to actuarial tables adopted by the retirement board, as set forth in section 24-14, the amount of increase determined by the length of time between the commencement of the receipt of the benefit and the attainment of age sixty-five (65), whichever results in the larger benefit. A former Class B member who defers receipt of his service retirement benefit beyond his normal retirement age shall have his benefit increased actuarially according to actuarial tables adopted by the retirement board, the amount of increase determined by the length of time between the commencement of the receipt of the benefit and the attainment of age sixty-five (65).

(j) Plan benefits shall be distributed to an employee no later than April 1 of the calendar year following the calendar year in which he or she attains age seventy and one-half (70 1/2), or in which he or she retires, whichever occurs later. Notwithstanding any provision of this article to the contrary, the retirement system will comply with a good faith interpretation of section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

(k) Plan benefits and contributions shall not exceed the limitations established in section 415 of the Internal Revenue Code of 1986, as amended.

(Rev. Ords. 1962, § 327; 1969 Cum. Supp. § 327; Ord. of 8-28-73; Ord. of 8-14-79; Ord. of 10-29-84; Ord. of 2-13-89; Ord. of 7-20-92; Ord. of 5-24-93; Ord. of 5-20-96; Ord. of 3-9-98; Ord. of 8-14-00; Ord. of 9-11-00; Ord. of 1-8-01; Ord. of 10-15-01; Ord. of 12-3-01; Ord. of 1-24-11; Ord. of 1-22-18(1))

24-23 Disability retirement; benefits.

(a) Except as limited by subsection (b), a member who has not yet attained the normal retirement age for his class, has been examined by the board of medical examiners and has been determined to be suffering from a total and permanent disability may be retired by the retirement board on a disability retirement benefit. Such disability retirement benefit may commence no sooner than ninety (90) days from the date of the total and permanent disability. The disability retirement benefit shall equal seventy-five (75) percent of the member's earned compensation at the time of the disability retirement. Such amount shall be reduced by any periodic workers' compensation benefit payments, any other city disability leave payments and, in the case of a Class B member, any primary social security benefit payments to the member. However, subsequent social security benefit increases shall not further reduce the disability retirement benefit. Lump sum, or otherwise paid, workers' compensation settlements designed to compensate the member for loss of use of a bodily part or function shall not affect the disability retirement benefit. As long as the disability beneficiary has a total and permanent disability as defined in subsections (b) and (c) hereof, the disability retirement benefit shall continue without adjustments pursuant to section 24-40 until he has attained his normal retirement age. Upon attainment of the normal retirement age, the disability beneficiary's retirement benefit shall change to a normal

retirement benefit for his class as determined by his years of creditable service at the time of his disability retirement as well as that period he was on disability retirement with a total and permanent disability prior to attainment of his normal retirement age, applied to his average final compensation as of the time of the commencement of his disability retirement.

(b) The existence of a total and permanent disability shall, except as hereafter qualified, not be dependent on whether the disability is work-related or nonwork-related. At the time of initial determination of whether a total and permanent disability exists and upon such finding during the first two (2) years of such total and permanent disability, the standard to be applied to determine the existence and/or continued existence of a total and permanent disability shall be whether the individual is able for the foreseeable future to perform the employment duties he was assigned at the time he became so disabled. A Class B member seeking a disability retirement who has not been medically approved for present employment by the medical board shall not be eligible for disability retirement for a nonwork-related condition caused by or relating to physical and/or mental conditions preexisting his most recent employment by the city.

(c) After the first two (2) years of disability retirement, the retirement board's determination as to whether a disability beneficiary is totally and permanently disabled will be made based upon the following:

- (1) If the disability beneficiary is in receipt of a social security disability benefit, he will be considered to continue to be totally and permanently disabled;
- (2) For a disability beneficiary not in receipt of a social security disability benefit, in addition to the retirement board's rights under subsection (d) hereof, the retirement board may require the disability beneficiary to provide a written statement from his attending physician concerning the then-current condition of the disability beneficiary as well as a prognosis of the individual's disability and ability to work. If the retirement board is not satisfied with the disability beneficiary's physician's report, the beneficiary may be required to submit a second report from a different physician;
- (3) Based upon the evidence submitted by the disability beneficiary, his physician(s) as well as any report requested by the retirement board and submitted by the board of medical examiners and/or other professional personnel, the retirement board shall determine whether the disability beneficiary remains totally and permanently disabled. The standard to be applied to determine whether the total and permanent disability continues to exist shall be whether the member by reason of education, training and background has, would have or would be able to acquire, a reasonable and marketable skill which is or could be consistent with his health and which skill could or potentially could provide in his general residential area income which would be reasonable in

respect to his earnings history at the time of his disability retirement. If the retirement board finds the disability beneficiary continues to be totally and permanently disabled, such beneficiary shall continue to receive his disability retirement benefits as determined by the provisions of subsections (a) and (e) hereof.

(d) Once each year during the first seven (7) years following the retirement of a member on a disability retirement benefit, and once in each three-year period thereafter, the retirement board may and upon his application shall require any disability beneficiary who has not attained the normal retirement age for members of his class to undergo a medical examination by the board of medical examiners at the place of residence of such beneficiary or some other place mutually agreed upon. Should any disability beneficiary who has not attained such retirement age refuse to submit to such medical examination or otherwise refuse to provide requested information necessary for the retirement board to make its decisions under this section, his benefit may be discontinued until his withdrawal of such refusal, and should his refusal continue for one (1) year, all his rights in and to his disability retirement benefit may be revoked by the retirement board.

(e) Should the retirement board find that any disability beneficiary after two (2) years of total and permanent disability is engaged in, or is able to engage in, a gainful occupation paying more than the difference between his seventy-five (75) per cent disability retirement benefit and his earned compensation at the time of his disability retirement, his benefit as calculated pursuant to subsection (a) shall then be reduced to an amount which, together with the amount earnable by him, shall equal his earned compensation at disability retirement. Should his earning capacity be later changed, his retirement benefit may be further modified; provided, that the new benefit shall not exceed the amount of the benefit originally granted nor an amount which, added to the amount earnable by him, equals his earned compensation at disability retirement. Anything to the contrary notwithstanding, however, any such beneficiary may elect to receive the balance of his accumulated contributions, if any, at disability retirement less any disability retirement benefits theretofore received in lieu of such reduced benefit and such election and payment of the balance shall be a complete discharge of the liability for any further payments hereunder. During the first two (2) years of a total and permanent disability, the provisions of this subsection shall be fully applicable except any reduction of benefit shall be calculated by amounts actually earned rather than earnable by the beneficiary.

(f) In the event that the retirement board finds that a disability beneficiary is able to perform the occupational duties assigned to him at the date of his disability retirement, and the same position or a job paying a relatively equal salary is reasonably available to the beneficiary, then such beneficiary's retirement benefit shall be discontinued.

(g) If the retirement board finds that a disability beneficiary is unable to perform the occupational duties assigned to him at the date of his disability retirement, but that such individual is not totally and permanently disabled, the following procedure shall apply:

- (1) The individual shall provide the city personnel director or other individual or organization as required by the retirement board with all requested information to assist a determination as to the vocational area in which the individual would have the greatest potential to obtain a marketable skill which would provide a reasonable monetary return in comparison to his relative earnings capacity prior to his disability retirement;
- (2) The retirement system will provide a benefit for a retaining/rehabilitation period of five (5) years, inclusive of any workers' compensation periodic payments, of seventy-five (75) per cent of his earned compensation at the time of his disability retirement. To the extent that the total earned or earnable income of the individual, when added to his total seventy-five (75) per cent disability retirement benefit, exceeds the earned compensation of the individual at the time of his disability retirement, then the benefit provided by the retirement system shall be reduced to an amount which together with the amount earned or earnable by him shall be equal to his earned compensation at the time of his disability retirement;
- (3) No portion of the five-year retaining/rehabilitation period shall be treated as creditable service except for any of such period during which a member has been in service with the city.

(h) At the conclusion of the five-year retraining/rehabilitation period, a disability beneficiary's disability retirement benefits shall cease. However, the retirement board may extend the beneficiary's retraining/rehabilitation period if, at the end of the initial five-year period, the beneficiary is not able to earn compensation comparable to his earned compensation at the date of his disability retirement.

(i) Notwithstanding Section 24-20, during the period that a disability beneficiary is totally and permanently disabled, he shall be considered a member for the purposes of entitlement to the benefits of Section 24-41

(j) The retirement board shall have the final say as to all decisions required to be made pursuant to the provisions of this section.

(k) A Class B disability retirement beneficiary, retiring after July 1, 1983, shall be required to submit proof that he has applied for Social Security disability benefits within the first six (6) months following the effective date of retirement, or the date of passage of this subsection, whichever is later. Should any disability beneficiary refuse to submit proof that he has

applied for Social Security disability benefits, his disability benefit under this section may be discontinued until his withdrawal of such refusal, and should his refusal continue for one (1) year after the effective date of his retirement, or the date of passage of this subsection, whichever is later, all his rights in and to his disability retirement benefit may be revoked by the retirement board. A denial by Social Security of disability benefits shall not constitute a reason in and of itself for adjustments to the disability retirement benefits provided for by this section.

(Rev. Ords. 1962, § 328; 1969 Cum. Supp., § 328; Ord. of 8-14-79; Ord. of 10-29-84; Ord. of 2-13-89)

24-24 Reinstatement of disabled employees.

Should a disability beneficiary be restored to service, he shall again become a member of the system, and shall thereafter, if a Class A member, contribute as though not previously retired. At retirement, the former disability beneficiary shall be credited with his creditable service at the time of his disability retirement. In addition, the period of his total and permanent disability shall be considered as membership service and he shall be credited with his membership service since his return to service after his disability retirement.

(Rev. Ords. 1962, § 329; Ord. of 10-29-84)

24-25 Accidental death benefits.

Should the death of a Class A member occur as the natural and proximate result of an accident occurring at a definite time and place while such member was engaged in the performance of his duty as an employee, the following accidental death benefits shall be payable:

- (1) To the surviving spouse, until death or remarriage, an annual accidental death benefit equal to fifty (50) per cent of the average final compensation of the member.
- (2) In the event that no spouse survives, or in the event of death or remarriage of the surviving spouse, an annual accidental death benefit equal to fifty (50) per cent of the average final compensation of the member to the child or children of such member under twenty-one (21) years of age until the youngest child shall have attained the age of twenty-one (21); provided, however that no benefits payable hereunder shall exceed in the aggregate fifty (50) per cent of such average final compensation, and no benefits hereunder shall be payable with respect to any child who shall have attained the age of twenty-one (21), or who shall have died.

- (3) In the event no spouse or child survives such member, his death, for the purpose of the retirement system, shall be considered as not resulting from accidental causes.

(Rev. Ords. 1962, § 330; 1969 Cum. Supp., § 330; Ord. of 10-29-84)

24-26 Vested retirement benefits; payment of benefits at death.

(a) Effective retroactively to July 1, 2017, should a member cease to be a member, except by reason of death or retirement, prior to completion of five (5) years of creditable service, the member shall be paid the amount of the member's accumulated contributions to the system. If, however, at the time of ceasing to be a member, the member has completed five (5) years of creditable service, the member may elect to have the member's accumulated contributions remain on deposit with the system and, upon attainment of normal retirement age, the member shall receive during the member's lifetime an annual vested retirement benefit computed as a service retirement benefit pursuant to Section 24-22(c) multiplied by a percentage based on the member's years and months of creditable service at termination. Further, if a member ceased to be a member, except by reason of death or retirement, prior to July 1, 2017, and at the time was partially vested in the retirement system because the member had completed at least three (3) years but not quite seven (7) years of creditable service, and the member elected at the time of termination to have the member's accumulated contributions remain on deposit with the system, upon attainment of normal retirement age, the member shall receive during the member's lifetime an annual vested retirement benefit computed as a service retirement benefit pursuant to Section 24-22(c) multiplied by a percentage based on the member's years and months of creditable service at termination in accordance with the following schedule:

Years of Creditable Service Completed	Percentage
3	20
4	40
5	60
6	80
7 or more	100
One (1) month shall equal 1.666 percent.	

(b) A Class A member having attained age forty-two (42) or a Class B member having attained age fifty-five (55) entitled to an annual vested retirement benefit under subsection (a) may, prior to his normal retirement age, elect to receive an immediate retirement benefit which shall be equal to his early service retirement benefit as determined by the relevant provisions of section 24-22(c) multiplied by percentage based on the member's years and

months of creditable service at termination in accordance with the schedule set forth in subsection (a) hereof.

(c) Upon a member's death, other than accidental death as defined in section 24-25, the amount of his accumulated contributions in excess of the aggregate amount of survivor income benefits paid under section 24-41, if any, shall be paid to such person as he may have designated in writing with the retirement board, otherwise to his estate. Upon the death of a beneficiary who was formerly a Class B member, the excess of his accumulated contributions at the time of his retirement over the sum of the retirement benefit payments actually made to him during his lifetime shall be paid to such person as he may have designated in writing with the retirement board, otherwise to his estate.

(d) Upon the death of a member who has left service with vested benefits, who dies prior to having begun to receive his vested benefits, his surviving spouse shall be eligible for a benefit calculated pursuant to section 24-22(c) and this section, calculated as if the vested member had elected to commence receiving his benefit on his date of death and elected Option 3, the fifty (50) percent joint and survivor option. If at the time of the death of the vested member, he was not old enough to begin receiving his vested benefit, the surviving spouse shall not be eligible to receive the joint and survivor benefit until the decedent would have attained his early retirement age. The surviving spouse may choose to defer the joint and survivor benefit just as a vested member may defer his benefit later than the time of his earliest retirement age, thereby avoiding some or all of the early retirement benefit reduction.

(e) Plan benefits will be vested in the event of complete discontinuance of contributions or upon termination of the plan.

(Rev. Ords. 1962, § 331; 1969 Cum. Supp., § 331; Ord. of 8-28-73; Ord. of 8-14-79; Ord. of 10-29-84; Ord. of 2-13-89; Ord. of 5-24-93; Ord. of 8-14-00, Ord. of 9-11-00; Ord. of 1-8-01; Ord. of 1-22-18(1))

24-27 Normal and optional benefits.

(a) A member's normal retirement benefit as determined by section 24-22 or section 24-26 shall be paid upon retirement to a member until the member's death. However, if a retired Class A member dies prior to his having received sixty (60) monthly retirement benefit payments, the difference between the number of monthly benefit payments received prior to death and sixty (60) shall be paid monthly to such person as he may have designated in writing with the retirement board, otherwise to his estate. If a retired Class B member dies prior to his having received one hundred twenty (120) monthly retirement benefit payments, the difference between the number of monthly benefit payments received prior to death and one hundred twenty (120) monthly retirement benefit payments shall be paid monthly to

such person as he may have designated in writing with the retirement board, otherwise to his estate.

(b) Until the first payment on account of a retirement benefit has been received and accepted by a retiring member, any Class A member may elect to convert the retirement benefit otherwise payable on his account after retirement into a retirement benefit of equivalent actuarial value of one of the optional forms named below, and any Class B member may so elect with respect to Options 2, 3 and 4. However, any such election of an optional benefit shall not be effective until sixty (60) days after the date of its filing with the retirement board, or until sixty (60) days after retirement, whichever is later, and should the member die before the election becomes effective, the benefits payable on his account shall be the same as though his election had not been filed and he had not been retired.

Option 1. A reduced retirement benefit payable during his life with the provision that at his death a lump sum in the amount equal to the difference between his accumulated contributions at the time of his retirement and the sum of the retirement benefit payments actually made to him during his lifetime shall be paid to such person, if any, as he has nominated by written designation filed with the retirement board, otherwise to his estate;

Option 2. A reduced retirement benefit payable during his life with the provision that it shall continue after his death for the life of the beneficiary nominated by him by written designation filed with the retirement board at the time of retirement should such beneficiary survive him;

Option 3. A reduced retirement benefit payable during his life with the provision that it shall continue after his death at one-half the rate paid to him and be paid for the life of the beneficiary nominated by him by written designation filed with the retirement board at the time of retirement should such beneficiary survive him; or

Option 4. A retirement benefit payable during his life with the provision that it shall not continue after his death.

Option 5. A reduced retirement benefit payable during his life with the provision that it shall continue after his death for the life of the beneficiary nominated by him by written designation filed with the retirement board at the time of retirement and with the provision that should his beneficiary die before him, his benefit will revert to the benefit described in subsection 24-27(a).

Option 6. A reduced retirement benefit payable during his life with the provision that it shall continue after his death at one-half the rate paid to him and be paid for the life of the beneficiary nominated by him by written designation filed with the retirement board at the

time of retirement and with the provision that should his beneficiary die before him, his benefit will revert to the benefit described in subsection 24-27(a).

(Rev. Ords. 1962, § 332; 1969 Cum. Supp., § 332; Ord. of 10-29-84; Ord. of 5-18-98)

24-28 Benefits received from worker's compensation or similar plans may be offset.

(a) Any amounts which may be paid or payable by or on account of the city under the provisions of any workers' compensation or similar law to or on account of any member or retired member on account of any disability or accidental death shall, in such manner as the retirement board shall determine, be offset against and payable in lieu of any benefits payable under the provisions of this article on account of the same disability, or on account of death, except that no such offset shall be applied against any benefit consisting only of the return of a member's contributions.

(b) In the case of member teachers in the school department benefits payable under the provisions of this article shall be limited to service retirement benefits payable under the provisions of section 24-22, and there shall be offset against the service retirement benefit any amounts payable to or on account of such member under the provisions of sections 1931 through 1948 of Title 16, Vermont Statutes Annotated, as now or hereafter amended, whether as annuity or pension.

(Rev. Ords. 1962, § 333; Ord. of 10-29-84)

24-29 Method of financing; fund established.

All the assets of the retirement system shall be credited, according to the purpose for which they are held, in a fund, namely, the city retirement system fund. Said fund shall be composed as follows:

(a) The accumulated contributions deducted from the compensation of Class A and Class B members shall be deposited.

The rate of contribution to the retirement system on the part of the Class A and Class B members thereof shall be as specified by the city council by resolution or as set forth in a collective bargaining agreement, whichever is applicable, and such contributions shall be automatically deducted on a pre-tax basis from the compensation of each such member and assumed and paid by the city directly into said retirement system and credited to the individual account in the city retirement system fund of the member from whose compensation the deduction was made; and this deduction shall be treated

as a city contribution for federal income tax purposes and will be taxable to the recipient upon their distribution through a retirement benefit or lump sum contribution and the member will not have the option to receive cash in lieu of the deduction; provided, that no contribution shall be required of any Class A or Class B member having thirty-five (35) or more years of Class A or Class B creditable service.

The deductions provided herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every Class A and Class B member shall be deemed to consent and agree to the deductions herein provided as a condition of his membership.

The accumulated contributions of a member withdrawn by him, or paid to his estate or to his designated beneficiary upon his death, shall be paid from the city retirement system fund.

(b) The contributions made by the city to the city retirement fund shall be deposited.

The contributions of the city for benefits under the retirement system shall consist of a percentage of the earned compensation of members to be known as the "normal contribution," and an additional dollar amount to be known as the "accrued liability contribution." The contributions shall be fixed on the basis of the liabilities of the system as shown by actuarial valuation.

Immediately after making each valuation during the period over which the accrued liability contribution is payable, the board shall determine the percentage normal contribution rate as a percentage of the earned compensation of members which is the value of the difference between the benefits accrued for service to the valuation date and the benefit based on service to one (1) year after the valuation date, reduced by required Class A and Class B member contributions. The accrued liability contribution, or unfunded past service contribution, is the difference between the total liabilities and the assets.

The total amount payable in city contributions to the fund in each year shall be not less than the rates per cent known as the normal contribution rate of the total compensation earnable by all members, plus the annual accrued liability contribution amount required to fund the remaining accrued liability over a twenty-year period from date of establishment, and provided that the aggregate payment by the city shall be sufficient, when combined with the amount in the fund of city contributions, to provide the benefits payable out of the fund during the year then current.

All interest and dividends earned on the funds of the retirement system shall be credited to the city retirement system fund.

Any forfeiture of plan benefits shall be used to reduce the city's contribution to the plan otherwise payable. Prior to the satisfaction of all plan liabilities, assets of the retirement fund shall not be used for any purpose other than for the exclusive benefit of members and beneficiaries.

(Rev. Ords. 1962, § 335; 1969 Cum. Supp., § 335; Ord. of 8-28-73; Ord. of 3-20-78; Ord. of 8-14-79; Ord. of 10-29-84; Ord. of 6-24-85; Ord. of 7-20-92; Ord. of 5-24-93; Ord. of 5-22-06/6-21-06; Ord. of 1-24-11)

24-30 Custodian of fund designated; payments from fund to be by warrant.

The city treasurer shall be custodian of the retirement fund and all payments from such fund shall be made by him or the assistant city treasurer only upon warrants signed by the chairman and secretary of the retirement board. No such warrant shall be drawn unless authorized by previous action of the board.

(Rev. Ords. 1962, § 338)

24-31 Retirement board to be trustee of funds; authority to invest funds.

The members of the retirement board shall be the trustees of the funds for the retirement system created by this article, and shall have full power to invest and reinvest such funds, and to hold, purchase, assign, transfer and dispose of any of the securities and investments in which any of the funds shall have been invested, as well as the proceeds of such investments, provided, however, no investment may be made which will cause the aggregate market value of investments in common stock to exceed seventy (70) percent of the aggregate market value of all property in any city retirement fund at the time the investment is made. The board may also, in its discretion, enter into a contract or contracts with one or more designated life insurance companies, providing for the deposit with, and administration by, such company or companies of all or part of the funds of the retirement system.

In the exercise of its powers and performance of its duties, the board may engage one or more companies specializing in money management and investment to act as agent for and consultant to the board. Any company so designated, may, if the board by formal action so decides, have all the power of the board to invest and reinvest the funds of the retirement system; provided, however, that said company shall, as the board requires, report in writing to the board its investment activities; and provided further that said company shall on an annual basis make a formal presentation to the board and respond to any inquiries therefrom.

24-32 Appropriations by city.

Prior to June first in each year, the retirement board shall certify to the board of finance the amounts which will become due and payable by the city to the retirement system during the fiscal year next following, including an estimated amount required for operating expenses, and the board of finance shall include the amount in the budget of the city for the next fiscal year as an appropriation, and the city council shall assess a special tax for the fiscal year upon the property grand list and the taxable polls to provide the funds required for such appropriation, which appropriation shall be paid into the retirement system.

(Rev. Ords. 1962, § 336)

24-33 How retirement benefits and pensions payable; rights not assignable.

- (a) All retirement benefits payable under the provisions of this article shall be paid monthly, as of the fifteenth of each calendar month, or the preceding work day if the fifteenth falls on a weekend or holiday.
- (b) In addition to the benefits herein provided for, there shall also be paid from the retirement system in like manner all pensions granted under the provisions of the Charter of the city prior to the date of establishment of the system.
- (c) That portion of an employee's wages or salary deducted under this article, his rights to any benefit hereunder, and any of his rights under the system hereby established, shall not be assignable and shall not be subject to attachment, execution or like process of any court. However, an employee or former employee may allow benefits under this article to be divided pursuant to a domestic relations order which conforms to the policies of the Retirement Board concerning such orders.
- (d) If the net monthly retirement system benefit payable to any individual is less than twenty-five dollars (\$25.00), the benefit shall be paid according to a schedule as determined by the retirement board; provided, that such individual's benefits shall not be paid less often than annually.

(Rev. Ords. 1962, § 337; Ord. of 10-29-84; Ord. of 8-11-97; Ord. of 1-26-98)

24-34 Insurance policies may be purchased in lieu of making cash payments.

In lieu of making payments to beneficiaries directly from the funds of the retirement system, the retirement board may from time to time designate a life insurance company or life insurance companies from which annuities or policies of life insurance may be purchased from the funds of the retirement system by the board for the purpose of providing all or part of the benefits specified herein and the payment to the beneficiary of such benefits by the life insurance company shall constitute a payment from the retirement system and be a complete discharge of said system therefor.

(Rev. Ords. 1962, § 338)

24-35 Authority to correct errors in payments.

Should any change or error in the records result in any member or beneficiary receiving from or paying into the retirement system more or less than would have been the case had the records been correct, the retirement board shall have power to correct such error, and to adjust future payments or contributions in such a manner as to equitably compensate for such error.

(Rev. Ords. 1962, § 339)

24-36 Cash reserve to be kept.

For the purpose of meeting disbursements for benefits or other payments, there may be kept available cash, not exceeding ten (10) percent of the total fund, on deposit in one or more banks or trust companies in the state; provided that the sum on deposit in any one bank or trust company shall not exceed twenty-five (25) percent of the paidup capital and surplus of such bank or trust company.

(Rev. Ords. 1962, § 338)

24-37 Social Security.

In the event that Class A members, or some of them, come under the coverage of the Social Security Act with respect to their compensation as employees hereunder, the amount of contribution to the retirement fund on the part of each such member so covered, as established by section 24-29, shall thereupon be reduced by an amount equal to the tax, or payment in lieu of tax, required of each such member so covered as a condition of such coverage; and with respect to any member or beneficiary so covered, any benefits payable to or on account of such member or beneficiary as a result of such coverage shall be treated as

an offset against benefits hereunder in the same manner as provided by section 24-28 for amounts paid or payable under the provisions of a workers' compensation law.

(Rev. Ords. 1962, § 340; 1969 Cum. Supp., § 340; Ord. of 10-29-84)

24-38 Increase in benefits to those retired members who were in receipt of benefits prior to July 1, 1967.

(a) "Monthly retirement income," for purposes of this section, shall include the monthly retirement benefit payable from this system, prior to optional modification under Section 24-27, together with the amount of any offsets resulting from the application of Section 24-28, or by reason of the retired member's receipt of social security benefits.

(b) From and after July 1, 1967, the monthly benefit to or on account of retired members who commenced receiving benefits from the system prior to July 1, 1967, shall be increased by an amount which will result in an increase in the retired member's monthly retirement income equal to paragraph (1) or (2) below, whichever is larger:

(1) An increase of one (1) per cent in the monthly retirement income for each year, not in excess of twenty (20), that the retired member has been retired, with completed months being considered as twelfths of a year; or

(2) The amount necessary to provide the monthly retirement income which would have been payable to the retired member at his retirement had such income been computed at the rate of four dollars (\$4.00) per month for each year of the retired member's creditable service at his retirement, not in excess of twenty-five (25).

(Rev. Ords. 1962, § 341; 1969 Cum. Supp., § 341)

24-39 Leaves of absence.

Leaves of absence without pay may be granted by a member's department head for a period of up to twelve (12) months from cessation of city pay. Such leaves shall not interrupt continuous service although such leaves to the extent that they exceed one (1) month in duration shall not be considered as creditable service for purposes of the retirement system created by this article.

(Rev. Ords. 1962, § 342; 1969 Cum. Supp., § 342; Ord. of 10-29-84)

24-40 Post-retirement adjustments to retirement benefits.

(a) As of June 30 in each year, a determination will be made to the nearest one-tenth (1/10) percent of the ratio of the average of the Consumer Price Index for such month ending June 30 to the average of the Consumer Price Index for the month ending on June 30 of the most recent year as of which an increase in retirement benefits was made. If the ratio so determined exceeds one hundred (100) percent by at least one (1) percent, the retirement benefit of each beneficiary in receipt of a benefit for at least six (6) months on the next following December 31 shall be increased in the same ratio. Such increase shall commence on the January 1 immediately following such December 31. The same percentage increase shall also be made in the retirement benefit payable to a beneficiary in receipt of a benefit under an optional election, provided the member on whose account the benefit is payable and such other person shall have received a total of at least six (6) monthly payments by such December 31. For any person who retires after July 1, 2017, the maximum adjustment shall be two and three-quarters (2 3/4) percent. For all prior retirees, the maximum adjustment in any year of any retirement benefit resulting from any such determination shall be five (5) percent. No reduction shall be made in any retirement benefit on account of any decrease in the Consumer Price Index.

(b) For purposes of this section, "Consumer Price Index" shall mean the Consumer Price Index (all items—United States City Average) as published by the United States Department of Labor, Bureau of Labor Statistics.

(c) No adjustment shall be made pursuant to this section in a deferred vested retirement benefit payable pursuant to Section 24-26 prior to its commencement.

(d) Those retirees or their beneficiaries receiving retirement benefits pursuant to Section 24-22 who retired during calendar year 1980 or previous thereto shall have their monthly retirement benefit increased according to the following schedule:

Year of Retirement	Percentage Increase
1980	1.29
1979	3.72
1978	5.79
1977	6.69
1976	7.26
1975	7.71
1974	9.18
1973	11.43
1972	14.01
1971	15.42

Year of Retirement	Percentage Increase
1970	17.4
1969	20.19
1968 and before	22.89

(e) Effective upon passage, those retirees, who retired prior to 1990 on a service or early retirement, shall have their annual payment increased to no less than the livable wage as calculated to be seventeen thousand fifty-seven dollars (\$17,057.00) per year for a retiree with twenty-five (25) years of service and who chose the normal non-optional form of payment. For Class A employees, this payment shall be based on years of service and for Class B employees, this payment shall be based on years of service and the estimated Social Security benefit received. Adjustments will be made for service less than twenty-five (25) years and if the normal form of payment has not been chosen. For Class B retirees, the current retirement benefit shall be added to the estimated Social Security benefit to determine if the livable wage is being paid, and if not, the retiree's annual payment shall be increased.

(Ord. of 8-28-73; Ord. of 8-14-79; Ord. of 10-29-84; Ord. of 11-18-02; Ord. of 1-22-18(1))

24-41 Survivor income benefit.

(a) A survivor income benefit will be payable to the eligible survivors, if any, of a member who dies in service as an employee prior to his retirement in accordance with the provisions of this section. In the event of any conflict between the provisions of this section and any contract between a life insurance company and the retirement board to carry out the provisions of this section, then the provisions of such contract shall be binding and control. Effective January 1, 2007, if a member dies during a period of qualified military service (as defined in section 414(u) of the Internal Revenue Code of 1986, as amended), the eligible survivors of the member shall be entitled to survivor benefits as if the member had resumed and then terminated employment on account of death.

(b) An eligible survivor shall be either the member's spouse, to whom he is legally married at the date of his death, or an unmarried child of the member under twenty-one (21) years of age.

(c) The monthly amount of survivor income shall be thirty (30) percent of the member's earned compensation for the month of July immediately preceding the month in which the member's death occurs. If the member is survived by an eligible spouse, the survivor income shall be payable to the spouse until the earliest of:

(1) The death of the spouse;

- (2) The second anniversary of the spouse's remarriage; or
- (3) In the case of a Class B member, the spouse's attainment of age sixty-two (62) at which time the surviving spouse shall be eligible for a benefit calculated pursuant to section 24-26(d).

If there is no eligible spouse at the time of the member's death, or in the event of cessation of payments to a surviving spouse for reasons of death, the survivor income shall be payable to the eligible child or children of the deceased member. The survivor income shall be divided equally among the eligible children and each eligible child's portion shall be payable until the earlier of his marriage or attainment of age twenty-one (21).

- (d) In the case of a Class A member who shall be survived by both an eligible spouse and an eligible child or eligible children, the monthly amount of survivor income provided in paragraph (c) of this section shall be increased by a temporary survivor income supplement. The amount of the temporary survivor income supplement shall be five (5) percent of the member's earned compensation, as provided in such paragraph (c), if there is one eligible child, or ten (10) percent of such compensation if there are two (2) or more eligible children. The temporary survivor income supplement shall be paid until the earliest of the cessation of payments to the surviving spouse, or the date on which the eligible child or the last of the eligible children ceases to be an eligible survivor. A temporary survivor income supplement initially payable on behalf of two (2) or more eligible children shall be reduced to an amount equal to five (5) percent of such compensation when only one child remains as an eligible survivor.
- (e) If the retirement board shall enter into a contract with a life insurance company to carry out the provisions of this section, the normal and accrued liability contribution rates payable by the city as provided in subsection (b) of section 24-29 shall be determined without regard to such survivor income benefits, but the city shall make an additional contribution each year to provide for the payment of premiums under such life insurance contract.

(Ord. of 8-28-73; Ord. of 10-29-84; Ord. of 2-13-89; Ord. of 7-20-92; Ord. of 10-15-01; Ord. of 12-3-01; Ord. of 1-24-11)

24-42 Effective date.

The amendments to Sections 24-14, 24-22 and 24-26 changing the full vesting period from seven (7) years of creditable service to five (5) and eliminating partial vesting are effective July 1, 2017.

The amendments to Section 24-41(c) which changed the survivor income benefit from twenty-five (25) percent to thirty (30) percent for nonunion, Class A, City AFSCME and BSDP

members shall be regarded as effective July 1, 2000. Said amendment for BSD AFSCME members shall be regarded as effective August 1, 2001. Said amendment for IBEW members shall be regarded as effective July 1, 2001.

The amendments to Sections 24-22(c)(2) and (e)(2) which changed the Class B nonunion, City AFSCME and BSDP members accrual rate to one and six-tenths (1.6) percent and the early retirement reduction to two (2) percent per year shall be regarded as effective July 1, 2000. Said amendment for BSD AFSCME members shall be regarded as effective August 1, 2001. Said amendment for IBEW members shall be regarded as effective July 1, 2001.

The amendments to Sections 24-14, 24-22(a), (c)(1), (c)(2), and (e)(1), and 24-26(b) which changed the Class A early retirement age, changed the early retirement reduction for service from twenty (20) to twenty-five (25) years and changed the accrual rate to two and seventy-five hundredths (2.75) percent shall be regarded as effective July 1, 2000.

The relevant amendments to Sections 24-22, 24-23, 24-26, 24-29 and 24-40 are regarded as effective retroactive to July 1, 1973. The relevant amendment to Section 24-41 is regarded as effective October 1, 1973. The relevant amendments to Sections 24-1, 24-14, 24-19, 24-22, 24-23, 24-26, 24-29 and 24-40 which were enacted in July, 1979, are regarded as effective retroactive to July 1, 1978. The amendments to Sections 24-14, 24-19, 24-20, 24-21, 24-22, 24-23, 24-24, 24-25, 24-26, 24-27, 24-28, 24-29, 24-33, 24-37, 24-39, 24-40, 24-41, 24-42 and 24-60 which were enacted in August, 1984, will be regarded as effective retroactive to July 1, 1983, except the amendment to Section 24-40 which will be regarded as effective retroactive to July 1, 1984. The amendments to Sections 24-14, 24-19, 24-21, 24-22, 24-23, 24-26, 24-41 and 24-42 which were enacted February 13, 1989, will be regarded as effective retroactive to July 1, 1988; however, the amendment to Section 24-19 shall be applicable to any employee in service as of January 1, 1988, or hired thereafter. The relevant amendment to Section 21-41(c)(3) will be regarded as retroactive to December 20, 1990.

The amendments to Sections 24-22(c), which provided for increased Class A contributions and an increased Class A benefit accrual rate which were enacted July 20, 1992, will be regarded as effective January 1, 1992.

The amendments to Section 24-47 establishing options 5 and 6 shall be considered effective for all members as of March 9, 1998. The relevant amendment to Section 24-22(e) shall be regarded as effective July 1, 1997.

The relevant amendment to Section 24-14, definition of "employee," and Section 24-21(c), which changed eligibility from forty (40) weeks and thirty (30) hours to one thousand two hundred (1,200) hours, is regarded as effective January 21, 1998, and applies to employees with such a schedule on that date retroactive to the beginning of such a schedule and to employees who achieve such a schedule thereafter.

The amendments to Section 24-14 which change the definition of "average final compensation" for police sergeants, lieutenants, deputy chiefs, and chief shall be effective for these named Class A positions as of July 1, 2007.

(Ord. of 8-28-73; Ord. of 8-14-79; Ord. of 10-29-84; Ord. of 2-13-89; Two Ords. of 7-20-92; Ord. of 8-12-96; Ord. of 3-9-98; Ord. of 3-23-98; Ord. of 5-18-98; Ord. of 8-14-00, Ord. of 9-11-00; Ord. of 1-8-01; Ord. of 10-15-01; Ord. of 12-3-01; Ord. of 6-4-07, eff. 7-4-07; Ord. of 1-22-18(1))

24-43—24-46 Reserved.

24-47 Creation; duties generally.

The general administration and responsibility for the proper operation of the retirement system created by this chapter shall be vested in a board of eight (8) members, to be known as the retirement board.

(Rev. Ords. 1962, § 334; Ord. of 4-13-98)

24-48 Composition.

The retirement board shall consist of three (3) members appointed by the city council, two (2) Class A members of the system elected by the Class A membership, two (2) Class B members of the system elected by the Class B membership, and the city treasurer as an ex officio member. Of the Class A and Class B board members, no two (2) shall be employed at the same department.

(Rev. Ords. 1962, § 334; Ord. of 4-13-98)

24-49 Chairman and secretary to be designated.

The retirement board shall annually elect a chairman from its members and appoint a secretary who may, but need not, be a member.

(Rev. Ords. 1962, § 334)

24-50 Terms.

(a) *Elected members.* The terms of the elected members shall be three (3) years, beginning July first. They shall be elected at such time and in such manner as the retirement board shall designate.

(b) *Appointed members.* On the first Monday in June, 1998, the city council, with mayor presiding, shall appoint two (2) members of the retirement board, one of whom shall be an additional member of such board. One of the two (2) members appointed shall be appointed for a term of three (3) years and one of the members shall be appointed for a term of two (2) years, each term commencing July 1, 1998, and continuing for the terms designated and until a successor is duly appointed; thereafter the appointment of members to the board by the city council shall be made on the first Monday in June for a term of three (3) years from the first day of July next succeeding.

(Rev. Ords. 1962, § 334; Ord. No. of 4-13-98)

24-51 Vacancies.

If a vacancy occurs in the office of any elected or appointed member of the retirement board, it shall be filled for the unexpired term in such manner as the office is regularly filled.

(Rev. Ords. 1962, § 334)

24-52 Members to serve without compensation.

The members of the retirement board shall serve without compensation for their services on such board, but shall be reimbursed from the funds of the system for necessary expenses incurred through service on the board.

(Rev. Ords. 1962, § 334)

24-53 Votes; quorum.

Each member of the retirement board shall be entitled to one (1) vote. Five (5) members shall constitute a quorum, but five (5) votes shall be necessary for any resolution or action at any meeting.

(Rev. Ords. 1962, § 334; Ord. of 4-13-98)

24-54 Members to be notified of meetings.

All members of the retirement board shall be notified of any meeting by the secretary, orally or in writing, at least twenty-four (24) hours in advance thereof, but may waive such notice, and shall be deemed to have waived such notice if physically present at any meeting.

(Rev. Ords. 1962, § 334)

24-55 Legal advisors.

The city attorney and corporation counsel shall be legal advisor to the retirement board.

(Rev. Ords. 1962, § 334)

24-56 Establishment of regulations for administration of system.

Subject to the provisions of this article, the retirement board shall from time to time establish rules and regulations for the administration of the retirement system and the transaction of its business.

(Rev. Ords. 1962, § 334)

24-57 Authority to engage medical, actuarial and other services.

The retirement board shall be authorized to engage such medical, actuarial and other services as it may deem necessary for the operation of the system, and the same shall be paid for at such rates and in such amounts as the board shall approve.

(Rev. Ords. 1962, § 334)

24-58 Board to designate an actuary.

The retirement board shall designate an actuary as technical advisor to the board and prescribe his duties.

(Rev. Ords. 1962, § 334)

24-59 Designation of medical examiners authorized; duties.

The city council shall designate a board of medical examiners composed of three (3) physicians not eligible to participate in the retirement system, who shall serve at the pleasure of the city council and receive such compensation as the board determines. The medical board may also employ other physicians to report on special cases. The board of medical examiners shall arrange for and pass upon all medical examinations required under the provisions of this chapter, shall investigate all statements and certificates by or on behalf of a member in connection with an application for disability retirement or accidental death

benefits, and shall report in writing to the retirement board its conclusions and recommendations on all matters referred to it.

(Rev. Ords. 1962, § 334; Ord. of 4-17-78)

24-60 Actuary to make valuations of system.

On the basis of such actuarial assumptions as the retirement board shall adopt, the actuary shall make valuations of the assets and liabilities of the retirement system at least once every three (3) years and more often if the retirement board so directs.

(Rev. Ords. 1962, § 334; Ord. of 10-29-84)

24-61 Adoption of mortality and service tables.

Immediately after the establishment of the retirement system, the actuary shall, upon the basis of necessary investigation made by him as authorized by the retirement board, recommend for adoption such mortality and service tables as he deems necessary. The board shall adopt necessary mortality and service tables and shall establish the rate per annum of regular interest to be used in all actuarial calculations under the retirement system. Unless or until changed by the retirement board, such rate shall be three (3) percent. At least once in each five-year period following establishment of the system, the actuary shall make an actuarial investigation of the system, and taking into account the results of such investigation, the board shall adopt for the retirement system such mortality, service and other tables as they may deem necessary.

(Rev. Ords. 1962, § 334)

24-62 Authority to designate depository for funds.

The retirement board shall designate from time to time a depository for the securities and evidence of indebtedness held in the retirement fund, and may contract for the safekeeping of securities and evidences of indebtedness with such banks, trust companies and safe deposit facilities as it shall from time to time determine, within or without the state. Such contract shall provide for access to such securities and evidence of indebtedness by the custodian or other authorized agent of the city. Expenses incidental to such safekeeping, or to advisory service in investment matters, shall be an operating expense of the system.

(Rev. Ords. 1962, § 334)

24-63 Records and data to be kept.

The retirement board shall keep all data in convenient form for actuarial valuation and for checking the experience of the system. It shall also keep a record of its proceedings, which shall be open to public inspection and shall furnish annually for publication in the city report a financial report of its transactions.

(Rev. Ords. 1962, § 334)

24-64 Members to have no interests in business of board.

No member of the retirement board shall have any direct interest in the gains or profits of any investment made by the board, nor shall any member, directly or indirectly, for himself or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any member of the board become an endorser of surety, or in any manner an obligor, for moneys loaned to or borrowed from the board.

(Rev. Ords. 1962, § 338)

24-65 Early retirement options.

- (a) (1) Class A employees who will attain twenty-five (25) years or more of service prior to June 30, 1993, shall be eligible for an early retirement window or opportunity. Eligible employees must apply for retirement by December 31, 1992. Retirement will then be effective upon reaching twenty-five (25) years or more of service and between January 1, 1993, and June 30, 1993. For such eligible employees, the retirement benefit they are otherwise entitled to will be recalculated using an accrual rate of two and thirty-five-hundredths (2.35) percent for the first twenty-five (25) years of service and this recalculated benefit will be paid effective January 1, 1997. All other terms and conditions of the benefit will be in accordance with the retirement plan provisions currently in effect.
- (2) Class B employees who will be age sixty (60) or more and who have attained twenty (20) years or more of service prior to June 30, 1993, shall be eligible for an early retirement incentive program. Eligible employees must apply for retirement by December 31, 1992. Retirement will then be effective upon satisfying these conditions and between January 1, 1993, and June 30, 1993. For such eligible employees, the retirement benefit they are otherwise entitled to will be increased by the addition of two (2) years of age and two (2) years of service credit to that attained at the time of

retirement. All other terms and conditions of the benefit will be in accordance with the retirement plan provisions currently in effect.

(b) (1) Class A employees who will attain twenty-five (25) years or more of service prior to June 30, 1994, shall be eligible for an early retirement window of opportunity. Eligible employees must apply for retirement by May 31, 1994. Retirement will then be effective upon reaching twenty-five (25) years or more of service and between July 1, 1994, and August 15, 1994. For such eligible employees, the retirement benefit they are otherwise entitled to will be recalculated using an accrual rate of two and thirty-five-hundredths (2.35) percent for the first twenty-five (25) years of service and this recalculated benefit will be paid effective upon retirement. All other terms and conditions of the benefit will be in accordance with the retirement plan provisions currently in effect.

(2) Class B employees who will be age fifty-nine (59) or more and who have attained twenty (20) years or more of service prior to June 30, 1994, shall be eligible for an early retirement incentive program. Eligible employees must apply for retirement by May 31, 1994. Retirement will then be effective upon satisfying these conditions and between July 1, 1994, and August 15, 1994. For such eligible employees, the retirement benefit they are otherwise entitled to will be increased by the addition of three (3) years of age and three (3) years of service credit to that attained at the time of retirement. All other terms and conditions of the benefit will be in accordance with the retirement plan provisions currently in effect.

(c) (1) Class A employees who will attain twenty-two (22) years or more of service prior to June 30, 1998, shall be eligible for an early retirement incentive program. Eligible employees must apply for retirement by May 1, 1998. Retirement will then be effective upon reaching twenty-two (22) years or more of service and between February 17, 1998, and June 30, 1998. For such eligible employees, the retirement benefit they are otherwise entitled to will be increased by adding three (3) years of service at the 2.35% rate to that attained at the time of retirement. These additional three (3) years will not be subject to the overall cap of thirty-five (35) years of service. All other terms and conditions of the benefit will be in accordance with the retirement plan provisions currently in effect.

(2) Class B employees who will be age fifty-nine (59) or more and who have attained fifteen (15) years or more of service prior to June 30, 1998, shall be eligible for an early retirement incentive program. Eligible employees must apply for retirement by May 1, 1998. Retirement will then be effective upon satisfying these conditions and between February 17, 1998, and June 30, 1998. For such eligible employees, the retirement benefit they are otherwise entitled to will be increased by the addition of three (3) years

of service and three (3) years of age to that attained at the time of retirement. All other terms and conditions of the benefit will be in accordance with the retirement plan provisions currently in effect.

With Finance Board approval, the date of retirement may be extended by up to sixty (60) days in the event of hardship to the city.

(Ord. of 10-13-92; Ord. of 6-13-94; Ord. of 3-23-98)

24-66 Class "A" union members post-retirement health accounts.

For all Class "A" union members employed on July 1, 1998, a post employment health account will be established in the retirement system, credited to each such individual. Such account shall be on file at the retirement office. Interest will accrue on each account at the rate of eight (8) percent compounded annually. Within seven (7) days following the eligible employee's retirement or termination for any reason, their retirement system post employment health account balance shall be deposited directly into their post employment health account.

(Ord. of 3-22-99)

24-67—24-75 Reserved.

ARTICLE III. RESERVED¹

24-76—24-86 Reserved.

¹ **Editor's note**—An ordinance adopted Oct. 29, 2001, deleted §§ 24-76—24-86, which pertained to disability leave, and derived from the 1969 Cum. Supp. and ordinances adopted May 21, 1979 and April 27, 1981.

Chapter 25 PLUMBING¹

Article I. In General

25-1 Plumbing code adopted.

25-2 Definitions.

25-3 Licensing of plumbers required.

25-4 Owners not required to be licensed.

25-5 Inspector to investigate and report violations.

25-6 Stop work order.

25-7 Reserved.

25-8 Plumbing work to be done under direction of inspector.

25-9 Plans of proposed plumbing and drainage work to be submitted to inspector as required.

25-10 Permit to be issued upon approval of plans; notice of rejection.

25-11 Changes in plans prohibited; exception.

25-12 Work not to begin until permit received and fee paid.

25-13 Provisions not applicable to certain repair and maintenance work.

25-14 Right to enter and inspect.

25-15 Certificate of inspection.

25-16 Inspection of existing buildings authorized.

25-17 Appeals.

25-18 Duration of permit.

25-19 Penalty for violations.

25-20—25-30. Reserved.

Article II. Standards and Requirements

25-31 Pipes and fittings.

25-32 Main drain and sewer pipe.

25-33 Reserved.

25-34 Main Y, building trap, fresh air inlet.

25-35 Reserved.**25-36 Rainwater leaders.**

25-37—25-40. Reserved.

25-41 Water closets.**25-42 Connection to sewer.****25-43 Buildings used by public.****25-44 Materials and workmanship.****25-45 Test; inspection.**

¹**Editor's note**—An ordinance of Oct 24, 1988, in effect, amended Ch. 25 in its entirety to read as herein set out. Due to the nature of the amendment, a detailed analysis will not be given. Prior to amendment, Ch. 25, §§ 25-1—25-17 and 25-31—25-48 derived from an ordinance of June 30, 1981 and an ordinance of Sept. 24, 1984.

Cross reference—Buildings, Ch 8; electricity, Ch. 12; fire protection, Ch. 13; housing, Ch. 18; sewers and water pollution control, Ch. 26; subdivisions, Ch. 28; water, Ch. 31; zoning, App. A.

ARTICLE I. IN GENERAL

25-1 Plumbing code adopted.

- (a) For the purpose of providing and maintaining the public health and safety and to establish rules and regulations for the installation of plumbing systems for safe sanitary use and human consumption to all fixtures in all buildings, the issuance of plumbing permits and the imposition of penalties, the plumbing rules and the plumbing code currently adopted by the State of Vermont are hereby adopted and incorporated in whole as fully as if herein set out at length.
- (b) All plumbing installations shall comply with the plumbing code and rules currently adopted by the State of Vermont.
- (c) Should there be a conflict between the State plumbing rules and the City Code of Ordinances, the ordinances shall prevail.

(Ord. of 10-24-88; Ord. of 1-11-93; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-2 Definitions.

For the purpose of this chapter, the following terms shall have the meanings ascribed to them in this section. All terms not herein defined shall have the meanings ascribed to them in the plumbing code and plumbing rules currently adopted by the State of Vermont.:

- (a) The term "master plumber" shall mean a person who assumes responsible charge and direction of the installation of plumbing and drainage and is skilled in the planning, superintending and the practical installation of plumbing and drainage. Each master plumber shall furnish to the plumbing inspector a list of journeyman plumbers employed by them and shall keep such list current at all times.
- (b) The term "journeyman plumber" shall mean a person who performs the work of installing plumbing and drainage under the direction of a master plumber.
- (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) "Public building" shall be as defined in 21 V.S.A. § 251(a).
- (e) Foundation drainage for a structure is not considered plumbing.
- (f) The term "plumbing inspector" shall mean an official appointed by the director of public works, or the director's designee, who is responsible for ensuring compliance with the provisions of this chapter and any other applicable codes or rules related to plumbing. A plumbing inspector shall be a Vermont licensed master plumber or be able to become licensed as a Vermont master plumber and shall have the training, qualifications, and skills determined by the director or director's designee and the State of Vermont's Department of Public Safety to be sufficient to perform the inspections, enforcement, and other tasks required by this chapter and other applicable codes or rules.
- (g) The term "plumbing code official" shall mean an official appointed by the director of public works, or the director's designee, who is a Vermont licensed master plumber or be able to become licensed as a Vermont master plumber and have any other such training, qualifications, and skills determined by the director or director's designee to be sufficient to perform the tasks assigned to the official related to the enforcement of this chapter and other applicable codes or rules.

(Ord. of 10-24-88; Ord of 9-26-94; Ord. of 1-22-18(2))

25-3 Licensing of plumbers required.

No person, except as otherwise provided, shall engage in plumbing in the city until he/she shall have first obtained and holds a valid master plumber license from the State of Vermont Plumbers' Licensing Board.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

Charter reference—Power of city council to license plumbers, § 48(XLI).

25-4 Owners not required to be licensed.

An owner shall be permitted to install plumbing in a single-family owner-occupied residence without a license; provided, that a plumbing permit has been obtained, except for plumbing that is exempt from needing a permit by Section 25-13, and that all such plumbing installed by the owner shall comply with the provisions of this chapter and the plumbing code and rules currently adopted by the State of Vermont.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-5 Inspector to investigate and report violations.

The plumbing inspector shall report to the city attorney violations of this chapter and the city attorney may invoke a proper legal or equitable remedy in aid of powers of the plumbing inspector.

(Ord. of 9-26-94; Ord. of 1-22-18(2))

25-6 Stop work order.

- (a) Upon notice from the plumbing inspector that plumbing work on any building or structure is being conducted contrary to the provisions of this chapter or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be affixed to the building indicating the violations. A copy of the written stop work order shall also be provided either to the owner of the property involved, to the owner's agent, or to the person doing the work or posted in a prominent location on the structure/building accessible to the public. Any person who continues any plumbing work in or about the structure after having been served with a stop work order shall be liable for a fine of up to five hundred dollars (\$500.00) and each day that the work continues in violation shall be a separate offense.

- (b) A report that a stop work notice has been issued shall be filed with the State of Vermont Plumbers' License Board.

(Ord. of 9-26-94; Ord. of 4-8-96; Ord. of 1-22-18(2))

25-7 Reserved.

25-8 Plumbing work to be done under direction of inspector.

The plumbing and drainage of all buildings, public or private, and all additions and alterations thereto, shall be executed under the direction of the plumbing inspector if required by the applicable code and/or rule in effect.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 4-8-96; Ord. 1-22-18(2))

25-9 Plans of proposed plumbing and drainage work to be submitted to inspector as required.

The master plumber, licensed engineer or architect in charge of the work or, in the case of an owner-occupied single-family residence, the owner who may be doing the work shall submit to the plumbing inspector proper drawings as the inspector may require, which may include, both plan and elevation views, showing all piping and fixtures, giving all details as to sizes and distances of fixtures from stacks and vents. Plans for private sewage disposal and individual water supply systems shall be designed to the requirements of the State of Vermont Agency of Natural Resources Department of Environmental Conservation rules and regulations.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 4-8-96; Ord. 1-22-18(2))

25-10 Permit to be issued upon approval of plans; notice of rejection.

If the plans which are filed with the plumbing inspector are approved by the inspector, a permit shall be issued to the master plumber contracted to do the work. If rejected, notice shall be given either verbally or by marking up the submitted plans and returning them to the owner within ten (10) working days.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-11 Changes in plans prohibited; exception.

If the plans are approved by the plumbing inspector, no change or additions shall be allowed except upon approval of the plumbing inspector.

(Ord. of 10-24-88; Ord. of 1-22-18(2))

25-12 Work not to begin until permit received and fee paid.

(a) No work shall be commenced until the permit shall have been received by the party submitting the application and the permit fee has been paid. The permit fee shall be at a rate of eight dollars and fifty cents (\$8.50) for every one thousand dollars (\$1,000.00) of the cost of the work. There shall be a minimum charge of thirty dollars (\$30.00), which includes the land records recording fee, per permit. The fee submitted with the application shall be based on the estimated cost of the work. On the completion of the work, the applicant shall furnish the inspector with a correct statement of total actual cost of the work and shall pay the fee on difference between the estimated and actual cost of the work. When the actual total cost is less than the estimated cost, there shall be a refund of the excess of the estimated cost over the actual cost; provided, that the refund does not reduce the fee to less than the minimum charge.

(b) When the plumbing inspector enforces the provisions of this chapter and a plumbing permit is required as a result, there shall be an administrative processing fee added to the permit fee set above to recoup the administrative costs associated with enforcement. This processing fee shall be thirty dollars (\$30.00) where the estimated cost of the work as the plumbing inspector may approve is less than or equal to three thousand dollars (\$3,000.00). When the estimated cost of construction is three thousand dollars (\$3,000.00) or greater, this processing fee shall be equal to one (1) percent of the estimated cost of the work as the plumbing inspector may approve. No processing fee shall be added to the permit when a permit is required to abate a condition deemed an emergency by the plumbing inspector if the inspector determines that the owner is not responsible for the circumstances that led to the emergency.

(c) Notwithstanding the fees set forth above, no permit fee shall be required for the portion of the estimated cost of any work and construction that is to be owned by a department of the City of Burlington.

(Ord. of 10-24-88; Ord. of 10-2-95; Ord. of 6-2-03; Ord. of 10-27-03, eff. 11-05-03; Ord. of 6-25-12; Ord. of 1-22-18(2))

25-13 Provisions not applicable to certain repair and maintenance work.

(a) A permit is not required for repairs which involve only the working parts of a faucet or valve, clearance of stoppages, or repairing or replacement of defective faucets or valves, a water closet, a lavatory, or a kitchen sink, and replacement of traps two (2) inches in diameter or less provided alterations are not made in the existing piping or fixtures.

(b) Repairs and maintenance shall not include a change in design, configuration, performance, or materials of a plumbing system, except as set forth in subsection (a) of this section.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-14 Right to enter and inspect.

In performance of his/her duty the plumbing inspector shall, at all reasonable times, have access to and the right to enter any building with the owner or authorized representative of the owner. No person shall in any way hinder the work of the plumbing inspector in the performance of his/her duty. The plumbing inspector may waive the presence of the licensee who filed the work permit for rough and final inspections. If the inspector is refused the right to inspect or is denied reasonable access to the premises, the inspector shall, if still appropriate, seek a search warrant from the Vermont Superior Court for the purpose of conducting such an inspection.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-15 Certificate of inspection.

When the work has been approved by the plumbing inspector, through the required inspections or through a waiver of an inspection issued by the plumbing inspector, the inspector shall file a final inspection report or file the status of the permit as closed which shall be made available to the public upon request.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-16 Inspection of existing buildings authorized.

(a) Whenever the plumbing inspector has reason to believe, through complaint or otherwise, that the sanitary condition of any building, in regard to the plumbing or house drainage, is not in compliance with the regulations of this chapter or is in any way a menace to the health of the occupants or tenants thereof, or to the public health, it shall be the inspector's duty to visit such building or premises and examine such plumbing or drainage. If,

in the opinion of the plumbing inspector, repairs, alterations or additions are needed to place the premises in a sanitary condition, the inspector shall serve notice in writing upon the owner or person in charge of such building directing such repairs, alterations or additions as he/she deems necessary to place the plumbing therein in sanitary condition, and in such notice shall state a reasonable time allowed to the owner or person in charge of such building to make such repairs, alterations or additions.

(b) The plumbing inspector is hereby empowered to order the discontinuance of water service to any structure found to be dangerous to the public water system or life or property until such danger has been abated.

(c) If the inspector is refused the right to inspect or is denied reasonable access to the premises, the inspector shall, if still appropriate, seek a search warrant from the Vermont Superior Court for the purpose of conducting such an inspection.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-17 Appeals.

Appeals by a person aggrieved by an action of the plumbing inspector taken under this chapter shall be taken pursuant to the provision of Section 8-8.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-18 Duration of permit.

Plumbing permits shall be invalid after one (1) calendar year from the date of issuance. The plumbing inspector shall have the discretion to approve extensions of time beyond the one (1) year limit; provided, that all extensions are in writing and are for a specified duration which is consistent with the permits issued by the department of planning and zoning for the subject permit.

(Ord. of 9-26-94; Ord. of 5-20-02; Ord. of 1-22-18(2))

25-19 Penalty for violations.

(a) The penalty for a violation of any provision or section of this chapter shall be punishable by a fine of fifty dollars (\$50.00) to five hundred dollars (\$500.00). Each day that the violation continues shall be a separate offense.

- (b) In addition to the penalty provided in subsection (a) of this section, the city may in addition seek injunctive or equitable relief to prohibit or to prevent the continuation of unlawful construction, alteration or repairs or to prevent the occupancy of a structure or premises or to prevent an illegal use in or about the structure or premises.

(Ord. of 9-26-94; Ord. of 1-22-18(2))

25-20—25-30 Reserved.

ARTICLE II. STANDARDS AND REQUIREMENTS¹

25-31 Pipes and fittings.

- (a) Installation of plumbing and drainage shall be done in order to meet specifications of the plumbing rules and adopted codes currently in effect in the State of Vermont. All soil and vent pipes and fittings within a building, and for a distance of ten (10) feet outside the foundation wall, shall, except as otherwise specified in this chapter, be installed in accordance with the materials and standards specified in the currently adopted plumbing code and rules.
- (b) Materials shall comply with all applicable plumbing, fire prevention and building code rules. Plumbing materials shall comply with the State of Vermont Plumbing Rules' approved materials list. All pipe materials shall meet the standards of the plumbing rules currently in effect in the State of Vermont.
- (c) *Special wastes.* Special wastes shall be treated and installed in accordance with the plumbing code currently in effect in the State of Vermont, and the materials used for drain waste and vent piping to convey special wastes shall be approved by the plumbing inspector.
- (d) *Lead pipe.* Lead pipe shall not be used to convey potable water to the building or to serve as the water distribution pipe within or under the building.
- (e) *Installation of pipes and fittings.* All pipes and fillings shall be installed in accordance with the manufacturer's recommendations for installation, except where more stringent standards are required by this article.
- (f) *Protection from freezing in climates with freezing temperatures.* Plumbing piping in exterior building walls or areas subjected to freezing temperatures shall be protected against freezing by insulation, heat or both.

(g) *Energy factors for storage water heaters.* All storage water heaters shall have an energy factor not less than the value shown in the Guidelines for Energy Efficient Construction for the City of Burlington.

(h) *Grease interceptors.* All grease interceptors shall be designed in accordance with the State of Vermont Plumbing Rules and plumbing code currently in effect.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-32 Main drain and sewer pipe.

The main drain and sewer pipe into any building shall be of sufficient size to properly care for all plumbing fixtures of such building in accordance with the plumbing code currently in effect in the State of Vermont.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-33 Reserved.

Editor's note—An ordinance enacted Sept 26, 1994, amended Ch. 25 by deleted provisions formerly codified as § 25-33, which pertained to grades for horizontal drains and vent pipes and was derived from an ordinance of Oct. 24, 1988.

25-34 Main Y, building trap, fresh air inlet.

A Y shall be placed in the main drain close to and inside the cellar wall. The branch of the Y shall be used to continue the house sewer and the end of the Y shall be used as a straight line for a cleanout to the street. Building (house) traps shall be installed on all sewer connections to the combined sewer systems or where specifically required by the plumbing code official. Each building trap, when installed, shall have two (2) cleanouts. A relief vent or fresh air intake shall be installed on the inlet side of the trap which need not be larger than one-half the diameter of the drain to which it connects. Such relief vent or fresh air intake shall be carried above grade and terminate in a screened outlet located outside the building. Fresh air inlets shall not have any other use.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 11-13-95; Ord. of 1-22-18(2))

25-35 Reserved.

Editor's note—An ordinance adopted Sept. 26, 1994, deleted provisions formerly codified as § 25-35, pertaining to change in direction and hangers and derived from an ordinance of Oct. 24, 1988.

25-36 Rainwater leaders.

- (a) In areas serviced by separated sewers, all rainwater leaders, sump pumps and foundation drains shall connect to the separate storm sewer system. In areas serviced by separated sewers, all rainwater leaders and foundation drains shall connect to a separate storm sewer system. In areas serviced by combined sewers, approval for connection shall be required from the city engineer or duly authorized waste water official and is contingent upon a determination of sufficient capacity in the collection and treatment system.
- (b) No roofs, paved areas, yards, courts or courtyards shall be connected directly to a foundation drain system. Any connection made to the foundation drain line shall be made on the outlet side of the drain line at a minimum distance of ten (10) feet downstream from the foundation drain system. Such connections shall be made with long sweep connectors and approved by the plumbing inspector prior to installation.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-37—25-40 Reserved.

Editor's note—Provisions formerly codified as §§ 25-27—25-39, pertaining to dead ends, vents and traps and derived from an ordinance of Oct. 24, 1988, were deleted by an ordinance of Sept. 26, 1994.

Editor's note—An ordinance adopted Jan. 22, 2018, repealed § 25-40 which pertained to refrigerator drips and derived from ordinances adopted Oct. 24, 1988 and Sept. 26, 1994.

25-41 Water closets.

- (a) *Ventilation.* Water closets shall not be located in any room which has no direct connections with the external air by window with at least three (3) square feet of glass, unless such room is equipped with a forced ventilating system.
- (b) *Location in sleeping or eating rooms and basements restricted.* No water closet shall be located in any sleeping room or any room used for preparing food. No plumbing fixtures shall be located in a cellar, basement, or any location that will be subject to backflow from the public sewer without proper backflow protection and approval from the plumbing inspector.
- (c) *Tenement houses.* A separate water closet shall be provided for each family occupying a tenement house or other building.
- (d) *Shops, factories, mills, etc.* Sufficient water closet accommodations shall be provided in all shops, factories, mills and restaurants in accordance with the Vermont Department of

Health Regulations and the plumbing code and rules currently in effect in the State of Vermont.

(e) *Construction site facilities.* Toilet facilities shall be provided in accordance with the Vermont Occupational Safety and Health Rules for workers during construction and the plumbing code and rules currently in effect in the State of Vermont.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-42 Connection to sewer.

The plumbing in every building shall be separately and independently connected with the public sewer, except that no waste from a sprinkler system shall be connected to the sewer without approval from the plumbing inspector.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-43 Buildings used by public.

The general sanitary accommodations of any building used by the public shall be constructed so that no nuisance shall be created affecting public health. Proper toilets and urinal facilities shall be required in any buildings generally used by the public. All floors and walls within five (5) feet of toilet and urinal fixtures in any building generally used by the public shall be constructed of materials impermeable to water. All drinking fountains in such buildings shall be separate units and shall not be installed in restrooms.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 1-22-18(2))

25-44 Materials and workmanship.

All materials used shall be of good quality and free from defect, and the work shall be executed in a thorough and workmanlike manner and according to the manufacturer's instructions.

(Ord. of 10-24-88; Ord. of 1-22-18(2))

25-45 Test; inspection.

A water or air pressure test shall be made of all soil, waste and vent lines and traps. This test shall include all joints in the above-named pipes, traps and bends. No joints or pipes shall be

covered until the same have been examined and approved by the plumbing inspector. A second test shall, upon the request of the plumbing inspector, be made upon completion of the work. Said second test can be either water or air and is at the discretion of the plumbing inspector. The contractor or owner shall furnish all tools, material and the necessary labor to apply the tests. Notice shall be given to the plumbing inspector when the work is sufficiently advanced for said tests and shall be in writing if required by the plumbing inspector. The plumbing inspector shall condemn and order the removal of any defective material or work not done in accordance with the provisions of this chapter. If required by the plumbing inspector, one or more of the tests named in this section shall be applied to additional work in old or new buildings.

(Ord. of 10-24-88; Ord. of 1-22-18(2))

¹**Cross reference**—Building code, § 8-2; electrical code, § 12-1; fire codes, § 13-1; gas codes, §§ 15-1, 15-2; minimum housing standards, § 18-70 et seq.

Chapter 26 WASTEWATER, STORMWATER, AND POLLUTION CONTROL¹

Article I. In General

26-1 Purpose and authority.

26-2 Definitions.

26-3 Documents incorporated by reference.

26-4 Enforcement remedies.

26-5—26-15. Reserved.

Article II. Sewers, Wastewater and Pollution Control

Division 1. Generally

26-16 Notice of sufficient capacity.

26-17—26-30. Reserved.

Division 2. Wastewater Permitting

26-31 Adoption of wastewater disposal regulations.

26-32 Applicability of regulations.

26-33 Performance standards.**26-34 Procedure for application for permit.****26-35 Innovate/alternative systems and products.****26-36 Appeals.****26-37 Inspection.****26-38 Existing facilities.****26-39 Revocation of permits.****26-40 Violations.**

26-41—26-50. Reserved.

Division 3. Wastewater and Water Pollution Control Charges

26-51 Industrial user charges.**26-52 Nonindustrial user charges.****26-53 Wastewater rates and fees; charges.****26-54 Minimum charge.****26-55 Determination of charges when city water not used.****26-56 Abatements; credits; refunds.****26-57 When payments due.****26-58 Penalty for late payment; disconnection.****26-59 To whom payments made.****26-60 Use of proceeds.**

26-61—26-70. Reserved.

Division 4. Use of Public Sewers

26-71 Use of public sewers generally.

26-72 Construction requirements for private drains connecting to sewers.**26-73 Private wastewater treatment.****26-74 Protection from damage.****26-75 Powers and authority of inspectors.****26-76 Wastewater permit fees.**

26-77—26-95. Reserved.

Article III. Stormwater and Erosion Control

Division 1. Generally

26-96 Applicability.**26-97 Application requirements.****26-98 Responsibilities.**

26-99—26-110. Reserved.

Division 2. Illegal Discharges

26-111 Applicability.**26-112 Prohibitions.****26-113 Exemptions.****26-114 Industrial or construction activity discharges.****26-115 Monitoring of discharges.****26-116 Control, prevention and reduction of stormwater pollutants.****26-117 Notification of spills.**

26-118—26-130. Reserved.

Division 3. Erosion Prevention and Sediment Control

26-131 Applicability of erosion prevention and sediment control.

26-132 Prohibitions.**26-133 Permits.****26-134 Exemptions and waivers.****26-135 Erosion prevention and sediment control requirements.****26-136 Review and approval.****26-137 Access to land disturbance activities.****26-138 Inspection requirements.**

26-139—26-150. Reserved.

Division 4. Stormwater Management**26-151 Applicability.****26-152 Prohibitions.****26-153 Permits.****26-154 Exemptions and waivers.****26-155 Stormwater manual.****26-156 Stormwater treatment standards and treatment practice design criteria.****26-157 Use of alternative stormwater management practices.****26-158 Stormwater management plan.****26-159 Access to stormwater treatment practices.****26-160 City inspections during installation and construction.**

26-161—26-170. Reserved.

Division 5. Stormwater System User Fees**26-171 Establishment of stormwater user fees.****26-172 Establishment of ISUs.**

26-173 Credits.**26-174 Expenditures.**

¹**Editor's note**—An ordinance adopted Dec. 15, 2008, repealed Ch. 26 in its entirety and enacted a new chapter as set out herein. The former Ch. 26, §§ 26-1—26-4, 26-16—26-20, 26-32—26-44 and 26-50—26-58, pertained to sewers and water pollution control and derived from §§ 2604, 3002, 3003, 3051, 3052, of the Rev. Ords. of 1962; an ordinance adopted May 19, 1975, an ordinance adopted Jan. 16, 1978; an ordinance adopted Jan. 11, 1982; an ordinance adopted Jan. 20, 1986; and an ordinance adopted Oct. 26, 1992.

Charter reference—Power of city council to construct and maintain sewers, § 48(IX).

Cross reference—Buildings, Ch. 8; electricity, Ch. 12; fire protection and prevention, Ch. 13; garbage and refuse, Ch. 14; health, Ch. 17; housing, Ch. 18; plumbing, Ch. 25; streets and sidewalks, Ch. 27; subdivisions, Ch. 28; Water, Ch. 31; zoning, App. A.

State law reference—Authority to construct and maintain sewerage system, 24 V.S.A. § 3501 et seq.; authority to construct and maintain sewage disposal plant and system, 24 V.S.A. § 3601 et seq.

ARTICLE I. IN GENERAL

26-1 Purpose and authority.

- (a) This chapter is adopted pursuant to 24 V.S.A. § 2291, subsection (14), and §§ 48 (6), 48 (21), 48 (23), 48 (56), 48 (59), 48 (61), 222, 225, 248 of the Burlington Charter. Its provisions shall be civil ordinances within the meaning of 24 V.S.A. Chapter 59, in order to establish charges, rules and regulations for the control and operation of the municipal water pollution control department, and the charges, rules and regulations herein established are enacted for such purpose.
- (b) The director of the department of public works shall have general charge of the municipal water pollution control department, subject to federal and state law, the ordinances of the city and the direction of the commissioners.
- (c) This chapter also establishes minimum stormwater management requirements and erosion controls to protect and safeguard the general health, safety, and welfare of the public, Lake Champlain, and its tributaries. The chapter objectives are to:
 - (1) Minimize stormwater runoff from development in order to reduce flooding, siltation, streambank erosion, and to maintain the integrity of natural stream channels;

- (2) Prevent erosion and the transport of sediment and pollutants off property lots, onto the City of Burlington streets and sidewalks and into the City of Burlington separate stormwater system, combined sewer system and/or waters of the state (including streams, lakes, ponds and wetlands);
- (3) Minimize the effects of non-point source pollution on surface water and groundwater water quality;
- (4) Minimize the total volume of surface water runoff that flows from any site during and following development in order to replicate the pre-development hydrology to the maximum extent practicable;
- (5) Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and best management practices and to ensure that these controls and practices are properly maintained and pose no threat to public safety;
- (6) Employ stormwater management and erosion control strategies and best management practices that protect and enhance water quality and lead to an overall improvement in the quality of the waters of the state to the maximum extent practicable;
- (7) Meet the requirements of the Vermont 2002 Stormwater Manual Vol. I and II (or latest state standard) and Stormwater Management Rules Ch. 18 and 22 to the maximum extent practicable; and,
- (8) Protect the water quality of Vermont's streams, ponds, wetlands, and lakes, including Lake Champlain and the city's public and private beaches.

- (d) The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter 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 chapter.
- (e) If the provisions of this chapter conflict with the provisions of any other valid and enforceable city ordinance(s), the stricter shall prevail.

(Ord. of 12-15-08(2), § 26-1-1)

26-2 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

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

Agricultural use shall mean any accepted agricultural practices as defined by the Vermont secretary of agriculture, food and markets.

Applicant shall mean a property owner or duly designated representative who files an application for an activity or permit subject to this chapter.

Best management practices, or *BMPs* shall mean a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to the waters of the state.

Biochemical oxygen demand (BOD5) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty (20) degrees centigrade, as determined in accordance with standard methods, and expressed in milligrams per liter.

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.

Building inspector shall mean the building inspector for the City of Burlington.

Building permit shall mean a permit approved by the building inspector which authorizes any land disturbance activities in the City of Burlington.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal, also called the house connection.

Cesspool shall mean a pit or dry well for disposal of sewage.

City engineer shall mean the city engineer of the department of public works for the City of Burlington.

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

Coliform count shall mean the number of all coliform bacteria and expressed in the number of coliform bacteria per one hundred (100) milliliters of solution, as determined in accordance with standard methods.

Color of liquid shall mean the appearance of a liquid from which the suspended solids have been removed, as determined in accordance with standard methods.

Combined sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

Committed reserve capacity. That amount of total average daily flow (gallons per day) from all projects approved by the city and the state department of environmental conservation for discharge to the treatment plant, but not yet discharging at the time of the calculation.

Construction and construction activity shall mean activity that will result in land disturbance of four hundred (400) or more square feet and/or where any change in existing hydrological conditions is proposed, regardless of the amount of proposed impervious surface or disturbed area.

Department of public works shall mean the employees or designees of the director of public works.

Designated enforcement officer shall mean the city's code enforcement office, except that the excavation inspector at the department of public works shall be the designated enforcement officer for all projects, conditions, or activities within the public right-of-way.

Development review board or *DRB* shall mean the development review board for the city of Burlington.

Director shall mean the director of public works or his/her designee.

Drainage course or *drainage way* shall mean any channel that conveys surface runoff throughout the site.

Erosion control shall mean a measure that prevents erosion.

Erosion prevention and sediment control plan or *EPSC plan* shall mean a set of plans indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Final site stabilization shall mean that

- (a) All soil disturbing activities at the site have been completed and either (1) a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy (70) percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or (2) equivalent final stabilization measures (such as the use of gravel,

riprap, gabions, or geotextiles) have been employed as determined by the department of public works;

- (b) When background native vegetation will cover less than one hundred (100) percent of the ground (e.g., arid areas, beaches), the seventy (70) percent coverage criteria is adjusted as follows: If the native vegetation covers fifty (50) percent of the ground, seventy (70) percent of fifty (50) percent ($0.70 \times 0.50 = 0.35$) would require thirty-five (35) percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required;
- (c) For individual lots in residential construction, final stabilization means that either (1) the homebuilder has completed final stabilization as specified above, or (2) the homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "waters of the United States," and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (a) or (b) above.

Floatable oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

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

Green or green infrastructure shall mean an adaptable term used to describe an array of products, technologies, and practices that use natural systems, or engineered systems that mimic natural processes, to enhance overall environmental quality and provide utility services. As a general principal, green infrastructure techniques use soils and vegetation to infiltrate, evapotranspire, and/or recycle stormwater runoff. When used as components of a stormwater management system, green infrastructure practices such as green roofs, porous pavement, rain gardens, and vegetated swales can produce a variety of

environmental benefits. In addition to effectively retaining and infiltrating rainfall, these technologies can simultaneously help filter air pollutants, reduce energy demands, mitigate urban heat islands, and sequester carbon while also providing communities with aesthetic and natural resource benefits. Green infrastructure is as described in the EPA's 2008 Action Strategy "Managing Wet Weather with Green Infrastructure," as may be amended.

Hazardous materials shall mean any material that is a waste with properties that make it dangerous or potentially harmful to human health or the environment and defined as hazardous waste by the Environmental Protection Agency.

Industrial wastes shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

Illegal discharge shall mean any unpermitted, unapproved or prohibited discharge to a public sewer and natural outlet, except as exempted in Article III, Division 2 of this chapter.

Illicit connections shall mean any connection which allows an illegal discharge as noted in "illegal discharge" above.

Impervious surface shall mean those surfaces that can not effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, whether such surfaces are gravel, dirt or paved etc.).

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 activity shall mean any land disturbance that disturbs or breaks the topsoil or results in the movement of earth on land or regardless of the amount of impervious surface or disturbed area proposed where any change in existing hydrological conditions is proposed, including but not limited to activities associated with development such as clearing, grubbing, excavation, demolition, stockpiling, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, foundations or utilities; erection of temporary forms; and installation of accessory buildings such as garages.

Low impact development or *LID* shall mean a comprehensive stormwater management and site-design technique. Within the LID framework, the goal of any construction project is to design a hydrologically functional site that mimics predevelopment conditions. This is achieved by using design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID

addresses stormwater through a variety of small, cost-effective landscape features located onsite. LID is a versatile approach that can be applied to new development, urban retrofits, and revitalization projects. This design approach incorporates strategic planning with micro-management techniques to achieve environmental protection goals while still allowing for development or infrastructure rehabilitation to 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.

Maximum extent practicable shall mean the same as is meant in the federal Clean Water Act and shall include use of controls to reduce the discharge of pollutants such as management practices, control techniques and system design and engineering methods and other provisions as the city determines are appropriate to control such pollutants.

Municipal separate storm sewer system, or *MS4* shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, road gutters, ditches, manmade channels, or storm drains): (i) owned or operated by the City of Burlington that discharges to surface waters or groundwater; (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.

Natural outlet shall mean any public or private outlet, including storm sewers and combined sewer overflows, that flows or discharges into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

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 property. The term "owner" shall also include heirs, successors, and assigns.

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 premises.

pH shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10⁻⁷.

Phenolic compounds shall mean those hydroxy derivatives of benzene, or its condensed nuclei, which can be identified by the 4-Aminoantipyrine method or other method in accordance with standard methods.

Pollutant shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: water, sediment; paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous 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, pharmaceuticals and endocrine disrupters; herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform 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.

Privy shall mean an outhouse or an enclosed pit that is used as a toilet.

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 particle greater than one-half (1/2) inch in any dimension.

Public sewer shall mean a sewer controlled by a governmental agency or public utility.

Sanitary sewer shall mean a sewer that carries liquid- and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

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.

Sewage is the spent water of a community. The preferred term is now wastewater.

Sewer shall mean a pipe or conduit that carries water from any source, including but not limited to water, stormwater, wastewater or drainage water.

Shall is mandatory, as opposed to "may" which is permissive.

Silvicultural use shall mean any accepted silvicultural practices as defined by the state commissioner of forests, parks and recreation.

Site shall mean a parcel of land, water area or a contiguous combination thereof, where any land disturbances or construction or construction activity occurs. "Site" shall also incorporate the definition found in the Vermont Stormwater Management Rule, Ch. 18-201(20).

Slug shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

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.

Standard methods shall mean the methods and procedures set out in the edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association and current at the time of any examination of wastewater.

Start of construction shall mean the first land disturbing activity, 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.

Storm sewer (sometimes termed storm drain) shall mean a sewer or drain for conveying water, groundwater, subsurface water, or unpolluted water from any source, public or private.

Stormwater shall mean precipitation and snowmelt, including material dissolved or suspended in it. Stormwater may infiltrate into pervious surfaces, evaporate, or runoff impervious surfaces.

Stormwater management shall mean the use of structural or nonstructural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow

discharge, increase infiltration and reduce detrimental changes in stream temperature that affect water quality and habitat as well as other functions.

Stormwater runoff shall mean flow on the surface of the ground, resulting from precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it.

Stormwater management plan or program shall mean a comprehensive program to manage the quality and quantity of stormwater discharged from a property subject to this chapter.

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.

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.

Suspended solids shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in standard methods and referred to as nonfilterable residue.

Temporary site stabilization shall mean protecting soils in areas where additional soil disturbance activities are to occur from erosion by rainfall, runoff, or wind with a surface cover, including but not limited to, establishment of ground vegetation, application of mulch, rolled erosion control products, graveling or paving.

Uncommitted reserve capacity. That amount of average daily flow (gallons per day) calculated as follows: Plant permit flow limit minus the most recent twelve (12) months' actual average daily flow to the plant minus the summation of the estimated average daily flows of all projects approved by the state department of environmental conservation and the City of Burlington but not yet discharging to the sewer.

Unpolluted water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment works provided.

User shall mean the owner of any premises which utilizes or is connected to the principal sewer system.

Wastewater shall mean a combination of liquid- and water-carried wastes, other than uncontaminated stormwater, discharged from premises.

Wastewater facilities shall mean the collection system, structures and equipment required to collect and transport domestic and industrial wastes to the wastewater treatment works.

Wastewater treatment works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Used as synonymous with water pollution control or wastewater plant.

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 Burlington.

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

Zoning administrator shall mean the zoning administrator for the City of Burlington.

Zoning permit shall mean a document signed by the zoning administrator authorizing land development pursuant to the requirements of the comprehensive development ordinance.

(Ord. of 12-15-08(2), § 26-1-2)

26-3 Documents incorporated by reference.

[The following documents are incorporated by reference:]

- (1) City comprehensive development ordinance, and as amended.
- (2) City excavation ordinance, Chapter 27, and as amended.
- (3) City department of public works public sewers, stormwater and erosion control Specifications, Standards and Management Practices Design Manual, per section 26-155
- (4) Vermont Stormwater Management Rule, Chapters 18 and 22, July 4, 2005, and as amended.
- (5) Vermont Stormwater Manual, 2002, Volumes I and II, and as amended.
- (6) Vermont Standards & Specifications for Erosion Prevention & Sediment Control, 2006, and as amended.
- (7) Clean Water Act, National Pollutant Discharge Elimination Systems (NPDES) permits:
 - a. Vermont Agency of Natural Resources, Department of Environmental Conservation, General Permit 3-9020 (2006) for stormwater runoff from

construction sites, and as amended.

b. City MS4 (NPDES) General Permit No. 3-9014 and as amended.

c. City discharge permit (CWA) Final Discharge Permit No. 3-1331, 3-1247 and 3-1245, Part 1, Section F. Combined Sewer Overflows, and as amended.

(8) EPA "Managing Wet Weather with Green Infrastructure Action Strategy", January 2008, and as amended.

(9) Vermont Agency of Natural Resources, Department of Environmental Conservation, Environmental Protection Rules, Chapter 1, effective September 29, 2007, and as amended.

(10) EPA "Combined Sewer Overflows: Guidance for Nine Minimum Controls" May 1995, and as updated.

(11) Burlington's Guidelines for Stormwater Pollutant Reduction, September 1999 and as may be amended.

(Ord. of 12-15-08(2), § 26-1-3)

26-4 Enforcement remedies.

The City of Burlington, by and through its authorized agents, shall have the authority to enforce the provisions of this chapter, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil and criminal remedies in connection with any violation hereunder. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. Any industry found convicted of a violation of the provisions of this chapter may have its disposal authorization terminated or suspended by the public works director.

(a) *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 (1) remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the city from seeking multiple remedies. Election of remedies shall be at the discretion of the designated enforcement officer.

(b) *Judicial bureau municipal civil complaint ticket.* Pursuant to 24 V.S.A., Chapters 59 and 61 and 4 V.S.A., Chapter 29, a Designated Enforcement Officer may commence prosecution in the judicial bureau for any violation of this chapter by serving two (2) 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 within a twelve-month period shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee for which shall be one hundred dollars (\$100.00); a second offense ticketed for the same violation within a twelve-month period shall be punishable by a fine of four hundred dollars (\$400.00), the waiver fee for which shall be two hundred dollars (\$200.00); a third offense ticketed for the same violation shall be punishable by a fine of five hundred dollars (\$500.00), the waiver fee for which shall be three hundred dollars (\$300.00). The fourth or subsequent offense within a twelve-month period shall be a criminal offense punishable pursuant to section 1-9 of this Code of Ordinances.

(c) *Other enforcement remedies generally; fines, injunctive relief.*

(1) *Expenses for restoration.* In addition to any other penalty authorized by this section, any person, partnership, or corporation found to have violated any of the provisions of this chapter shall be required to bear the expense of the restoration required to abate the violation.

(2) *Injunctive relief.* An action, injunction, or other enforcement proceeding may be instituted by the city 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 in pursuing and obtaining such relief. In addition to any other remedies authorized in law or equity, the city may seek an order specifically requiring:

- a. The elimination of illicit connections and/or non-stormwater discharges to the MS4;
- b. The discontinuance of practices, activities, or operations that lead to violations of this chapter;
- c. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- d. The implementation of source control or treatment through the use of best management practices;
- e. The performance of monitoring, analysis, and reporting.

(3) *Offsite remediation.* In place of fines, any person, partnership, or corporation found to have violated any of the provisions of this chapter may perform offsite stormwater and/or erosion control remediation to improve existing stormwater and/or erosion control problems elsewhere in the city. This option shall require the written agreement of the person, partnership, or corporation found to have violated the provisions of this chapter, the property owner of the offsite remediation site, and the city.

(d) *Stop work and abatement orders.* In the event that any person holding a zoning permit, building permit or approval under any regulation or ordinance of the city, violates the terms of this chapter or alters a site in such a manner as to adversely affect the public health, safety or welfare, the director or designated enforcement officer may issue a stop work and/or abatement order.

(Ord. of 12-15-08(2), § 26-4-1)

26-5—26-15 Reserved.

ARTICLE II. SEWERS, WASTEWATER AND POLLUTION CONTROL

26-16 Notice of sufficient capacity.

(a) The wastewater division shall issue a "notice of sufficient capacity" for each project it has determined can be handled by the appropriate treatment plant or sewer system.

(b) The city plumbing inspector shall issue no plumbing permit; the city health and safety administrator shall issue no certificate of occupancy; nor shall any wastewater permit or permit for sewer connection provided by this chapter be issued until a notice of sufficient capacity, signed by an authorized representative of the city, has been issued.

(c) A notice of sufficient capacity is valid for only twelve (12) months, unless the city determines that a project commencement has been delayed beyond that period for reasons beyond the control of the owner, such as Act 250 review.

(d) A notice of sufficient capacity shall not be granted to a project whose owner has a delinquent material and labor bill for water service installation or repair work at any property of that owner.

(e) The notice of sufficient capacity is not transferable to other projects.

- (f) Any person who violates any provision of this division shall be punished as provided in section 1-9 of this Code of Ordinances.

(Ord. of 12-15-08(2), § 26-2-1)

26-17—26-30 Reserved.

26-31 Adoption of wastewater disposal regulations.

When the City of Burlington becomes a "delegated municipality" pursuant to the State Wastewater System and Potable Water Supply Rules, Subchapter 7 - Delegation, the provisions of this division shall apply and all permits required under the state wastewater System and Potable Water Supply Rules shall be issued in accordance with the state's regulations and rules. For the purposes of the delegated state program, the only exceptions under the state rules that will be recognized by the city are those for projects that qualified for them before the date of delegation.

(Ord. of 12-15-08(2), § 26-2-2)

26-32 Applicability of regulations.

- (a) No individual subsurface sewage disposal system, no shared or community subsurface sewage disposal system, no connection to municipal sewer system, shall be built, altered, or used except in accordance with Article II of this chapter and any other applicable rules or regulations, and only after a permit has been issued by the director.
- (b) Where a municipal sanitary sewer is not available for connection from a building, and a sewage treatment facility involving an effluent to waters of the state is not available, the building sewer shall be connected to a subsurface sewage disposal system complying with the provisions of Article II of this chapter and any other applicable rules or regulations.
- (c) In the case of any other applicable regulations, bylaw, ordinance, or statute which differs from the requirements hereof, the more strict shall apply.

(Ord. of 12-15-08(2), § 26-2-3)

26-33 Performance standards.

The purpose of this regulatory system is to prevent health hazards and environmental damage caused by the improper treatment and disposal of wastewater. Wastewater

treatment and disposal systems, whether onsite individual systems or connections to the municipal system, shall be designed, constructed, and operated so as to:

- (a) Prevent the creation of health hazards;
- (b) Prevent surfacing sewage or the pollution or contamination of drinking water supplies, groundwater, and surface water;
- (c) Insure that facilities are designed and constructed in a manner which will promote sanitary and healthful conditions during operation and maintenance.

(Ord. of 12-15-08(2), § 26-2-4)

26-34 Procedure for application for permit.

- (a) The application requirements are specified in Section 1-302 of the state Environmental Protection Rules. The city shall provide an application form for wastewater permit requests.
- (b) No person shall design a wastewater system that requires a permit under this article without first obtaining a designer license from the state agency of natural resources.

(Ord. of 12-15-08(2), § 26-2-5)

26-35 Innovate/alternative systems and products.

Only those innovate/alternative systems and produces approved for use by the state agency of natural resources shall be eligible for use in the city.

(Ord. of 12-15-08(2), § 26-2-6)

26-36 Appeals.

Appeals in the case of issuance of a ticket under section 26-37 shall be governed by the provisions of 4 V.S.A. Chapter 29. All other appeals shall be governed by the following provisions:

- (a) An applicant that has been denied a permit or has been denied a portion of the initial request may appeal the director's decision to the public works commission within fifteen (15) days of the decision.
- (b) An interested party may request that the director revoke an approved permit under section 26-39

- (c) An interested party may request that the public works commission revoke an approved permit under section 26-39 if the party has first requested revocation under this section and is not satisfied with the ruling of the director.

(Ord. of 12-15-08(2), § 26-2-7)

26-37 Inspection.

No underground piping, connection to the municipal sewer system, septic tank, or leaching facilities shall be covered until they have been inspected and approved for covering by the director. No building requiring a wastewater permit under this article shall be occupied until such facilities have been certified by the director as being in compliance with this article. The director may waive the requirement for an inspection if written certification of compliance with the provisions of this article is provided by a state licensed professional engineer or site technician to the director.

(Ord. of 12-15-08(2), § 26-2-8)

26-38 Existing facilities.

Where a sewage system or connection to the municipal sewer system exists prior to the effective date of the ordinance from which this chapter derives, and the director determines that it is creating a health hazard or health nuisance, the director shall advise, in writing, the property owner of the inadequate condition and, when necessary, shall issue a written order for compliance with these regulations. The property owner shall subject a proposed modification to the system to the director for review and approval, in accordance with the application procedure outlined in this article.

(Ord. of 12-15-08(2), § 26-2-9)

26-39 Revocation of permits.

A wastewater permit may be revoked by the director for any of the following reasons:

- (a) False, fraudulent, or misleading information contained in the permit application.
- (b) Installation of an onsite system or connection to the municipal sewer system which does not comply with the conditions of the permit.
- (c) Alteration of the onsite system or connection to the municipal sewer system so that it does not comply with this article.

- (d) Information which shows that the proposed onsite system or connection to the municipal sewer system will not comply with this article.
- (e) Failure to comply with this article or any terms or conditions of permits issued under this article.

The director shall give the permit holder written notice of revocation of the permit within seventy-two (72) hours of revocation. All sewage disposal system work must cease immediately upon notification of revocation of permit. The revocation will be held as a contested case per 3 V.S.A. Chapter 25.

(Ord. of 12-15-08(2), § 26-2-10)

26-40 Violations.

Violations of the requirements of this article shall be pursued under the provisions of section 26-4.

(Ord. of 12-15-08(2), § 26-2-11)

26-41—26-50 Reserved.

26-51 Industrial user charges.

In situations where an applicable industrial user exists, there shall be established a user charge and industrial cost recovery in accordance with appropriate federal and state rules and regulations, pertaining to the cost associated with the use of the sewer system by said industrial user.

(Ord. of 12-15-08(2), § 26-2-12)

26-52 Nonindustrial user charges.

For the purpose of paying interest and principal on bonds of the city issued for wastewater purposes, as well as the expense of maintenance and operation of the wastewater division and the sewerage system, there is hereby levied and assessed upon each user a wastewater charge, payable as provided in this division.

(Ord. of 12-15-08(2), § 26-2-13)

26-53 Wastewater rates and fees; charges.

(a) Monthly wastewater rates and fees shall be in accordance with a schedule prescribed by the water division of the department of public works and approved by the city council in the city's budget or otherwise, and charges shall be categorized as follows:

(1) *Fixed charge.* Based on the size of the meter or meters.

a. A fixed meter charge may be temporarily waived in accordance with policies prescribed by the water division of the department of public works and as approved by city council as part of the water resources assistance program.

(2) *Volumetric charge.* Based on the customer classification and the volumetric usage of wastewater upon the premises as measured by the city water meter or as estimated where appropriate by the water division of the department of public works.

(Ord. of 12-15-08(2), § 26-2-14; Ord. of 5-24-21)

26-54 Minimum charge.

There may be a minimum monthly wastewater charge based upon a schedule prescribed by the water division of the department of public works and approved by the city council.

(Ord. of 12-15-08(2), § 26-2-15; Ord. of 5-24-21)

26-55 Determination of charges when city water not used.

In the event any user uses water from some other source than the city supply, so that all of the water used thereon is not measured by a city water meter, or by a meter acceptable to the director, then in each such case the director shall otherwise measure or determine the amount of water so used in order to determine the wastewater charge, as provided in this article, which shall in such event bear the same proportion to city water charges as in the case of metered premises, or the owner or other interested party may, at his own expense, install and maintain a meter acceptable to the director for said purpose.

(Ord. of 12-15-08(2), § 26-2-16)

26-56 Abatements; credits; refunds.

- (a) Abatements, credits, and refunds of wastewater rates, fees and charges shall be in accordance with policies prescribed by the water division of the department of public works and approved by the city council.
- (b) Any premises to which city water is supplied for manufacturing, commercial, or irrigation purposes, in such a manner that a substantial portion of the same is not returned to the city sewer system, shall be entitled, upon application therefore, to such abatement in the wastewater charge, as the director shall determine to be equitable under the circumstances. Any person dissatisfied with such determination by the director may apply first to the public works commission for an adjustment thereof, and thereafter to the city council whose decision shall be final.

(Ord. of 12-15-08(2), § 26-2-17; Ord. of 5-24-21)

26-57 When payments due.

The wastewater charges levied and assessed by this article shall be due and payable when rendered.

(Ord. of 12-15-08(2), § 26-2-18)

26-58 Penalty for late payment; disconnection.

- (a) A penalty of one (1) percent shall be added to any wastewater charge due where such charge remains unpaid every thirty (30) days following the date such charge was first rendered. Such charges shall be a lien upon the real estate furnished with service as provided in V.S.A. Title 24, § 3612.
- (b) At his discretion, the director where appropriate, may utilize the procedures provided for in V.S.A. § 5149 et seq., "Uniform Water and Sewer Disconnect Act," in accordance with the provisions therein, to disconnect the water service of a delinquent ratepayer.

(Ord. of 12-15-08(2), § 26-2-19)

26-59 To whom payments made.

Wastewater charges pursuant to this article shall be payable at the water division.

(Ord. of 12-15-08(2), § 26-2-20)

26-60 Use of proceeds.

The receipts of the wastewater division system shall constitute a separate fund, known as the wastewater division fund. All receipts shall be used and applied to pay the expense of operation and maintenance of the wastewater division and to pay the interest and principal of the water pollution control bonds of the city and capital improvement projects of the public works department wastewater division. The city chief financial officer shall periodically, when principal and interest on general obligation bonds are due and payable, transfer to the general fund of the city from said wastewater division fund a sum sufficient to meet the principal payments on such bonds falling due in that fiscal year, and to the general credit of the city a sum sufficient to meet interest payments on such bonds falling due in that fiscal year.

(Ord. of 12-15-08(2), § 26-2-21)

26-61—26-70 Reserved.

26-71 Use of public sewers generally.

(a) Every person owning or having the care of buildings abutting on a street in this city through which a sanitary or combined sewer has been or shall hereafter be constructed shall drain such buildings wastewater into the sanitary or combined sewer, at their own expense, provided that all connections into the public sewers be made under the direction of the director upon the written application of such person. The director shall supervise the making of all such connections.

(b) Every person owning or having the care of lands and buildings abutting on a street in this city through which a storm or combined sewer has been or shall hereafter be constructed shall drain stormwater from such land and buildings after treatment and/or attenuation into the storm or combined sewer or natural outlet, at his own expense, provided that all connections into the public sewers and natural outlets be made under the direction of the director upon the written application of such person and in accordance with the provisions of this chapter. The director shall supervise the making of all such connections.

(c) Express prohibitions.

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or objectionable waste.

(2) Except as provided herein, 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 wastewater.

(3) No person shall discharge, cause or permit to be discharged any stormwater, surface water, groundwater, foundation drains, roof runoff, subsurface drainage, cooling water, or industrial process waters to any sanitary sewer. This prohibition does not apply to the combined or separate storm sewers.

(4) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers or natural outlet:

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

b. Any waters 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 waste treatment process, constitute a hazard to humans, animals or property, create a public nuisance, or create any hazard, including fire or explosion, in the receiving waters of the wastewater treatment plant or wastes exerting an excessive chlorine requirement. The limiting concentrations of such substances that create hazards as aforesaid are subject to modification by the director as affected by applicable state or federal regulations or guidelines.

c. Any waters (except acidic rainfall) or wastes having a pH lower than five (5) or greater than nine and five tenths (9.5), or which due to its nature or content, becomes less than five (5) or greater than nine and five tenths (9.5) during transmission through the sewers, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities or treatment 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 wastewater facilities such as, but not limited to, animal waste, ashes, bones, cinders, sand, mud, sediment, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood or cellulose, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, either whole or ground by garbage grinders.

e. Radioactive materials of such half-life or concentration as may exceed limits established by the director of water pollution control in compliance with applicable state or federal regulations.

f. Wastewater that has or may cause an offensive odor or nuisance in the wastewater facilities and treatment works, and without limiting the generality of the foregoing, wastewater containing hydrogen sulfide, carbon disulfide, ammonia, trichloroethylene, sulfur dioxide, formaldehyde, chlorine, bromine, or pyridine.

g. Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).

h. Wastewater containing more than fifteen (15) milligrams per liter, whether emulsified or not, of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

i. Wastewater containing more than one hundred (100) mg/l of oil, fat and grease of animal and vegetable origin.

j. Wastewater containing floatable oils, fat or grease.

k. Wastewater containing pharmaceuticals or endocrine disrupters.

(d) The owner(s) of all houses or buildings, 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 sanitary or combined sewer of the city is hereby required, at the owner(s)' 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 article within ninety (90) days after date of official notice to do so, provided that said public sewer is within a reasonable distance of the property line as determined by the director.

(e) Stormwater and other unpolluted drainage may be discharged to a storm sewer or to a natural outlet as approved by the director when suitable treatment and/or attenuation has been provided in accordance with the provisions of this chapter. Stormwater and other unpolluted drainage may be allowed to be discharged to a combined sewer as approved by the director provided that it does not violate wastewater facility NPDES permit requirements. Industrial cooling or unpolluted process waters may be discharged to a storm sewer or natural outlet as approved by the director provided that these waters do not result in adverse undue thermal impacts to receiving waters.

(f) (1) The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance.

(2) The director may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming this opinion as to the acceptability, the director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors.

(3) The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewers which shall not be violated without approval of the director are as follows:

- a. Wastewater of which the BOD5 exceeds four hundred (400) milligrams per liter.
- b. Wastewater in which suspended solids exceed five hundred (500) milligrams per liter, or the organic content of such suspended solids or of dissolved solids is unusually small.
- c. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- d. Quantities of flow, concentrations, or both which constitute a slug as defined herein.
- e. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- f. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(g) 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 subsections (c)(4) and (f) above, and which in the judgment of the director may have a deleterious effect upon the wastewater facilities or treatment works, processes, equipment,

or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge.
- (4) If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director, and subject to the requirements of all applicable codes, ordinances, laws, and the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the owner.

(h) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing floatable 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 director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the director. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by qualified waste disposal firms.

(i) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his sole expense.

(j) When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the director. The structure shall be installed by the owner at his sole expense and shall be maintained by him so as to be safe and accessible at all times.

(k) All industries discharging into a public sewer shall perform such monitoring of their discharges as the director and/or other duly authorized employees of the city may

reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records, and reporting results of such monitoring to the director. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the secretary in accord with such permit. Such records of any monitoring shall be made available upon request by the director to the secretary or to other agencies having jurisdiction over discharges to the receiving waters.

The director shall require forty-five (45) days' prior notification by any person or persons of a proposed substantial change in volume or character of pollutants over that being discharged into the treatment works; a proposed new discharge into the treatment works of pollutants from any source which would be a new source as defined in the federal Water Pollution Control Act as amended, if such source were discharging pollutants; or a proposed new discharge into the treatment works of pollutants from any source which would be subject to the federal Water Pollution Control Act, as amended, if it were discharging such pollutants.

- (l) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article 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. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the director.
- (m) No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, to an extent fixed by agreement with the city under such conditions with respect to payment or otherwise as may be necessary to compensate for any additional costs of treatment; provided that such agreements do not contravene any requirements or existing federal laws and are compatible with any user charge and industrial cost recovery system in effect. Any such agreement shall be subject to the approval of the state department of environmental conservation.
- (n) No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the city health officer.
- (o) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director per Division 1 of this article. 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 director at least forty-five (45) days prior to the proposed change or connection.

- (p) Applications for a plumbing permit shall be filed with the department of public works and must be approved before any work commences. Fees associated with this permit are outlined in the permit application.
- (q) All costs and expenses incidental 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 the building sewer.
- (r) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
- (s) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director to meet all requirements of this article.
- (t) 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 requirements of the building and plumbing code or other applicable rules and regulations of the city.
- (u) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (v) The connection of any building sewer into the public sewer shall conform to the requirements of the building and plumbing code and all other applicable rules and regulations of the city. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the director before installation.
- (w) The applicant for any building sewer permit shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the inspector.
- (x) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parking and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city and consistent with the requirements of Chapter 27 of this Code.

26-72 Construction requirements for private drains connecting to sewers.

All private drains connecting with a public sewer shall be constructed of SDR 35 PVC pipe that meets or exceeds standard ASTM D2321 not less than four (4) inches in diameter or such other pipe as the director may approve, and all joints of such drains shall 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 (1/4) inch to two (2) feet; and all sewage drains shall be laid on an inclination or pitch of not less than one-quarter (1/4) inch to one (1) foot.

(Ord. of 12-15-08(2), § 26-2-23)

26-73 Private wastewater treatment.

(a) Where a public sanitary or combined sewer is not available under the provisions of section 26-71, the director may require that the building sewer shall be connected to a private wastewater treatment system complying with the provisions of this section and the requirements set forth in the latest edition of the Vermont Environmental Protection Rules.

(b) Before commencement of construction of a private wastewater treatment system the owner(s) shall first obtain a written permit signed by the director per Division 1 of this article. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information deemed necessary by the director.

(c) A permit for a private wastewater treatment system shall not become effective until the installation is completed to the satisfaction of the director. The director or his/her designee shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the director.

(d) The type, capacities, location, and layout of a private wastewater treatment system shall comply with all applicable regulations and guidelines of the State of Vermont. No septic tank shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private wastewater treatment system, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this article, and any septic tanks, cesspools, and similar

private wastewater facilities shall be cleaned of sludge and any supernatant liquid and filled with suitable material.

(f) The owner(s) shall operate and maintain the private wastewater treatment facilities in a sanitary manner at all times, at no expense to the city. Sludge, together with any supernatant liquid, shall be removed from private treatment systems only by operators qualified for such removal. If the operator wishes to dispose of the sludge within the city he may do so only at one of the treatment plants upon approval of the director and payment of a disposal charge, such charge to be determined by the director according to a schedule which he shall adopt and post at all treatment plants.

(g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(Ord. of 12-15-08(2), § 26-2-24)

26-74 Protection from damage.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities or treatment works.

(Ord. of 12-15-08(2), § 26-2-25)

26-75 Powers and authority of inspectors.

(a) The director 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 pertinent to discharge to the community system in accordance with the provisions of this article and may secure warrants from the applicable court having jurisdiction in cases where admission is refused.

(b) The director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(c) While performing the necessary work on private properties under this article the director or duly authorized employees of the city shall observe all safety rules applicable to the premises.

26-76 Wastewater permit fees.

Work done pursuant to the requirements of this article shall require the filing of a permit application and payment of a fifty dollar (\$50.00) fee to the director. No work shall be commenced until the permit shall have been received by the party submitting the application and the permit fee has been paid for connection to the public sewer. In the event of state delegation as referenced in Division 1 of this article, this permit fee shall not be required and only those fees allowed under the applicable state regulations and rules shall be assessed.

(Ord. of 12-15-08(2), § 26-2-27)

26-77—26-95 Reserved.

ARTICLE III. STORMWATER AND EROSION CONTROL

26-96 Applicability.

(a) Except as exempted under subsection (d) below, this article shall apply to all property within the City of Burlington, and shall apply specifically to:

- (1) Construction activities that include land disturbance activities and are subject to major impact, subdivision, and/or planned unit development zoning permit review as defined in the comprehensive development ordinance, and/or are subject to building permit or approval under any regulation or ordinance of the City of Burlington;
- (2) Any construction activity that include land disturbance activities of four hundred (400) square feet or more and are subject to zoning permit review other than noted in subsection (a) above and/or are subject to building permit or approval under any regulation or ordinance of the City of Burlington;
- (3) Any condition or activity, regardless of the amount of impervious surface or disturbed area proposed, where there exists any hydrological condition which may lead to offsite sediment runoff or other pollutant load to a public sewer or natural outlet.
- (4) Illegal discharges and/or connections into any premise, public or private property, driveway, parking area, street, alley, sidewalk, component of the MS4, CS, or public sewer.

- (b) All projects, conditions, and activities that are subject to this article must meet the minimum requirements of this article, and reserved.
- (c) All projects, conditions, and activities that are subject to this article shall be determined by the department of public works to be compliant with:
 - (1) The city's MS4 General Permit No. 3-9014, as issued and as amended by the State of Vermont;
 - (2) The city's combined sewer overflows and sewer ordinance conditions of and Final Discharge Permit No. 3-1331, 3-1247 and 3-1245, Part 1, Section F. Combined Sewer Overflows and Section I. Sewer Ordinance, as issued and as amended by the State of Vermont;
 - (3) Where applicable, the Vermont Stormwater Manual design requirements to the maximum extent practicable as determined by the director; and
- (d) The following projects, conditions and activities are exempt from this article:
 - (1) Any emergency activity that is immediately necessary for the protection of life, property or natural resources as determined by the department of public works.
 - (2) Any accepted agricultural or silvicultural practices as defined by the state secretary of agriculture, food and markets, or the state commissioner of forests, parks and recreation, respectively.
 - (3) Any athletic/sports facility commonly involving bare earth, such as baseball diamonds and volleyball courts.
 - (4) Bulk storage of landscaping materials such as topsoil, gravel, and mulch within compounds or bunkers for commercial or governmental use, so long as such storage does not directly result in offsite sedimentation.
- (e) The requirements of this article may be waived in whole or in part by the director at the department of public works on a case-by-case basis upon written request of the applicant, provided that it is demonstrated by the applicant that at least one (1) of the following conditions applies:
 - (1) Alternative measures for onsite and/or offsite management of erosion and stormwater have been proposed, and these measures comply with city ordinance(s) and permits; or

(2) It is otherwise demonstrated that the proposed development will not produce any significant change to the existing pre-application hydrology and will not contribute substantially to offsite sediment runoff or other pollutant loads resulting in little to no impact on stormwater quality.

(Ord. of 12-15-08(2), § 26-3-1)

26-97 Application requirements.

(a) Unless otherwise exempted or waived by this article, every zoning permit application involving major impact, subdivision, and/or planned unit development review per section 26-96(a)(1) shall be accompanied by the following, as applicable:

- (1) A written approval from the department of public works for discharge to or connection with public sewers;
- (2) An "erosion prevention and sediment control (ESPC) plan";
- (3) A "stormwater management plan"; and
- (4) A written determination from the department of Public Works that the project for which a permit is requested complies with the City's MS4 general permit, CS discharge permit and the Vermont Stormwater Manual design requirements.

(b) Unless otherwise exempted or waived by this article, every other project, condition or activity per section 26-96(a)(2) and (3) shall be accompanied by the following, as applicable:

- (1) A written approval from the department of public works for discharge to or connection with public sewers;
- (2) A completed small project erosion and sediment control plan approved in writing by the department of public works;
- (3) A "stormwater management plan"; and
- (4) A written determination from the department of public works that the project for which a permit is requested complies with the city's MS4 general permit, CS discharge permit and the Vermont Stormwater Manual design requirements.

(c) Prior to commencement of the project, condition, or activity, the applicant shall submit site plans and designs and any supporting documentation to the department of public works for review and approval. No project, condition, or activity shall commence until the department of public works has reviewed and issued a written approval.

- (d) The city shall prescribe the form(s) and information that shall be submitted to determine compliance with this article, with sufficient copies for necessary referrals and records.

(Ord. of 12-15-08(2), § 26-3-2)

26-98 Responsibilities.

- (a) The department of public works, in consultation with the department of planning and zoning, shall administer and implement the provisions of this article. The code enforcement office shall enforce the provisions of this article in the event of a violation.
- (b) The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore this article 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.

(Ord. of 12-15-08(2), § 26-3-3)

26-99—26-110 Reserved.

26-111 Applicability.

This division applies to all properties within the jurisdictional area of this chapter, unless specifically exempted by section 26-113.

(Ord. of 12-15-08(2), § 26-3-4)

26-112 Prohibitions.

- (a) *Illicit connections.*

- (1) 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, CS or public sewer, or any surface water of the City of Burlington, any object or material, including but not limited to: water, 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, CS or public sewer. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

(2) The construction, use, maintenance or continued existence of illicit connections to the MS4, CS or public sewer is prohibited.

(3) 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.

(b) *Illegal discharges.*

(1) 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 without first receiving written authorization from the director upon a determination that such discharge is in compliance with this division and other applicable city ordinances, regulations or permits.

(2) No person shall discharge or cause to be discharged into the CS and/or public sewer without first receiving written authorization from the director upon a determination that such discharge is in compliance with the city's Final Discharge Permit No. 3-1331, 3-1247 and 3-1245, Part 1, Section F. Combined Sewer Overflows and Section I. Sewer Ordinance as issued and as amended by the State of Vermont; and the provisions of the City of Burlington Ordinances.

(Ord. of 12-15-08(2), § 26-3-5)

26-113 Exemptions.

The commencement or continuance of any illegal discharge to the MS4, and/or surface or groundwater, CS or public sewer 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 groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pool draining (if dechlorinated, typically less than one (1) PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

(b) Discharges specified in writing by the director of the department of public works as being necessary to protect public health and safety.

- (c) Dye testing is an allowable discharge, but requires a verbal notification to the department of public works prior to the time of the test.
- (d) The prohibition shall not apply to any stormwater or non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal 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 department of public works.
- (e) Discharges specifically allowed and not prohibited under the city's Final Discharge Permit No. 3-1331, 3-1247 and 3-1245, as issued and as amended by the State of Vermont; and
- (f) Discharges specifically allowed and not prohibited under section 26-71

(Ord. of 12-15-08(2), § 26-3-6)

26-114 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 director prior to the allowing of discharges to the MS4.

(Ord. of 12-15-08(2), § 26-3-7)

26-115 Monitoring of discharges.

This section applies to all premises that have stormwater discharges associated with industrial activity, construction activity, and post-construction (operational) stormwater management.

- (a) The department of public works shall be permitted to enter and inspect any premises subject to regulation under this division as often as may be necessary to determine compliance with this division. If a person has security measures in force which require proper identification and clearance before entry into its premises, the person shall make the necessary arrangements to allow access to representatives of the department of public works.

- (b) A person shall allow the department of public works 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, a Vermont post-construction (operational) stormwater management permit, a zoning permit, a building permit or approval under any regulation or ordinance of the City of Burlington to discharge stormwater, and the performance of any additional duties as defined by state and federal law. All monitoring data shall be recorded in the associated permit/approval files and entered into the city's permitting system.
- (c) The department of public works shall have the right to set up on any permitted premises such devices as are necessary in the opinion of the director to conduct monitoring and/or sampling of the premises stormwater discharge.
- (d) The director has the right 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 premises shall demonstrate calibration techniques and satisfactory operation of the devices to the department of public works 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 department of public works and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator of the premises.
- (f) Unreasonable delays in allowing the department of public works access to permitted premises are a violation of this division. A person who is the operator of a premise with a NPDES permit to discharge stormwater associated with industrial activity or construction activity, a state post-construction (operational) stormwater management permit, a zoning permit, a building permit or approval under any regulation or ordinance of the city commits an offense if the person denies the department of public works reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this division.
- (g) If the department of public works has 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 division, 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 division or any order issued hereunder, or to

protect the overall public health, safety, and welfare of the community, then the director may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. of 12-15-08(2), § 26-3-8)

26-116 Control, prevention and reduction of stormwater pollutants.

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, and/or surface or groundwater, CS or public sewer through the use of structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illegal discharge and/or illicit connection, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4, and/or surface or groundwater, CS or public sewer. Compliance with all terms and conditions of a valid NPDES or MSGP permit, a state post-construction (operational) stormwater management permit, a zoning permit, a building permit or approval under any regulation or ordinance of the city authorizing the discharge of stormwater, shall be deemed to be in compliance with the provisions of this section.

(Ord. of 12-15-08(2), § 26-3-9)

26-117 Notification of spills.

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, and/or surface or groundwater, CS or public sewer, 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 nonhazardous materials, said person shall notify the department of public works either in person, by phone, or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the department of public works within three (3) business days of the phone notice.

If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an onsite 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 (3) years.

(Ord. of 12-15-08(2), § 26-3-10)

26-118—26-130 Reserved.

26-131 Applicability of erosion prevention and sediment control.

This division applies to all properties within the jurisdictional area of this chapter, unless specifically exempted or waived by section 26-134.

(Ord. of 12-15-08(2), § 26-3-11)

26-132 Prohibitions.

No person subject to this article as defined by section 26-96, shall cause, allow or permit the discharge and/or release of any sediment or other pollutant created by soil erosion to a public sewer or natural outlet unless such discharge and/or release is incidental to the implementation of an approved EPSC plan under this division.

(Ord. of 12-15-08(2), § 26-3-12)

26-133 Permits.

Except as exempted or waived per section 26-134, no person shall be granted a zoning permit, building permit, excavation permit or any other approval for any project, condition or land disturbance activity regulated under this article without the written approval of an erosion prevention and sediment control plan by the department of public works.

(Ord. of 12-15-08(2), § 26-3-13)

26-134 Exemptions and waivers.

The discharge and/or release of any sediment from land disturbance activities subject to this division is prohibited except exempted or waived by section 26-96(d) or (e).

(Ord. of 12-15-08(2), § 26-3-14)

26-135 Erosion prevention and sediment control requirements.

(a) *Design requirements.* All erosion prevention practices, sediment control practices, waterway and watercourse protection practices and construction site access practices shall meet the design criteria set forth in the Vermont Standards & Specifications for Erosion Prevention & Sediment Control, 2006, and as amended, City of Burlington, Department of Public Works Public Sewer, Stormwater and Erosion Control Specifications, Standards and Management Practices Design Manual, latest version, and the Burlington Comprehensive Development Ordinance, latest version, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of department of public works. In the event of conflicting design criteria within these standards, the stricter shall prevail.

(b) *General performance criteria for erosion prevention and sediment control.* The following are required performance criteria:

- (1) Prevent erosion and the transport of sediment off lot, onto the public streets and sidewalks, into the municipal stormwater system, and/or waters of the state. Earthen material hauled offsite by way of a dump truck or similar method does not constitute erosion or sedimentation;
- (2) Prevent parking of any construction or construction related vehicles on city owned green space. Damage to green space shall be immediately addressed;
- (3) Take any and all steps necessary to abate erosion and to clean up all resulting sediment deposited, discharged or found to exist off lot, on city streets and sidewalks, and/or in the city stormwater system;
- (4) Maintain project erosion prevention and sediment control devices/measures and perform requisite cleanup of resulting sedimentation. This may include, but is not limited to, daily sweeping of streets and sidewalks and cleaning city stormwater catch basins;
- (5) Specify appropriate seed and fertilizer applications that are ecologically sound and site specific;
- (6) Specify an appropriate mulch when and where needed and adequate anchoring measures to prevent mulch from being blown away;
- (7) Specify an effective grass re-vegetation program. Turf replacement is recommended in areas where re-vegetation of grass proves difficult with seeding and mulch. To reestablish all existing and proposed green space and, where practical, consider porous (permeable) pavers and associated permeable subsurface;

(8) Engage the contractor to be proactive in planning and executing construction phase activities with the goal of preventing erosion and controlling sediment;

(9) Identify the parties to the EPSC plan and clearly define their respective roles and responsibilities including, but not limited to, the contractor, the onsite erosion coordinator, those responsible for project adherence to the EPSC, and those participating in inspections and acceptance of final site stabilization; and

(10) Define the overall strategy for the EPSC plan by:

- a. Limiting actual disturbance area and time of disturbance;
- b. Employing proper site stabilization (addressing soil preparation for final seeding and landscaping, seed, pesticide/herbicide use, and mulch);
- c. Specifying stone and/or grass swale lining where appropriate;
- d. Specifying when and where necessary to employ erosion control blankets or mats;
- e. Specifying locations for silt fence and construction barrier fence; and
- f. Specifying catch basin inlet protection during construction, cleanup and maintenance and post-construction (operational) system operation and maintenance.

(11) Prior to and during construction, erosion control measures shall be installed and maintained in accordance with EPSC plan established with this permit approval. At a minimum, the project EPSC plan shall:

- a. Identify the contractor who is responsible for installing, implementing, and maintaining the EPSC plan and measures;
- b. Identify the onsite contractor who is responsible for the day-to-day monitoring, oversight, and inspections required in the EPSC plan;
- c. Assure that any amendments to the project EPSC plan are filed with the department of public works and the department of planning and zoning;
- d. Provide that the erosion control measures remain in place until vegetation has become established on all disturbed surfaces and clearly identify under what conditions final site stabilization has occurred; and,

- e. Provide a process whereby the department of public works and/or the department of planning and zoning participate in the final site stabilization program.
- (c) *Major impact, subdivision, and/or planned unit development projects.*
- (1) Each EPSC plan shall address:
- a. *Construction access route.* Construction activities and land disturbing activities subject to the provisions of this division shall require the installation of at least one (1) stabilized temporary construction access. Construction site access routes regulated under this division shall be clearly delineated of the project site plans and subject to approval by the department of public works.
- b. *Winter site stabilization.* All land disturbance activity where practical shall be scheduled for completion no later than October 15 and temporary site stabilization achieved no later than October 15. By the end of the growing season, perennial cover shall be established (seed and mulch to be applied by October 1) and non-vegetated protection measures shall be installed by October 15 and continuously thereafter if land disturbance activities occur after the growing season. In the event land disturbance activities are planned to occur between the dates of October 15 and April 15, approval for such work may be granted by the department of public works, following the submittal and approval of a winter construction erosion control plan consistent with the Vermont Standards & Specifications for Erosion Prevention & Sediment Control, 2006, and as amended.
- c. *Temporary site stabilization.* Soil may be exposed for a maximum of forty-eight (48) hours. All denuded and disturbed areas must receive temporary stabilization in conformance with this section by implementing soil covering BMPs such as, but not limited to; mulching, straw matting, plastic covering, sodding, etc. Construction and land disturbance activities shall be planned and sequenced to limit the amount of exposed area and to avoid occurring during rainy periods. Clearing limits shall be clearly marked onsite and kept as small as possible.
- d. *Protection of adjacent properties.* All sediment from land disturbing activities shall be kept on site through the use of cover practice BMPs, structural BMPs and other appropriate construction management measures. Where possible, a vegetative buffer strip shall be preserved and maintained around the site boundary. All soil stock piles on site shall be placed as far as possible from any and all drainage ways including storm drains systems and roadside ditches and swales. All soil stockpiles on site shall be placed within the development envelope and outside of any natural area buffers (wetlands, riparian, etc.) All soil piles on site shall also be

covered with mulch, plastic or some other suitable cover practice BMP until the soil is either used or removed from the site. Silt fencing and/or other perimeter controls shall be implemented to inhibit offsite sediment transport. Where possible, a vegetated buffer strip shall be maintained in front of silt fence or its equivalent.

e. *Maintenance.* All construction access routes, cover practice BMPs and structural BMPs shall be inspected weekly, and immediately following each rain event causing runoff to ensure they are functioning properly. Any maintenance that is required to ensure the proper operation and performance of these BMPs shall be completed immediately.

f. *Landscaping and final stabilization requirements.* Any area of land for which the natural vegetative cover has been either partially or wholly cleared or removed by land disturbance activities subject to this division shall be revegetated within twenty-one (21) days from initial disturbance for such clearing and construction. Additionally, the following requirements apply until such time as final site stabilization has been achieved:

1. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety (90) percent of the seeded area.
2. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
3. Any area of revegetation must exhibit survival of a minimum of seventy-five (75) percent of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five (75) percent survival for one (1) year is achieved.
4. Any and all accumulated sediments transported off site and deposited onto city streets, and sidewalks shall be routinely and frequently swept up and properly disposed of so as to prevent their discharge into stormwater and/or the city's public sewer.

(2) Plan requirements. The erosion prevention and sediment control plan shall be prepared by or under the direction of a licensed professional engineer, a certified professional in erosion and sediment control (CPESC), or a certified inspector in erosion and sediment control (CIESC) and demonstrate conformance to the erosion and

sediment control requirements and criteria contained in subsection (c) of this section. All erosion and sediment control devices must be installed and stabilized before the start of construction. The erosion prevention and sediment control plan shall contain both narrative and map(s) that clearly provide the following information:

- a. Contact information. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.
- b. General description. A general description of the project including a map identifying the location of the property and parcel boundaries.
- c. Natural resources. A map of existing onsite natural resources including soil type (including porosity and erodibility factor (k-factor) if available), types and location of vegetative covering, natural drainage ways, brooks, streams, ponds, wetlands and other surface waters (including intermittent streams) and associated buffer zones, including any surface waters within three hundred (300) feet from the site.
- d. Grading plan. A grading plan at a minimum scale of one (1) inch = forty (40) feet. The grading plan shall include existing and proposed contours at maximum intervals of five (5) feet. The grading plan shall also include the location of the temporary construction entrance and any soil stockpiles that will be maintained on the site.
- e. Infrastructure. A map identifying existing infrastructure both on and adjacent to the site, including roads, driveways, culverts, drainage structures, roadside ditches, etc.
- f. BMPs. A description of each of the best management practices to be used on the site, and a map identifying the locations where each of the best management practices will be installed and maintained.
- g. Maintenance schedule for each BMP.

(d) *All other projects, conditions, or activities.* The erosion prevention and sedimentation control plan shall consist of a completed small project erosion prevention and sediment control form and shall:

- (1) Indicate disturbance limits and the protection of existing vegetation that is to be preserved;
- (2) Depict clearing and grading limits, which shall be kept to the minimum practicable;

- (3) Address diverting the flow of runoff away from cleared and graded areas;
- (4) Address temporary and permanent stabilization of the site;
- (5) Address the protection of any channels or drainage courses that may become enlarged or destabilized from erosion;
- (6) Address the protection of any stormwater catch basin that may receive stormwater from the site during and after construction, and
- (7) Indicate the best management practices that shall be implemented consistent with achieving the general performance criteria of subsection (c).

(Ord. of 12-15-08(2), § 26-3-15)

26-136 Review and approval.

The department of public works will review each erosion prevention and sediment control plan to determine its conformance with the provisions of this regulation, unless such review is explicitly exempted within this article. Within thirty (30) days after receiving a complete plan and application, the department of public works, shall in writing:

- (a) Approve the plan;
- (b) Approve the plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this division, and require that the issuance of the zoning and/or building permit be subject to these conditions; or
- (c) Disapprove the plan, indicating the reason(s) and procedure for submitting a revised plan.

(Ord. of 12-15-08(2), § 26-3-16)

26-137 Access to land disturbance activities.

The department of public works shall be permitted to enter and inspect any land disturbance activities subject to regulation under this division as often as may be necessary to determine compliance with this division.

(Ord. of 12-15-08(2), § 26-3-17)

26-138 Inspection requirements.

(a) Except as provided for in subsection (c) below, the department of public works shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the erosion prevention and sediment control plan as approved. To obtain inspections, the applicant or their agent shall notify the department of public works at least two (2) working days before the following:

- (1) Start of construction.
- (2) Installation of sediment and erosion control measures.
- (3) Completion of site clearing.
- (4) Completion of rough grading.
- (5) Completion of final grading and close of construction season.
- (6) Completion of final landscaping.

(b) Major impact, subdivision, and/or planned unit development projects will generally require separate site visits for each of the foregoing items (1)—(6). All other projects, conditions, or activities may entail consolidated site visits for two (2) or more of the foregoing items depending on the size of the project, condition, or activity.

(c) For major impact, subdivision, and/or planned unit development projects, the department of public works may allow or require that the applicant or their agent provide a written certification from a professionally licensed engineer, a certified professional in erosion and sediment control (CPESC), or a certified inspector in erosion and sediment control (CIESC) certifying compliance to the erosion prevention and sediment control plan as approved.

(d) For all other projects, activities, or conditions, inspections shall be conducted by the department of public works as noted in this section.

(e) In any event, the applicant or their agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion prevention and sediment control plan.

(Ord. of 12-15-08(2), § 26-3-18)

26-139—26-150 Reserved.

26-151 Applicability.

This division applies to all properties within the jurisdictional area of this chapter, unless specifically exempted or waived by section 26-154.

(Ord. of 12-15-08(2), § 26-3-19; Ord. of 3-22-10(2))

26-152 Prohibitions.

No person subject to this article as defined by section 26-96, shall cause, allow or permit the discharge, connection and/or release of stormwater runoff to a public sewer or natural outlet unless such discharge, connection and/or release is incidental to the implementation of an approved stormwater management plan under this division.

(Ord. of 12-15-08(2), § 26-3-20)

26-153 Permits.

Unless exempted under section 26-96(d), no person shall be granted a zoning permit, building permit, excavation permit or any other approval for any project, condition or land disturbance activity regulated under this division without the written approval of a stormwater management plan by the department of public works.

(Ord. of 12-15-08(2), § 26-3-21)

26-154 Exemptions and waivers.

The discharge, connection and/or release of stormwater from any project, condition or land disturbance activity regulated under this article is prohibited except as provided in section 26-96(d) or (e).

(Ord. of 12-15-08(2), § 26-3-22; Ord. of 3-22-10(2))

26-155 Stormwater manual.

The stormwater manual as referenced in this article refers to the technical analysis and design standards specified in the Vermont Stormwater Manual (Volumes I and II), latest revision and to the City of Burlington, Department of Public Works Stormwater and Erosion Control Specifications, Standards and Management Practices Design Manual.

26-156 Stormwater treatment standards and treatment practice design criteria.

The following stormwater treatment standards may apply to those projects, conditions and activities regulated under this division and where applicable, shall be applied as required and outlined in the Vermont Stormwater Manual, (Volumes I and II), latest revision, to the maximum extent practicable as determined by the director of the department of public works.

- (1) Water quality treatment standards.
- (2) Channel protection treatment standards.
- (3) Groundwater recharge treatment standards.
- (4) Over bank flood protection treatment standards.
- (5) Extreme flood protection treatment standards and, where applicable,
- (6) Hydraulic capacity standard. In instances where discharges, connections and/or releases of stormwater are to city public sewers, infrastructure, and/or facilities, the applicant must make demonstration to the satisfaction of the director at the department of public works that the public sewer, infrastructure and/or facility has the hydraulic capacity to accommodate the anticipated stormwater runoff flows and volumes without burdening or creating an adverse impact on such infrastructure and facilities. If the hydraulic capacity analyses shows city infrastructure will be exceeded and/or burdened, the applicant may seek to mitigate such impacts through flow reduction, retention, detention, infiltration and/or water re-use stormwater management practices upon the approval of the director on a case-by-case basis.

26-157 Use of alternative stormwater management practices.

The city recognizes that in some instances the ability to strictly meet the requirements of section 26-156, stormwater treatment standards and treatment practice design criteria, may not be possible, feasible or desired in an urban landscape. As such the city encourages the use of alternative management practices and technologies as a way to both satisfy the requirements of this division, to give flexibility to design and to encourage green Infrastructure (green), best management practices (BMP), low impact design (LID) or other

innovative practices that in the opinion of the department of public works satisfies the requirements of this division. Such practices include but are not limited to, green roofs, alternative detention practices, water reuse, including stormwater use, infiltration practices, including pervious and porous pavements and pavers. See Burlington's Guidelines for Stormwater Pollutant Reduction, September 1999 and as may be amended and EPA "Managing Wet Weather with Green Infrastructure Action Strategy", January 2008, and as amended.

Persons subject to this division may utilize alternative stormwater management practices as a means of meeting the standards established in section 26-156. Persons seeking to employ any alternative practice must provide descriptions and standard details as well as a make a demonstration that such alternative practice meets or exceeds the standards of section 26-156, that the standards of section 26-156 are not applicable, and/or the alternative practice mitigates the impact that section 26-156 seeks to address, subject to the department of public works for review and approval. A maintenance and a installation guide shall also be provided to ensure the materials are properly installed. When considering any alternative stormwater management practice, the department of public works will evaluate and determine if such practice is consistent with the city MS4, CSO and use of public sewers permits and ordinances, including this chapter. Where such management practices are found to be consistent with or likely not to compromise the city MS4, CSO and use of public sewers permits and ordinances, the department of public works may grant their use on a case-by-case basis.

(Ord. of 12-15-08(2), § 26-3-25)

26-158 Stormwater management plan.

(a) *Review and approval.* The department of public works will review each stormwater management plan to determine its conformance with the provisions of this division, unless such review is explicitly exempted within this division. Within thirty (30) days after receiving a complete plan and application, the department of public works 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 division, and require that the issuance of the zoning permit and/or building permit be subject to these conditions; or
- (3) Disapprove the plan, indicating the reason(s) and procedure for submitting a revised plan.

(b) *Plan requirements.* The stormwater management plan shall be prepared and signed by a licensed, professional engineer who shall verify and demonstrate conformance to the applicable water quality treatment standards and stormwater management design criteria contained in this division. The stormwater management plan shall contain both narrative and map(s) that clearly provide the following information:

- (1) *Contact information.* The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected and similar information on the persons charged with the responsibility of constructing, maintaining and managing such stormwater systems.
- (2) *Site plan.* A map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The map will also clearly show proposed land use with tabulation of total lot size in acres, percentage of surface areas to be disturbed, percentage of existing and proposed impervious surfaces, drainage patterns, locations of utilities, limits of clearing and grading, and all easements, including those easements necessary for required maintenance of all stormwater treatment practices.
- (3) *Base map.* A one (1) inch = two hundred (200) feet topographic base map of the site which extends a minimum of three hundred (300) feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands, including associated buffer zones, and current land use including all existing buildings, utilities, roads, and significant natural and manmade features not otherwise shown.
- (4) *Calculations.* Sufficient engineering analysis to show that the proposed stormwater treatment practices are capable of controlling runoff from the site in compliance with this division and the Vermont Stormwater Manual. The analysis shall also include hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the department of public works design manual with specific emphasis on demonstrating how post-development flows are maintained for discharges to the MS4 and/or where applicable demonstrating how post-development flows are detained for discharges to the CS.
- (5) *Soils report.* A soils report that addresses the hydrologic properties of onsite soils shall be submitted. The soils report and accompanying information shall be based on the VSMM (latest edition) or the Underground Injection Control Rule, Chapter 11 (latest edition) which ever is applicable.

(6) *Operation maintenance and repair plan.* The design and planning of all stormwater management facilities shall include detailed operation maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that needs to be maintained. The operation and maintenance and repair plan shall also include:

- a. *A landscape plan.* The applicant must present a detailed plan for the management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetation cover is preserved.
- b. *Maintenance easements.* Prior to the issuance of any permit that has a stormwater management facility as a requirement, the applicant or owner of the site must execute a maintenance easement that shall be binding on all subsequent owners of land served by the stormwater management facility. The purpose of the maintenance easement shall be to allow access to the stormwater management facility to perform maintenance as required by the maintenance agreement noted in subsection c. below. The easement shall provide for access to the facility at reasonable times for periodic inspection by the city, or its contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this section. The property owner shall record such easement, in a form and format approved by the city attorney, in the city land records with the city clerk's office.
- c. *Maintenance agreement.* The applicant must execute a maintenance agreement binding on all subsequent owners of land served by an onsite stormwater management measure. The maintenance agreement shall be recorded in the land records before the issuance of a building permit and shall specify the required maintenance for all stormwater treatment practices, along with a maintenance schedule specifying when and how often maintenance is performed on the stormwater treatment practices and a demonstrated financial ability to perform such maintenance. Such agreement shall be in a form and format approved by the city attorney, and be filed in the city land records. The owner is responsible for maintenance of stormwater management facilities; however, the city may accept dedication of existing or future stormwater management facilities for public maintenance and inspection.
- d. *Maintenance inspections.* All stormwater management facilities must be inspected by the department of public works no less than once annually to identify maintenance and repair needs and to ensure compliance with the requirements of

this division. Any identified maintenance and/or repair needs found must be promptly addressed by the responsible party. The inspection and maintenance requirement may be increased as deemed necessary by the city to ensure proper functioning of the stormwater management facility.

e. *Records of installation and maintenance activities.* Parties responsible for the inspection, operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five (5) years. These records shall be made available to the director upon request and/or as specifically outlined in the maintenance covenant.

f. *Failure to maintain practices.* If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the city, after proper notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition and/or shall handle the matter as a violation per section 26-4, penalties and enforcement.

(7) *Landscaping and stabilization requirements.* Any area of land for which the natural vegetative cover has been either partially or wholly cleared or removed by land disturbance activities subject to this division shall be revegetated within ten (10) business days from the substantial completion of such clearing and construction. Additionally, the following requirements apply until such time as final site stabilization has been achieved:

a. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety (90) percent of the seeded area.

b. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

c. Any area of revegetation must exhibit survival of a minimum of seventy-five (75) percent of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five (75) percent survival for one (1) year is achieved.

d. Any and all accumulated sediments transported offsite and deposited onto city streets, and sidewalks shall be routinely and frequently swept up to prevent their discharge into stormwater and/or the city's public sewer.

26-159 Access to stormwater treatment practices.

The department of public works shall be permitted to enter and inspect any land or premises where stormwater treatment practices are being, or have been constructed subject to regulation under this division as often as may be necessary to determine compliance with this division.

(Ord. of 12-15-08(2), § 26-3-27)

26-160 City inspections during installation and construction.

The applicant must notify the department of public works or their designee in advance before the start of construction and/or installation of any stormwater management system to alert the department of public works so they may arrange to make regular inspections of the construction of stormwater treatment practices and/or connections to any city infrastructure. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions and shall be subject to the enforcement provision of section 26-4. No additional work shall proceed until any violations are corrected and all work previously completed has received approval from the department of public works.

In lieu of the requirements outlined in this section, the department of public works at their discretion may allow or require that the applicant or their agent provide a written certification from a professionally licensed engineer certifying compliance to the stormwater management plan as approved.

(Ord. of 12-15-08(2), § 26-3-28)

26-161—26-170 Reserved.

26-171 Establishment of stormwater user fees.

- (a) A user fee based on an impervious surface unit (ISU) shall be imposed on every owner of non-exempt developed property within the city. An ISU shall equal one thousand (1,000) square feet.
- (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 monthly rate for each ISU. The monthly user fee for a specific property is determined by multiplying the ISU rate times the number of ISUs on the property.

(d) The only exempt properties under this division are those included within the limits of a railroad track right-of-way (property on which railroad stations, maintenance buildings, or other developed land used for railroad purposes is located shall not be exempt) and those included within the limits of a public road right-of-way.

(Ord. of 12-15-08(2), § 26-3-29)

26-172 Establishment of ISUs.

(a) The following residential property types shall be allocated ISUs based on the group averages and shall be charged a monthly flat fee based on the group average.

- (1) Detached single-family home (not including mobile home) = 2.67 ISUs.
- (2) Two-unit home = 2.65 ISUs.
- (3) Three-unit home = 3.06 ISUs.

(b) The ISUs allocated to all other property types shall be determined as follows:

(1) The amount of impervious surface on each parcel shall be calculated in square feet. That total shall be converted to ISUs for every one thousand (1,000) square feet and rounded to the nearest hundred (i.e. a commercial property with four thousand seven hundred eighty (4,780) square feet would have 4.78 ISUs).

(2) The user fee would be based on the number of ISUs (i.e. commercial property with 4.78 ISUs would pay the monthly user fee times 4.78).

(3) Owners of property subject to this subsection shall have the right to contest, in writing to the director, the number of ISUs allocated to their property. In such event, an onsite inspection and calculation of impervious surface shall be conducted jointly by the property owner (or representative) and the director to determine the number of ISUs. Such determination shall be made by the director, and such decision may be appealed to the public works commission within fifteen (15) days of the determination.

(Ord. of 12-15-08(2), § 26-3-30)

26-173 Credits.

- (a) Institutional properties with impervious surface within a publicly owned nontraditional separate MS4 system shall receive a credit on their stormwater user fee. This credit applies only to impervious surfaces within the boundaries of the publicly owned non-traditional separate MS4 system.
- (b) Properties not subject to a flat fee may be eligible for a credit on their stormwater user fee. Credits shall be available to properties that reduce the volume, or improve the water quality, of stormwater runoff. The degree of credit shall be based on the degree of reduction in stormwater runoff volume and/or the degree of water quality improvement of stormwater runoff. No credit shall exceed fifty (50) percent of the stormwater user fee, and in no event shall any credit result in a stormwater user fee below the flat fee for a single -family home. Credits shall be reviewed and assessed by the director based on the rules and procedures contained in the Stormwater User Fee Credit Manual. Any award of credit shall be conditioned on continuing compliance with the city's design and performance standards as stated in the manual and/or upon continuing provision of the systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The director may revoke a credit at any time for noncompliance by providing thirty (30) days written notice of a noncomplying condition and intent to revoke the credit to the property owner. If the noncompliance is not cured within the thirty (30) day period, the director shall eliminate the credit. A property owner may appeal the director's determination regarding credit revocation to the public works commission within fifteen (15) days of the determination.

(Ord. of 12-15-08(2), § 26-3-31)

26-174 Expenditures.

The user fees, as well as any secondary sources of revenue, shall be used to fund the city's efforts to manage stormwater. Acceptable expenditures include, but are not limited to, capital construction, maintenance and operations, engineering and planning, regulation and enforcement, water quality programs, special services, administration and management, coverage requirements, reserve funds, and miscellaneous overhead costs.

(Ord. of 12-15-08(2), § 26-3-32)

Chapter 27

STREETS AND SIDEWALKS¹

Article I. In General

- 27-1 "Street" defined.**
- 27-2 Enclosing highway; erecting fence or encroachment; nuisance.**
- 27-3 Barbed wire fence or railing prohibited.**
- 27-4 Unnecessary interference with use of sidewalk.**
- 27-5 Parades and street events.**
- 27-6 Authority to close streets for parades and street events.**
- 27-7 Disturbing monuments or markers prohibited.**
- 27-8 Sprinkling salt in street.**
- 27-9 Playing games in street, marketplace or public park.**
- 27-10 Injuring guidepost, guideboard, lamp, light, building, fence, post or sign in street, highway or public place.**
- 27-11 Wetting sidewalk; encumbering with hose.**
- 27-12 Books containing surveys, maps or profiles adopted as public records.**
- 27-13 Street grades not to be altered without notice.**
- 27-14 Sidewalks, curbs and gutters to conform to specifications.**
- 27-15 Cost of street improvements.**
- 27-16 Curbing and guttering.**
- 27-17 Vehicles on sidewalks.**
- 27-18 Operation of non-motorized vehicles.**
- 27-19 Use of non-motorized vehicles on the public right-of-way.**
- 27-20 Establishment of pedestrian way on Church Street Marketplace.**
- 27-21 Penalty.**
- 27-22—27-28. Reserved.

Article II. Excavations and Obstructions

Division 1. Permits

27-29 Permit required.

27-30 Contents of permit for excavation; fee.

27-31 Obstructing street or sidewalk prohibited; exception.

27-32 Time limit for permit to obstruct street or sidewalk; fee.

27-33 Obstructing metered parking spaces prohibited; exception.

27-34 Permits for curb cuts required.

27-35 Cuts to conform with requirements.

27-36 Replacement of curbing.

27-37 Penalties; suspension; revocation.

27-38 Newsracks; placement and registration.

27-39 Public health emergencies; temporary suspension of obstruction requirements to accommodate economic stability.

27-40—27-45. Reserved.

Division 2. Generally

27-46 Protective measures.

27-47 Method of excavation.

27-48 Refilling excavation.

27-49 Resurfacing; defects.

27-50 Restoration of right-of-way.

27-51 Cost reimbursement.

27-52 Disclaimer.

27-53—27-62. Reserved.

Article III. Projections Over Streets and Sidewalks

27-63 Permit required for awnings, shades, flags and banners.**27-64 Reserved.****27-65 Reserved.****27-66 Reserved.****27-67 Projections to be supported from above.****27-68 Height of projections above sidewalk.**

27-69—27-83. Reserved.

Article IV. Snow and Ice Removal**27-84 Throwing snow into street prohibited.****27-85 Roof guards required.****27-86 Removal of snow required.****27-87 Removal of snow upon occupant's failure to do so; costs to be assessed.****27-88 Notification of violations.**

27-89—27-99. Reserved.

Article V. Address Numbering and Street Naming**27-100 Enhanced 911 coordinator appointment.****27-101 Authority to name and number.****27-102 Duty to affix numbers.****27-103 Form, size, material and manner of affixing numbers.****27-104 Method of numbering.****27-105 Vanity address prohibition.****27-106 Penalties.****27-107 Variance from article permitted.**

27-108 Appeals.

27-109—27-118. Reserved.

Article VI. Street Franchise Fees**27-119 Title.****27-120 Definitions.****27-121 Grant of franchise; express agreements.****27-122 Franchise fees.****27-123 Term of franchise; reservation of city's right to alter, amend, revoke or repeal.****27-124 Charter notice.****27-125 Severability.****27-126 Regulating the placement of utility facilities below ground.**

¹**Charter reference**—Board of public works appointed, §§ 120, 230; duties of board generally, § 231; streets generally, § 234 et seq.

Cross reference—City engineer, § 2-35 et seq.; bicycles, Ch. 6; garbage and refuse, Ch. 14; motor vehicles, Ch. 20; parks, Ch. 22; sewers and sewage disposal, Ch. 26; subdivisions, Ch. 28; vegetation, Ch. 29; water, Ch. 31; zoning, App. A.

State law reference—Authority of municipality to provide for and regulate sidewalks, 24 V.S.A. § 2291(1).

ARTICLE I. IN GENERAL**27-1 "Street" defined.**

As used in this chapter 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.

(Rev. Ords. 1962, § 1591)

Cross reference—Street defined, § 1-2.

27-2 Enclosing highway; erecting fence or encroachment; nuisance.

(a) 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 enclosure, fence, building, encroachment or nuisance on a highway or street.

(b)(1) Whenever a utility pole is replaced with a new pole within a city right-of-way, all attached entities shall transfer their facilities to the new pole. A pole owning entity, within five (5) business days after setting a new or replacement pole, shall notify all attaching entities of the need to transfer. The Burlington electric department (BED) shall transfer its facilities within ninety (90) days of receiving the initial notification from the pole owning entity. Within five (5) business days after completing their transfer, BED shall notify the remaining attaching entities of the need to transfer. Upon receiving a notification to transfer, the non-pole owning entities, in descending order, shall each have forty-five (45) days to transfer their facilities, and shall within five (5) business days after completing their transfer notify all other attaching entities. The second pole owning entity shall transfer their facilities within ninety (90) days of receiving a notice to transfer from the immediately preceding entity. The pole owning entity responsible for the removal of the old pole shall do so within sixty (60) days after receiving notification that the last attaching entity has transferred.

Utility poles that have been replaced prior to the effective date of the ordinance codified in this section must have all attaching entities' facilities transferred to the new pole and the poles removed by the pole owning entity within three (3) years of the effective date of the ordinance codified in this section.

Upon removal of any pole, the utility shall fill the hole so as to remove any hazard, in a manner that is consistent with local, state, and federal laws.

(2) A violation of subsection (b)(1) of this section shall be deemed a civil offense punishable by a civil penalty of five hundred dollars (\$500.00). Each day that an old pole remains after the applicable removal period shall be deemed a separate violation. The waiver penalty for such offense for purposes of the municipal complaint form (civil ticket) shall be four hundred dollars (\$400.00). All law enforcement officers are authorized to issue a municipal complaint form for a violation of subsection (b)(1) of this section.

(Rev. Ords. 1962, § 4209; Ord. of 12-17-07)

Charter reference—Power of city council to prevent encumbering streets, § 48(XVI).

27-3 Barbed wire fence or railing prohibited.

No person shall erect or maintain a barbed wire fence or railing upon the line 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.

(Rev. Ords. 1962, § 4210)

27-4 Unnecessary interference with use of sidewalk.

No person shall unnecessarily occupy, obstruct or encumber, or cause to be unnecessarily occupied, obstructed or encumbered, a sidewalk so as to interfere with the convenient use of the same by the public.

(Rev. Ords. 1962, § 4211)

Charter reference—Power of city council to prevent encumbering sidewalks, § 48(XVI).

Cross reference—Riding bicycles on sidewalk restricted, § 6-3.

27-5 Parades and street events.

(a) *Parade defined.* A parade is any march, pageant, demonstration or procession of any kind in or upon any street, park or other outside public place in the city, except funeral processions organized by a licensed mortician.

Street event defined. A street event is any community function, ceremony, show, exhibition, display or celebration of any kind in or upon any street, park or other public place in the city. A block party that is confined to a city block and involves primarily the residents of that block shall be considered a street event.

(b) *Permit required; grounds for refusal.* No person shall engage in, participate in, form or start any parade or street event without a permit issued therefor by the chief of police or his or her designee. No permit shall be granted unless a request for such is made at least forty-eight (48) hours prior to its occurrence. A requested parade or street event permit may be refused by the police chief for any of the following reasons:

- (1) Another public event requiring the presence of police officers has been previously scheduled for the time requested, and in the judgment of the chief of police additional officers could not be assigned to the requested parade or street event without endangering the public safety and welfare; or

(2) The parade or street event is requested for a time which would result in severe traffic congestion or interfere with the quiet of a neighborhood during normal sleeping hours. For purposes of this paragraph, the period between 7:00 a.m. and 8:30 a.m. and between 5:00 p.m. and 7:00 p.m. of any one day shall be regarded as periods of severe traffic congestion; and the period between 9:30 p.m. and 7:00 a.m. the following day shall be regarded as normal sleeping hours.

(3) A parade, or other event on Church Street between Main and Pearl Streets has previously been scheduled for the time requested and the chief of police determines, after consulting with the administrator of the Church Street Marketplace District, that the two (2) events cannot occur simultaneously without endangering public health, safety and welfare.

(4) Those requesting a permit for a block party have not presented a waiver form signed by at least three-quarters (~æ) of block residents who thereby waive their right of normal access to the street for the period of the block party.

(c) *Contents of permit; authority to issue for another time.* Any permit issued pursuant to this section shall specify the time and place of such parade. If the permit is refused pursuant to this section, it shall be granted for any other requested time which does not violate this section.

(d) In addition, the following limitations on block parties may be incorporated as conditions of the permit:

(1) There shall be no more invited guests than the number of block residents in attendance.

(2) No alcohol shall be dispensed or consumed on public property.

(3) No live bands.

(4) Amplified sound to be controlled so as not to carry beyond the property lines of houses adjacent to the block where the party is being held.

(Rev. Ords. 1962, § 4221; 1969 Cum. Supp., §§ 4221, 4222; Ord. of 10-16-72; Ord. of 5-2-83; Ord. of 5-24-93)

27-6 Authority to close streets for parades and street events.

After consultation with the department of public works, the chief of police shall have the authority to close streets or portions of streets to vehicular traffic during and preparatory to any parade or street event.

(Rev. Ords. 1962, § 5362; Ord. of 5-24-93)

Cross reference—Power of fire chief to close streets during fire, § 13-32; authority to close streets to parking, § 20-63.

27-7 Disturbing monuments or markers prohibited.

No stone, post or other monument set by the city engineer 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 engineer, and any person who shall violate any of the provisions of this section shall be fined as provided by section 1-9 of this Code.

(Rev. Ords. 1962, § 4356)

27-8 Sprinkling salt in street.

No person shall sprinkle salt in a street except by permission of the superintendent of streets.

(Rev. Ords. 1962, § 4253)

27-9 Playing games in street, marketplace or public park.

No person shall play at ball or at any game of chance or skill upon a street or upon any portion of the Church Street Marketplace District without consent of the Marketplace Commission. Nor shall any person play at ball or at any game of chance or skill in a public park without the consent of the park commissioners.

(Rev. Ords. 1962, § 4256; Ord. of 10-11-94)

27-10 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 any person move, mutilate or destroy, without the consent of the owners thereof, any 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.

(Rev. Ords. 1962, § 4258)

27-11 Wetting sidewalk; encumbering with hose.

Unless for municipal purposes and at the direction of a municipal officer, no person shall, between the hours of 8:00 a.m. and 9:00 p.m., sprinkle or otherwise wet the sidewalks, or encumber the same with hose or other material used in washing the windows of stores or other buildings abutting on the sidewalks, lying and being on either side of the following streets: Church Street between Pearl Street and Main Street, and Pearl Street, Cherry Street, Bank Street, College Street and Main Street between their respective intersections with St. Paul Street and South Winooski Avenue; 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.

(Rev. Ords. 1962, § 4259; Ord. of 5-2-83)

27-12 Books containing surveys, maps or profiles adopted as public records.

The books wherein are recorded the surveys of the streets and the books containing the maps or profiles of street grades are hereby adopted and accepted as the public books of record for that purpose.

(Rev. Ords. 1962, § 4351)

Cross reference—Public records generally, § 2-18 et seq.; city engineer to keep record of grades of streets, ways and sewers, § 2-41.

27-13 Street grades not to be altered without notice.

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 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 three (3) weeks previous to any actions thereon.

(Rev. Ords. 1962, § 4352)

Charter reference—Power of city council to regulate and alter street grades, § 48(XXIX); power of city council to assess or award damages to abutting property owners for raising or lowering street surface, § 48(XXXVIII).

27-14 Sidewalks, curbs and gutters to conform to specifications.

All sidewalks, curbs and gutters shall conform to current specifications of the board of street commissioners, and shall be set on such grade as shall be adopted by the city council.

(Rev. Ords. 1962, § 4354)

Cross reference—City engineer to supervise curbing and guttering, § 2-40.

27-15 Cost of street improvements.

Whenever any street, lane or alley, or portion thereof, shall hereafter be graded, paved or macadamized and curbed and guttered on the petition of the owners of a majority of the frontage of the same, or without such petition, and the cost or expenses thereof shall be assessed upon the frontage under the provisions of the city charter, no subsequent assessment shall be made by the street commissioners under the provisions of the city charter of any subsequent improvement of the same character on such street or any portion thereof.

(Rev. Ords. 1962, § 4355)

Charter reference—Assessments for street improvements, §§ 264—267.

27-16 Curbing and guttering.

Whenever the city council shall order a street or portion thereof to be curbed and guttered, the superintendent of streets shall execute said order under the general direction of the street commissioners.

(Rev. Ords. 1962, § 4353)

27-17 Vehicles on sidewalks.

No motorized vehicle, except as provided by state or federal law, shall be driven, backed, led or allowed to stand on any sidewalk, 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 passageway is kept open for the free passage of pedestrians. Nothing contained in this section, nor section 6-3, shall prevent the riding or driving of vehicles from private property directly across the sidewalk or a bicycle and pedestrian pathway of any street to the roadway, or from the roadway back to such private property.

(Rev. Ords. 1962, § 5161; Ord. of 9-13-10)

Cross reference—Riding bicycles on sidewalks restricted, § 6-3.

27-18 Operation of non-motorized vehicles.

(a) *Definition.* For the purpose of this section, non-motorized vehicles shall be defined as any device not powered by a motor, used for propelling or transporting one (1) or more persons, including, but not limited to, skateboards, in line skates, scooters, and roller skates. This definition shall not include bicycles.

(b) *Prohibited.* It shall be unlawful and shall be a trespass for any person to operate any non-motorized vehicle upon any sidewalk or within any public parking facility in the City Center (bounded by the centerlines of Pearl Street, South Winooski Avenue, Main Street, and St. Paul Street), within City Hall Park, or upon the streets and sidewalks within the Church Street Marketplace District as defined in section 321 of the Burlington City Charter, excepting the traveled portions where vehicular traffic is regularly permitted of College, Bank and Cherry streets, unless the chief of police or his or her designee shall have designated such sidewalk or portion of the Church Street Marketplace District as one where the use of a non-motorized vehicle is permitted. If and when the chief of police or his or her designee makes such a designation, appropriate signs shall be posted to clearly identify the designated area.

(c) *Enforcement:*

(1) *First offense.* A first offense of any provision of this section by a person during any twelve-month period shall be deemed a civil ordinance violation of and shall be enforced pursuant to section 27-21

(2) *Second offense.* In addition to any civil penalties provided for in section 27-21, a law enforcement officer apprehending a person for a second or subsequent violation of this section during any twelve-month period may impound the non-motorized vehicle.

(3) *Impoundment.* Any non-motorized vehicle impounded for a violation of this section shall be impounded until lawfully claimed by the person named in the municipal complaint, whether owner or operator, or disposed of in accordance with subsection (c) below. Any impounded non-motorized vehicle may be claimed according to either of the following provisions:

a. The police department shall release the non-motorized vehicle to the owner or operator after proof of payment of either the waiver fine as specified in section 27-21 or the judgment fine.

b. The police department shall release the non-motorized vehicle to the owner or operator upon notice from the Vermont Traffic and Municipal Ordinance Bureau

that a judgment has been entered in favor of the defendant for the violation that resulted in the impoundment.

c. If the person named in the municipal complaint chooses to appeal the civil penalty to the Vermont Traffic and Municipal Ordinance Bureau, the police department shall release the vehicle after payment of a provisional fine of fifty dollars (\$50.00), payable to the police department. If the person named in the municipal complaint prevails in the appeal, the provisional fine shall be returned upon request. If the city prevails in the appeal, the fine shall be forwarded to the Vermont Traffic and Municipal Ordinance Bureau in total or partial satisfaction of the judgment.

(d) *Disposition of unclaimed vehicles.* non-motorized vehicles impounded pursuant to this section shall remain in the custody of the police department for a minimum of sixty (60) days from the date that judgment is entered for the violation which resulted in the impoundment. Non-motorized vehicles not claimed within sixty (60) days shall be considered unclaimed property and may be disposed of pursuant to section 21-2

(Ord. of 6-14-82; Ord. of 4-16-90; Ord. of 5-20-96; Ord. of 6-22-98; Ord. of 7-12-04, eff. 8-11-04; Ord. of 9-13-10)

27-19 Use of non-motorized vehicles on the public right-of-way.

Persons operating a non-motorized vehicle, defined in section 27-18 above, within the public right-of-way shall comply with all relevant traffic regulations and shall operate any such vehicle in a safe manner.

(Ord. of 4-16-90; Ord. of 9-13-10)

27-20 Establishment of pedestrian way on Church Street Marketplace.

(a) *Intent.* This section is enacted to protect the public safety and to provide for unencumbered passage for pedestrians and disabled citizens on the Church Street Marketplace and to promote the economic vitality of the downtown area.

(b) *Establishment of pedestrian way.* An area of nine (9) feet on each side of the Church Street Marketplace is hereby established as a pedestrian way. This area shall be used exclusively for pedestrian passage. For purposes of this section, the use of wheelchairs and motorized carts by disabled citizens shall be considered a pedestrian use. The pedestrian way shall extend nine (9) feet out from the building. The Church Street Marketplace, for purposes

of this section, shall be defined as Church Street from Main Street to Pearl Street and shall also extend into the alleyway from Church Street to the Marketplace parking garage.

(c) *Prohibition.* No person, after notice from a law enforcement officer of this prohibition, shall continue to sit, lie down or otherwise block in any way the free flow of pedestrian traffic within this designated pedestrian way. It shall also be prohibited to place any encumbrance in the pedestrian way including, but not limited to, sandwich board signs or other types of advertising.

(d) *Exception.* Encumbrances within the pedestrian way that are currently licensed and authorized by the city may continue in effect until the expiration of the current licensing period. Thereafter, variances from this section shall be granted by the city council only upon recommendation from the Marketplace Commission and after a finding of special circumstances by the council.

(e) *Penalty.* A violation of this section shall be a civil offense and shall be punishable as provided in section 1-9

(Ord. of 10-11-94; Ord. of 2-13-95)

27-21 Penalty.

A violation of any provision of articles I, III, IV and V of this chapter shall be a civil offense punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be equal to the waiver penalty established pursuant to 4 V.S.A. § 1102(d) for violations of Subchapter 12 of Chapter 13 of Title 23 for each offense. Each day the violation continues shall be a separate offense. All law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter.

(Ord. of 1-9-95; Ord. of 9-13-10)

Editor's note—An ordinance of Jan. 9, 1975, amended Ch. 27 by adding provisions designated as § 27-20. Inasmuch as Ch. 27 already contained provisions designated as § 27-20, the editor has redesignated the new provisions as § 27-21.

27-22—27-28 Reserved.

ARTICLE II. EXCAVATIONS AND OBSTRUCTIONS¹

27-29 Permit required.

- (a) No person, firm, corporation or city department shall disturb the ground or pavement in any street, sidewalk, curb or tree belt within the city without first obtaining a written permit therefor from the director of public works or his or her designee.
- (b) The applicant for a permit, his or her agent, and the contractor doing the work shall before the issuance of the permit submit the following to the director of public works or his or her designee:

(1) A permit bond in the amount of five thousand dollars (\$5,000.00) guaranteeing compliance with terms and conditions of the article, or a cash deposit in lieu thereof.

(2) A certificate of insurance affording the following coverage:

General liability: one million dollars (\$1,000,000.00);

Bodily injury, per person: one hundred thousand dollars (\$100,000.00);

Bodily injury, per occurrence: three hundred thousand dollars (\$300,000.00);

Property damage, per occurrence: one hundred thousand dollars (\$100,000.00).

This insurance shall include coverage for collapse and underground (CU) hazard, explosions (X) coverage, at the discretion of the director of public works or his or her designee, and contractual liability.

Automobile liability:

Bodily injury, per person: one hundred thousand dollars (\$100,000.00);

Bodily injury, per occurrence: three hundred thousand dollars (\$300,000.00);

Property damage, per occurrence: one hundred thousand dollars (\$100,000.00).

This insurance shall include coverage for owned, nonowned and hired vehicles. The director of public works or his or her designee, at his or her discretion, will accept satisfactory evidence of self-insurance in lieu of the above coverage. The above-referenced insurance shall not be cancelled without thirty (30) days' written notice to the director of public works or his or her designee.

(3) An affirmation that he is not delinquent in payments due the city on prior similar work.

(4) Evidence that he is competent and equipped to do the proposed work.

(5) A proper permit or license to do the work, if such license or permit is required under the laws of the State or ordinances of the city.

(6) A satisfactory plan for the subject property and adjacent properties showing existing surface and subsurface conditions including the placement of existing utilities, trees and vital structures such as fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, and any other vital equipment as designated by the director of public works or his or her designee.

(7) A plan for the protection of shade and ornamental trees and the restoration of turf.

(c) The director of public works or his or her designee reserves the right to withhold issuance of permits when:

(1) Paving materials are unavailable; or

(2) A satisfactory traffic, pedestrian, or utility diversion plan cannot be implemented; or

(3) Unsatisfactory compliance of subsections (b)(1) through (b)(7) of this section.

(d) *Emergencies.* Nothing in this article shall be construed to prevent the making of excavations as may be necessary for the preservation of life or property; provided, that the person, firm, corporation, or city department making such excavation shall apply to the director of public works or his or her designee for a permit on the first working day after such excavation is commenced. Even in emergency situations, notice shall be given immediately by phone to the street department, police department, and fire department, and all provisions of this article shall apply to such emergency.

(e) In the event excavations occur within the so-called drip line of a public street tree, any permit issued by the director of public works or his or her designee must be countersigned by the director of parks and recreation or his or her designee. In addition, nothing in this article shall authorize the director of public works or his or her designee to permit the conversion of any tree belt area from that use to any other use with the exception of driveways without the expressed permission of the parks and recreation commission.

(f) Where an excavation is for the limited purpose of planting a tree, or erecting a sign, resurfacing a driveway, or other minor disturbance as authorized and approved by the director of public works or his or her designee, within the public right-of-way, including the so-called greenbelt, the director of public works or his or her designee, subject to the approval of the director of parks and recreation or his or her designee, may waive any of the requirements contained in subsection (b) of this section and Sections 27-30(b), (d), (e) and (f).

(g) Where an excavation is to occur within the Church Street Marketplace District, any permit issued by the director of public works or his or her designee must be countersigned by the executive director of the Church Street Marketplace department, who shall have the authority to specify the time of excavation in a reasonable manner so as to avoid any conflict with planned marketplace district events.

(Ord. of 1-18-82; Ord. of 5-2-83; Ord. of 5-18-20)

27-30 Contents of permit for excavation; fee.

(a) Application for a street excavation permit or for improvements to unimproved portions of the public right-of-way shall be made on forms furnished by the city.

(b)(1) The fee for an excavation or improvement permit, payable in advance, is as follows unless otherwise the subject of an express agreement with the city:

a. An administration and inspection charge of seventy cents (\$0.70) per square foot for all excavations anywhere within the right-of-way; plus

b. A damages charge of ten dollars (\$10.00) per square foot of excavation occurring within the paved portion of the right-of-way; plus

c. A damages charge of one dollar (\$1.00) per square foot of excavation occurring within the greenbelt or sidewalk portions of the right-of-way.

The fee shall be based upon information supplied to the director of public works or his or her designee by the excavator at the time of application and as verified by the city inspector. The fee shall be annually adjusted July 1, 1987, and each July 1 thereafter to reflect any change in the consumer price index for that preceding year.

(2) Whenever a service pipe between a water or sewer main and an owner's premises is repaired or renewed, the permit fee attributable to excavations from such work shall be cost-allocated as an operating expense of the system and shall be included in the general water and wastewater rates, respectively, and not billed directly to the owner of the premises.

(c) The fee for excavation or improvement permits may be doubled if work is commenced prior to obtaining a permit. Paying double fees does not waive other penalties. This subsection shall not apply to emergency excavations as defined in section 27-29(d).

(d) Generally, a permit shall cover only contiguous construction and work performed as one continuous operation, except as otherwise determined by the director of public works or his

or her designee. Notwithstanding the preceding sentence, where a continuous and single operation involves separate excavation by a single excavator, no more than two (2) such excavations shall be covered by a single permit, provided such single permit shall be allowed only where the distance between the excavations shall not be greater than twenty (20) feet at their opposite extremities. Additionally, where an operation includes jacking or boring requiring excavation on each side of a public way, only one permit shall be required for such excavations, provided such jacking or boring shall not accommodate a conduit larger in diameter than six (6) inches.

(e) A permit shall expire for work not started within seven (7) days or completed within thirty (30) days after issuance of a permit, and a new permit shall be required before beginning or completing the work, unless otherwise approved by the director of public works or his or her designee.

(f) A permit shall contain a commencement date and estimated date of completion. "Completion date," as used in this section, means the date upon which the permanent pavement resurfacing is finished and accepted by the director of public works or his or her designee.

(g) (1) Whenever the city has developed an annual work program for the reconstruction of city streets, the director of public works or his or her designee shall send written notice thereof to all abutting property owners and to all departments, utilities or others which have pipes, wires, cables, conduits or other such facilities beneath the surface of the streets to be reconstructed. Such notice of the annual street reconstruction program shall be sent no later than April 15.

(2) For the purposes of this section, "street reconstruction" shall mean:

- a. The recycling and relaying of existing material;
- b. The complete removal of old surface material and the laying of new material; or,
- c. Resurfacing of existing surface material with new material in excess of one (1) inch thickness.

(3) Upon receipt of the notice of the annual street reconstruction program, such person, department or utility shall have not more than sixty (60) days to complete any subsurface work contemplated, or, if an extension of time is needed, shall obtain a subsurface work schedule approved by the director of public works or his or her designee. If an applicant objects to the subsurface work schedule required by the director of public works or his or her designee, the review and approval may be sought from the public works commission.

- (4) If subsurface work is done in accordance with subsections (g)(1) through (g)(3) above, the applicant shall pay only the fee for administration and inspection for that portion of the excavation area which will be reconstructed.
- (h) When sidewalk excavation results in complete replacement by the excavator of the entire length of a city block or city street, or is undertaken so as to replace or improve existing sidewalk along the entire boundary of the abutting property, the applicant shall pay only the administration and inspection fee for such excavation.

(Ord. of 1-18-82; Ord. of 3-19-84; Ord. of 3-10-86; Ord. of 5-18-20)

27-31 Obstructing street or sidewalk prohibited; exception.

- (a) It shall be unlawful for any person, firm or corporation to temporarily obstruct a street or sidewalk without first obtaining a written permit therefor from the director of public works or his or her designee, except as hereinafter provided.

Within the Church Street Marketplace District on any portion of Church Street, College Street, Bank Street, or Cherry Street used for vehicular traffic, the director of public works or his or her designee shall not issue a permit until the executive director of the Church Street Marketplace department approves of such obstruction. In the inner two (2) pedestrian blocks of the marketplace district, the executive director of the Church Street Marketplace department shall have exclusive jurisdiction to issue permits.

- (b) "Obstruction" as used in this section includes, but is not limited to, temporary obstacles and/or barriers which hinder the free and safe passage of pedestrians and vehicles, or which may receive injury or damage, if run over or into by pedestrian or vehicle traffic.

"Obstruction" as used in this section, shall not include obstructions associated with excavations, nor shall it include obstacles or barriers placed during the normal and routine maintenance operations conducted by the park department or any public or private utility.

- (c) As a condition of the issuance of a permit, the director of public works or his or her designee, and where appropriate the executive director of the Church Street Marketplace department, may, in his or her discretion and depending on the nature and complexity of the obstruction, require safeguards in addition to those required in Section 27-46 for the protection of vehicular and pedestrian traffic.

(Ord. of 1-18-82; Ord. of 5-2-83; Ord. of 5-18-20)

27-32 Time limit for permit to obstruct street or sidewalk; fee.

(a) No permit as required by Section 27-31 shall be for longer than sixty (60) days, except as authorized by the city council or, in the case of obstructions within the inner two (2) pedestrian blocks within the Church Street Marketplace District, the Church Street Marketplace District commission. A permit may be extended from week to week by the director of public works or his or her designee, or the executive director of the Church Street Marketplace department, for up to sixty (60) days, as appropriate, subject to the order of the city council or the Church Street Marketplace District commission, as appropriate.

(b) The fee for a permit for a week or part thereof shall be twenty dollars (\$20.00). There shall be an additional fee of five dollars (\$5.00) for every additional week of obstruction.

(c) Applicant for a permit or its agent shall before the issuance of the permit:

(1) Furnish a certificate of insurance for personal and property damage liability in the amounts of one hundred thousand dollars (\$100,000.00)/three hundred thousand dollars (\$300,000.00)/one hundred thousand dollars (\$100,000.00), and agree to indemnify and hold the city harmless and/or free of liability arising out of said obstruction;

(2) Show, if required under the laws of the state or ordinances of the city, that he has proper permits or licenses to maintain the obstruction.

(d) The permittee shall restore or pay for any property damage occurring as a result of the placement of an obstruction.

(e) For obstructions longer than sixty (60) days, the permit fee shall be one dollar (\$1.00) per square foot in the public right-of-way, unless it is for obstructing a metered parking space, then the fee shall be the maximum daily meter rate. Any encumbrance that requires more than one (1) year shall require an annual permit renewal, paying the associated fee annually, unless otherwise determined by the city council; such renewal will be measured on an annual basis beginning from the date of permit issuance.

(Ord. of 1-18-82; Ord. of 5-2-83; Ord. of 5-18-20)

27-33 Obstructing metered parking spaces prohibited; exception.

(a) No person shall obstruct or use for an extended time a metered parking space without first obtaining a permit from the department of public works or city council. Three (3) types of permits are available: a twelve (12) hour permit, a twenty-four (24) hour permit, and a long-term encumbrance permit.

(b) Permits for the obstruction of metered parking spaces may be issued for the following purposes only:

- (1) Construction, repair or maintenance work on abutting or nearby properties;
- (2) Loading or unloading goods, people, materials or equipment, or the use of such equipment, on abutting or nearby properties;
- (3) Working in that immediate area of the street;
- (4) The parking of vehicles used for events; or
- (5) Any other uses as approved by city council.

The permit and the application for the permit shall state the nature of the obstruction, the purpose of the obstruction, and the time allowed for it to remain or continue. The permit shall specify the number of metered spaces to be obstructed.

(c) The department of public works shall upon issuance of the permit issue an appropriate number of meter hoods to the applicant for each parking space to be obstructed. Upon the face of each hood shall be indicated in bold face "NO PARKING—TOW AWAY ZONE." The applicant shall place the meter hood over the meter by 6:00 p.m. the preceding day.

(d) The fee for a twelve (12) hour permit as required herein shall be fifteen dollars (\$15.00) per day. The fee for a twenty-four (24) hour permit shall be thirty dollars (\$30.00) per day. The long-term encumbrance permit fee shall follow the fee schedule set forth in Section 27-32. The department of public works shall collect the fee.

(e) Obstruction of a metered parking space without a permit or obstruction of a metered space for uses other than those specified in the permit, or for a time exceeding that allowed by the permit, shall be a violation of this section, punishable as provided in Section 1-9. Each day's continued violation shall be a separate offense.

(f) Obstructed metered parking spaces permitted under this section are subject to Burlington parking bans.

(Ord. of 1-18-82; Ord. of 7-30-84; Reg. of 4-13-94; Reg. of 9-15-99; Reg. of 11-12-08(1); Reg. of 3-11-09(2); Reg. of 7-16-14(10), eff. 4-26-17; Ord. of 5-18-20)

27-34 Permits for curb cuts required.

(a) No curb cut shall be changed or removed and no driveway on or across the public right-of-way shall be repaired or installed without first obtaining a written permit therefor from the

director of public works or his or her designee.

(b) Application for curb cuts and driveway permits shall be made on forms furnished by the department of public works.

(c) The fee for each curb cut and/or driveway application/permit shall be twenty-five dollars (\$25.00).

(Ord. of 1-18-82; Ord. of 5-18-20)

27-35 Cuts to conform with requirements.

(a) All work under a curb cut and/or driveway permit shall conform to the specifications established by the department of public works.

(b) All work under subsection (a) of this section shall be subject to inspection by the director of public works or his or her designee during construction and upon completion thereof.

(Ord. of 1-18-82; Ord. of 5-18-20)

27-36 Replacement of curbing.

(a) Where private property use has been modified so that an existing curb cut is no longer needed or where city ordinances do not permit curb cuts at existing locations the director of public works or his or her designee may require the abutting property owner to replace the curb at their expense within ninety (90) days from the date of notice.

(b) If, after notice, the abutting property owner fails to comply with the director of public works' or his or her designee's order for curb replacement within ninety (90) days, the city may do the work and bill the current property owner for the cost.

(Ord. of 1-18-82; Ord. of 5-18-20)

27-37 Penalties; suspension; revocation.

(a) Any person, firm or corporation violating any of the provisions of this article shall be fined no less than seventy-five dollars (\$75.00) and no more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

(b) Any permit issued under this article may be suspended by the city engineer or the issuing authority for violation of the permit or failure to observe city ordinances. Any permit issued pursuant to this article may be revoked after a hearing before the issuing authority. Where necessary for the protection of public safety, the police department, by any of its officers, may order the suspension of work at an excavation, or the removal of an obstruction, and may order the work site secured. Such order or orders shall be effective only until the director of public works or his or her designee has been notified of the activity and has had reasonable opportunity to visit the site to take action for the protection of the public, but in no event shall any order by the police department be effective for a period greater than twenty-four (24) hours.

(c) Cost of restoration of work suspended or revoked under subsection (a) or (b) of this section shall be paid by the permit holder.

(Ord. of 1-18-82; Ord. of 5-18-20)

27-38 Newsracks; placement and registration.

(a) *Purpose.* The purpose of this section is to permit the placement of newsracks while controlling interference with pedestrian and vehicular traffic and danger to the public that could be caused by unregulated placement of newsracks.

(b) *Definitions.* As used in this section, the following terms shall have the following meanings:

City: The City of Burlington.

Newsrack: Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and distribution of newspapers or information periodicals.

Parking: The space between the curb or gutter and the streetline on each side of the street, except so much thereof that may be occupied by publicly owned and maintained sidewalks.

Roadway: That portion of a street, improved, designed or ordinarily used for vehicular travel.

Sidewalk: As defined in Section 1-2.

Street: As defined in Section 27-1.

(c) *Newsrack prohibited.*

- (1) No person shall install, use or maintain any newsrack or other structure which projects onto, into or over any part or portion of the roadway portion of any public street.
- (2) No person shall install or maintain any newsrack which in whole or in part rests upon, in or over any public sidewalk or parking, when such installation or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such newsrack interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.
- (3) The placement of newsracks on the Church Street Marketplace shall be governed by the regulations of the Church Street Marketplace District commission.

(d) *Registration of location.*

- (1) No person shall install or maintain any newsrack which in whole or in part rests upon, in or over any public sidewalk or parking without first notifying the director of public works of the following:
 - a. The location of each newsrack to be installed or maintained in the city by the applicant; and
 - b. The name, address and telephone number of the applicant.
- (2) Such notification shall constitute an application for approval by the director of public works. No more than one notification shall be required per applicant, regardless of the number of newsrack the applicant maintains in the city. However, such notification shall be amended by the applicant from time to time as necessary.
- (3) From the above information the director of public works shall designate locations and shall be guided therein solely by the standards and criteria set forth in subsection (e) below. Such application may be granted either in whole or in part when more than one location is proposed by the applicant, and in any event, when denial is solely as to location it shall be without prejudice to amend such application to state a different location or locations.

(e) *Standards for installation, maintenance and operation.* Any newsrack which in whole or in part rests upon, in or over any public sidewalk or parking shall comply with the following standards:

- (1) No newsrack shall exceed four (4) feet in height, thirty (30) inches in width, or two (2) feet in depth.
- (2) Newsrack shall be placed only near a curb or adjacent to the wall of a building. Newsracks placed near the curb shall be placed no less than eight (8) inches nor more than eighteen (18) inches from the edge of the curb. Newsracks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six (6) inches from the wall.
- (3) No newsrack shall be chained, bolted or otherwise attached to any property without the permission of the owner.
- (4) No newsrack shall be chained or otherwise attached to any trees, shrubs or other public amenity.
- (5) Newsracks may be chained or otherwise attached to one another.
- (6) No newsracks shall be placed, installed, used or maintained:
 - a. Within five (5) feet of any marked crosswalks or pedestrian push buttons;
 - b. Within ten (10) feet of any facility designed for people with disabilities;
 - c. Within five (5) feet of any fire hydrant, fire call box, police call box or other emergency facility;
 - d. Within five (5) feet of any driveway;
 - e. Within five (5) feet ahead of, and twenty-five (25) feet to the rear of any sign marking a designated bus stop;
 - f. Within six (6) feet of any bus bench or bus shelter;
 - g. At any location in the Central Business District whereby the clear space for the passageway of pedestrians is reduced to less than seven (7) feet, and at any other location whereby the clear space for the passageway of pedestrians is reduced to less than six (6) feet; or
 - h. On or within twelve (12) inches of any area improved with lawn, flowers, shrubs or trees.
- (7) Each newsrack shall be maintained in a clean, neat and attractive condition and in good repair at all times. Newsracks shall not be maintained as a medium for general advertisements.

(f) *Newsrack identification required.* Within sixty (60) days after this section becomes effective, every person or other entity which places or maintains a newsrack on the streets of the city shall have his or its name, address and telephone number affixed thereto in a place where such information may be easily seen.

(g) *Proof of insurance.* Every person or other entity which places or maintains a newsrack on a public sidewalk or parking in the city shall provide proof of the director of public works that applicant maintains public liability insurance for personal injury and property damage naming the City of Burlington as an additional insured. Proof shall be in the form of a certificate of insurance from an insurance company authorized to do business in this state, with the provision that such insurance shall be noncancelable except after ten (10) days' notice to the director of public works. Such public liability insurance shall provide coverage of at least one million dollars (\$1,000,000.00) for personal injury to or death of any one or more persons in any one accident, and for damages to property in the amount of at least one hundred thousand dollars (\$100,000.00) resulting from any one accident.

(h) *Removal of newsrack.*

(1) The director of public works or his or her designee shall remove any newsrack on any roadway, parking or sidewalk in a location in violation of this section, with notice given to the owner as soon as practical thereafter. Any newsrack interfering with any maintenance or construction or causing a traffic hazard or other hazard shall be removed at once, with notice given to the owner as soon as practical thereafter.

(2) Empty or abandoned newsracks. Any newsrack which is empty or abandoned for a period of more than ten (10) days shall be removed by the director of the department of public works or his or her designee.

(i) *Severability.* The provisions of this section are severable. If any provision of this section or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provisions or application.

(j) *Injunction.* Any violation of this section is hereby declared to be a nuisance. In addition to any other relief provided by this section, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction. The city attorney may also sue for damages on behalf of the city.

(Ord. of 2-17-98)

27-39 Public health emergencies; temporary suspension of obstruction requirements to accommodate economic stability.

(a) *Purpose.* The purpose of this section is to preserve the public health and safety and, in particular, to provide for safer dining, shopping, and recreational opportunities for Burlington residents and to ensure the continued economic vitality of the City of Burlington during a public health emergency. The preservation of public health and safety during an outbreak of infectious disease depends upon continued efforts to minimize the spread of infection by avoiding close contact between individuals. Local businesses may face difficulty avoiding close contact between patrons, keeping their employees safe, and complying with related public health requirements within existing spaces and operations.

(b) *Activation.* Either the mayor by declaration or the city council by resolution may activate this section during the period of a public health emergency declared by local, State, or federal officials, and for a period of up to six (6) months after the emergency.

(c) *Department of public works to identify areas, issue permits for expanded business areas.*

(1) Upon activation, the department of public works may identify streets, parking spaces, sidewalks, and greenbelts, and issue permits for the use thereof, to provide areas for businesses to temporarily expand their operations:

- a. To display and market goods outside;
- b. To relocate seating from inside a business to outside or add additional seating;
- c. For the drop-off and pick-up of food, beverages, and goods; and
- d. For other activities consistent with the regular functions of the business.

(2) *Permitting process.*

a. The department of public works will publish program guidelines and a permit application for the use of identified streets, parking spaces, sidewalks, and greenbelts, and to provide additional short-term parking spaces proximate to businesses.

b. For the department of public works to issue a permit to businesses wishing to use identified streets, parking spaces, sidewalks, and greenbelts to temporarily expand their operations, a business will submit an application to the department of public works which will include at minimum:

1. Name of business, and detailed contact information;
 2. The specific proposed locations on sidewalks, greenbelts, or public parking spots;
 3. The proposed use and how public health guidelines will be met by the use, including any health and safety plan developed by the business;
 4. Site plans and photographs;
 5. Maintenance and budget plans;
 6. If sought, any plans to enhance barriers or pavement;
 7. If table service will be provided as additional seating capacity beyond previously permitted capacity, a wastewater service permit application to the State of Vermont;
 8. If platforms will be constructed, a construction self-certification checklist;
 9. Whether a tent may be used, and if so, a description of the tent including its size;
 10. Whether alcohol will be dispensed or consumed on public property; and
 11. Proof of necessary licenses and insurance coverages required for the proposed use.
- c. If the department of public works approves an application, a permit under this program will be issued.
- d. Applicants and permit holders must follow all standards set by the city regarding the design, use, and access for any tents, platforms, structures, ramps, or public areas under this program.
- e. Permit holders will post temporary signage and must install proper safety barriers, either in cooperation with the city or independently and following the direction of the department of public works.
- (3) A permit may be denied or suspended under the following circumstances:
- a. If permit applicant fails to fully complete the application or provide requested information to the city, including sufficient information to ensure compliance with

State guidance to protect the health of members of the public or the permit applicant's employees;

- b. If granting the permit would not promote the public health, safety, and welfare;
- c. If granting the permit for the location or extent of space requested would unreasonably limit the ability of neighboring property owners to utilize their property;
- d. If permit applicant requests hours of operation or proposed use that is inconsistent with the character of the neighborhood;
- e. If the permit holder violates any laws or fails to comply with any local, State, or federal orders, directives, regulations, guidance, advisories, and requests from city personnel relating to public health and safety;
- f. If the permit holder discontinues use of the city property; or
- g. If the permit holder breaches any terms and conditions as set forth by the city in the permit application process.

(4) *Affected sections.* The following sections of this chapter are suspended or temporarily superseded or amended as follows:

- a. *Time limit for and issuance of permit.* Section 27-32(a) is suspended and temporarily superseded by the following: "A permit under Section 27-32 may be issued by the department of public works for the length of the public emergency period, or up to six (6) months beyond the end of the declared emergency period." (Remaining parts are preserved.)
- b. *Fees.* Sections 27-32(b), 27-32(e), 27-33(b), and 27-33(d) are suspended and temporarily superseded by the following: "There shall be no fee for a permit issued pursuant to this section."
- c. *Approval.* Section 27-33(b)(5) is temporarily amended to delete "as approved by City Council."

(d) *Department of public works to identify areas for short-term parking spaces.*

(1) Upon activation, the department of public works may identify certain parking spaces to provide additional short-term parking spaces proximate to businesses. Designated parking spaces will be proximate to businesses throughout the city as

available for short-term pick-up of prior placed orders with a business, occupying a space for up to fifteen (15) minutes at no charge;

(2) Businesses may contact the department of public works to request that a designated spot be located near their business;

(3) The location of the designated spots will be determined by the director of public works as authorized by the public works commission; and

(4) Proper temporary signage will be posted by the department of public works.

(e) *Community and economic development office, Church Street Marketplace department to identify streets for closures for economic stability programs during public health emergencies.*

(1) Upon activation, the community and economic development office, to provide areas for businesses to expand their operations, may identify streets for temporary closure to host evening, one (1) day, or weekend-long on-street outdoor dining and retail opportunities. The Church Street Marketplace department may identify streets within the Church Street Marketplace District for temporary closure for the same purpose. The community and economic development office and the Church Street Marketplace department together will publish program guidelines and a process for businesses to submit requests to have streets proximate to be temporarily closed.

(2) *Authority to close streets for economic stability programs during public health emergencies.* After consultation with the department of public works or their designee and the chief of police or their designee, the director of the community and economic development office shall have the authority to close streets or portions of streets to vehicular traffic during and preparatory to any evening, one (1) day, or weekend-long on-street outdoor dining and retail event as part of an economic stability program during a public health emergency. The executive director of the Church Street Marketplace department shall have the authority to close streets within the Church Street Marketplace District for the same purposes.

(3) A street will not be closed as part of an economic stability program during a public health emergency if the city determines that any of the following circumstances may occur:

a. If closing the street would not promote the public health, safety, and welfare;

b. If closing the street would unreasonably limit the ability of neighboring property owners to utilize their property;

- c. If another public event requiring the presence of police officers has been previously scheduled for the time requested, and in the judgment of the chief of police or their designee that additional officers could not be assigned to the street closure event without endangering the public safety and welfare;
- d. If closing the street would result in severe traffic congestion or interfere with the quiet of a neighborhood during normal sleeping hours. For purposes of this subsection, the period between 7:00 a.m. and 8:30 a.m. and between 5:00 p.m. and 7:00 p.m. of any one day shall be regarded as periods of severe traffic congestion; and the period between 9:30 p.m. and 7:00 a.m. the following day shall be regarded as normal sleeping hours;
- e. If closing the street would allow a business to use the street in a manner inconsistent with the character of the neighborhood; or
- f. If closing the street would conflict with scheduled or planned road work, as determined by the director of the department of public works or their designee.

(4) *Notice.* The community and economic development office or Church Street Marketplace will provide the public with seven (7) days' notice of any scheduled street closure as part of an economic stability program during public health emergencies. The community and economic development office and Church Street Marketplace will cooperate with the department of public works to ensure that signage is properly posted at the site of the planned street closure forty-eight (48) hours prior to any closure.

(Ord. of 6-15-20)

27-40—27-45 Reserved.

27-46 Protective measures.

- (a) Every person, firm, corporation or department making an excavation or obstruction within the public way under a permit granted under this article must at all times maintain a railing around the excavation or obstruction site for so long as the same shall be unsafe or inconvenient for travel. The permittee shall in addition keep a suitable number of lights affixed to such railing or fence so as to provide adequate warning to approaching motorists or pedestrians of the excavation or obstruction.
- (b) The permittee(s) shall take appropriate measures to assure while an excavation or obstruction remains and during the performance of excavation work and until said work is

accepted by the superintendent of streets or his designee, that traffic conditions shall be maintained as near normal as possible at all times so as to minimize inconvenience to the occupants of the adjoining property and the general public.

(c) The superintendent of streets may require that the permittee(s) prepare a traffic-control plan in detail appropriate to the complexity of the work. Said traffic-control plan shall contain the following information:

- (1) Approval of the chief of police or his designee;
- (2) Approval of the chief of the fire department or his designee;
- (3) Approval of the superintendent of the traffic department or his designee;
- (4) Adequate warning, delineation and channelization by means of proper pavement markings, signing and use of other devices which are effective under varying conditions of light and weather to assure the motorist of positive guidance in advance of and through the work area;
- (5) Flagging procedures, if necessary, to control vehicular and pedestrian traffic;
- (6) Identification, and if necessary, the removal of inappropriate markings to eliminate any misleading cues to motorists under all conditions of light and weather;
- (7) Identification of what provisions, if any, will be made for the safe operation of work vehicles, particularly on high speed, high volume streets;
- (8) Estimated commencement date of excavation and/or obstruction and estimated date of completion of excavation and/or removal of obstruction.

(d) Notwithstanding any requirements provided for under this section, every permittee shall comply with the standards set forth in the Manual of Uniform Traffic-Control Devices as adopted by the state.

(Ord. of 1-18-82)

27-47 Method of excavation.

(a) All excavations shall be performed in compliance with the standards adopted by the Vermont Occupational Safety and Health Administration, as such standards may be adopted, revised and amended hereafter. In addition, bracing and sheeting shall be utilized where necessary to preserve and protect adjacent structures and areas. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in

such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the superintendent of streets shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and to make all necessary arrangements for all required storage and disposal sites.

(b) The permittee(s) shall not interfere with any existing public and/or private utilities without the written consent of the superintendent of streets and owner of the utility. In the event the utility is city owned and operated the permittee's shall secure the written consent of the superintendent of the affected utility department. If it becomes necessary to relocate an existing utility this shall be done by the owner of the utility, and the permittee prior to the commencement of relocation, shall pay to the utility the estimated cost thereof.

(c) The permittee shall inform itself as to the existence and location of all underground utilities, trees and tree roots, and protect the same against damage. In the event any pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee(s) shall promptly notify the owner thereof. All damaged facilities shall be repaired by the owner or city department operating them, and the permittee shall pay for the expense of such repairs. It is the intent of this section that permittee(s) shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage. Such assumption of liability is a contractual obligation of the permittee, and the permittee shall save harmless the city from any actions arising as a result of such damage.

(d) In the event excavation takes place within the so-called drip line of any public or private tree, the permittee shall protect said tree(s) in accordance with the directions of the superintendent of parks and recreation or his designated representative. The moving of any tree specifically to permit the construction of any driveway, curb-cut or utility installation shall not take place without the permission of the superintendent of parks and recreation. The permanent removal of any tree shall not take place without the permission of the parks and recreation commission in accordance with its regulations and the laws of the state concerning public trees. In any event any public tree is damaged, moved or removed, the repair, moving or removal and replacement shall be done in accordance with the provisions of the parks and recreation commission and the cost thereof shall be borne by the permittee.

(Ord. of 1-18-82)

27-48 Refilling excavation.

(a) Where a permit has been issued, the permittee(s) shall notify the superintendent of streets or his designee of the time and date when it will commence the backfilling of the excavations pursuant to the permit. Where no permit has been issued pursuant to subsection 27-29(d) because of an emergency situation, the excavator shall nonetheless likewise notify the superintendent or his designee of the time and date of backfilling. Unless otherwise waived by the superintendent, the superintendent of streets or his designee will be present to monitor the backfilling for the purposes of ascertaining whether the backfill material is proper and adequately compacted. In the event the inspecting official determines that the permittee is not using acceptable backfill materials or acceptable backfilling procedures, he may order the suspension of all work at the site. The superintendent of streets or his designee may require the permittee(s) to furnish a soil test by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics in order to determine whether the backfill for the excavation was adequately compacted. All expense of such tests shall be borne by the permittee.

(b) In order for resurfacing to commence, such test must demonstrate that the backfill material meets the requirements for composition and compaction as prescribed by the board of street commissioners.

(c) All backfilling shall be done in a manner that will permit the restoration of the surface to a density condition not less than that existing prior to excavation.

(d) The permittee(s) shall establish grass by sodding or seeding at the discretion of the superintendent of streets. Where existing topsoil is deemed of insufficient quality the superintendent of streets may require that new topsoil be used to replace the top six (6) inches. The superintendent shall require that either seeding or sodding be used to establish turf in accordance with specifications approved by the parks and recreation commission.

(Ord. of 1-18-82)

27-49 Resurfacing; defects.

(a) Unless otherwise stipulated in the permit, all pavement resurfacing after excavation shall be done by the city, including all necessary placement of temporary pavement. The city shall make a charge for such work according to a schedule of costs established by the superintendent of streets, copies of which schedule shall be kept on file with the city clerk, as revised from time to time. The permittee's shall pay in advance the estimated charge. Any difference shall be corrected after work is completed.

(b) The permittee shall remedy any defects due to faulty materials or workmanship and pay for any damage(s) resulting therefrom which shall appear within a period of three (3) years

from the date of completion as defined in subsection (c), and in accordance with the terms of the permit.

(c) For the purposes of this section, date of completion is the date upon which permanent pavement resurfacing is finished and accepted by the superintendent of streets, whether such resurfacing is undertaken by the street department or by the permittee pursuant to stipulations in the permit.

(Ord. of 1-18-82; Ord. of 6-26-95)

27-50 Restoration of right-of-way.

(a) Restoration of the public right-of-way following any activity provided for under this article shall be completed by the permittee within a time period established by the superintendent of streets or his designee and according to specifications adopted by the street and park and recreation departments and on file at the street department.

(b) Work not completed to the satisfaction of the superintendent of streets within the time period established will be completed by the street department at the expense of the permittee.

(Ord. of 1-18-82)

27-51 Cost reimbursement.

The superintendent of streets shall send the permittee an itemized statement of all charges for all labor and materials furnished by the street department. Charges not paid in full within thirty (30) days of the date of such statement shall be collected from the bond where appropriate or turned over to the city attorney's office for collection.

(Ord. of 1-18-82)

27-52 Disclaimer.

The granting of a permit or the monitoring of operations conducted under any permit shall not make the superintendent of streets or his designee responsible for construction means, methods, techniques, sequences, procedures or permittee's failure to perform the work in accordance with the standards and specifications set forth in the Manual of Uniform Traffic-Control Devices, nor shall any approval granted by any city official under section 27-46 make any such official responsible for any personal injury or property damage occurring as a result of the permittee's operations.

27-53—27-62 Reserved.

¹ **Editor's note**—An ordinance of Jan. 18, 1982, amended Ch. 27, Art. II, in its entirety to read as herein set out in Div. 1, §§ 27-19—27-37 and Div. 2, §§ 27-46—27-52. Prior to amendment, Art. II, §§ 27-29—27-39 and 27-42—27-50, derived from Rev. Ords. 1962, §§ 4201—4205 and 4212; 1969 Cum. Supp., § 4201 and an ordinance of March 29, 1978, § 7.

Cross reference—Motor vehicles and traffic, Ch. 20.

ARTICLE III. PROJECTIONS OVER STREETS AND SIDEWALKS¹

27-63 Permit required for awnings, shades, flags and banners.

No person shall establish or maintain an awning, canopy, shade, flag, banner, or any appurtenance over a public street or sidewalk without a written permit issued by the city.

(Rev. Ords. 1962, § 4207; Ord. of 5-12-86; Ord. of 2-18-20(1))

27-64 Reserved.

Editor's note—An ordinance of Feb. 18, 2020, repealed the provisions of § 27-64, which pertained to compliance with orders of city council and which derived from Rev. Ords. 1962, § 4207.

27-65 Reserved.

Editor's note—An ordinance of Feb. 18, 2020, repealed the provisions of § 27-65, which pertained to permit fees and which derived from Rev. Ords. 1962, § 4207 and an ordinance adopted March 20, 1978.

27-66 Reserved.

Editor's note—An ordinance of Feb. 18, 2020, repealed the provisions of § 27-66, which pertained to permit revocation and which derived from Rev. Ords. 1962, § 4207.

27-67 Projections to be supported from above.

All projections over a public street or sidewalk shall be cantilevered or supported from above so as to leave the walk unobstructed. Columns or posts extending to the ground are prohibited.

(Rev. Ords. 1962, §§ 4207, 4208; Ord. of 2-18-20(1))

27-68 Height of projections above sidewalk.

All projections over a sidewalk that could impede or obstruct the free flow of pedestrians and service vehicles shall be at least eight (8) feet above the finished grade.

(Rev. Ords. 1962, §§ 4207, 4208; Ord. of 2-18-20(1))

27-69—27-83 Reserved.

Editor's note—An ordinance of Feb. 18, 2020, repealed the provisions of §§ 27-69 and 27-70, which pertained to prohibitions in certain areas of signs, marquees and similar structures and the applicability of provisions of this article to certain flags and signs, and which derived from Rev. Ords. 1962, § 4207, 1969 Cum. Supp., § 4207, and ordinances adopted June 28, 1971, and Dec. 10, 1979.

Editor's note—An ordinance of Jan. 9, 1995, repealed the provisions of § 27-71, which pertained to the penalty for violation of this article and which derived from Rev. Ords. 1962, § 4207.

¹ **Charter reference**—Power of city council to regulate signs or awnings, § 48(XXXVII).

ARTICLE IV. SNOW AND ICE REMOVAL¹

27-84 Throwing snow into street prohibited.

No person shall throw or put, or cause to be thrown or put, snow or ice in the part of the street known as the travel portion nor on a sidewalk of a street.

(Rev. Ords. 1962, § 4303; 1969 Cum. Supp., § 4303)

27-85 Roof guards required.

Each 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 therefrom upon the street or sidewalk.

27-86 Removal of snow required.

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, cause the snow to be removed from such awning or shade within four (4) hours if in the daytime and by 12:00 noon of the following day if in the nighttime.

(Rev. Ords. 1962, § 4302)

27-87 Removal of snow upon occupant's failure to do so; costs to be assessed.

If any person shall fail to remove the snow from an awning or shade as required by section 27-86, the superintendent of streets shall do so at the expense and charge of such owner or occupant, which expense and charge may be recovered with full costs in an action in the name and behalf of the city, and in addition such owner or occupant shall be fined not more than twenty dollars (\$20.00) nor less than one dollar (\$1.00).

(Rev. Ords. 1962, § 4302)

27-88 Notification of violations.

The chief of police shall promptly notify the superintendent of streets of any violation of the provisions of sections 27-86 and 27-87.

(Rev. Ords. 1962, § 4302)

27-89—27-99 Reserved.

¹ **Charter reference**—Power of city council to compel snow and ice removal, § 48(XXIII).

State law reference—Authority of municipality to provide for the removal of snow and ice, 24 V.S.A. § 2291(2).

ARTICLE V. ADDRESS NUMBERING AND STREET NAMING

27-100 Enhanced 911 coordinator appointment.

The city council shall have such authority and responsibility relating to the appointment of the Enhanced 911 (E911) coordinator to serve as the city's liaison to the Vermont 911 System on all database and mapping maintenance issues, maintain the municipal addressing system, and share information regarding new and revised addresses and street names.

(Ord. of 2-18-20(2))

27-101 Authority to name and number.

The E911 coordinator, subject to the orders and ordinances of the city council and in conformance with State law, the Vermont State E911 standards, and the provisions of this article, shall be authorized to name all newly proposed public and private streets, rename both public and private streets subject to Title III, Article 27 of the City Charter, number and renumber all property parcels, buildings, and units, and direct numbers to be affixed to or inscribed on all dwelling houses and other buildings or parts of buildings fronting on a public or private street, alley, or public place.

(Rev. Ords. 1962, § 4401; Ord. of 2-18-20(2). Formerly 27-100)

27-102 Duty to affix numbers.

It shall be the duty of every owner or occupant to affix such numbers as directed by the E911 coordinator to their parcel, building, unit, or dwelling.

(Rev. Ords. 1962, § 4401; Ord. of 2-18-20(2). Formerly 27-101)

27-103 Form, size, material and manner of affixing numbers.

The E911 coordinator shall determine the form, size and material of numbers, and the mode, place, succession, and order of inscribing and affixing them on houses or other buildings, or property parcels.

(Rev. Ords. 1962, § 4401; Ord. of 2-18-20(2). Formerly 27-102)

27-104 Method of numbering.

Addressing of new streets, and re-addressing of existing streets, shall follow Vermont State E911 standards using a 5.28-foot increment with odd numbers on the left and even numbers on the right. The numbering of parcels, dwellings, and buildings shall proceed continuously from the place of beginning and each number shall be as nearly opposite its alternate as possible.

- (a) *North and south streets.* In all streets running in a north and south direction, the numbering shall commence at the end of such street at or nearest Pearl Street or its continuation and proceed in a direction away from Pearl Street or its continuation. The odd numbers shall be on the west side of all such streets and the even numbers on the east side.
- (b) *East and west streets.* In all streets running in an east and west direction, the numbering shall commence at the west end of such streets. The odd numbers shall be on the south side of all such streets and the even numbers on the north side.
- (c) *Streets crossing Pearl Street.* The names of streets crossing Pearl Street shall be prefixed by the word "South" on the south side of Pearl Street, and by the word "North" on the north side of Pearl Street.
- (d) *Dead end streets.* The numbering of streets which have the same entrance and exit, and cul-de-sacs, shall ascend from their beginning with odd numbers on the left and even numbers on the right.
- (e) *New north end streets.* The numbering of streets accessed from North Avenue, north of Convent Square, shall ascend from their intersections with North Avenue, or from their intersections with streets that lead to North Avenue. Odd numbers shall be on the left and even numbers on the right.
- (f) *Re-address notification.* In the case of re-addressing of an existing street, the E911 coordinator shall notify affected properties in writing of their new addresses thirty (30) days prior to implementation, and provide an opportunity for comment. Such notification may be transferred electronically or by U.S. mail. In addition, the E911 coordinator may also hold public informational meeting(s).
- (g) *Multi-unit building unit numbering.*

- (1) Residential units shall be named "Unit" or "Apt."
- (2) Commercial, office, and other non-residential use units shall be named "Suite."
- (3) Buildings with all unit entrances located on the first floor may be numbered 1, 2, 3, 4, 5, etc. Buildings with no more than 5 units may be numbered 1, 2, 3, 4, and 5 regardless of unit entrance location. Otherwise hotel-style unit numbering shall be

applied (e.g., units on the first floor in the 100s ascending from 101, units on the second floor numbered in the 200s ascending from 201, and so forth to the top floor).

(4) Units numbered with letters, fractions, and decimals are prohibited.

(5) Street address numbering may be applied in lieu of unit numbering to first floor unit entrances at the discretion of the E911 coordinator.

(6) Buildings on corner lots shall use the same street name for all units.

(Rev. Ords. 1962, §§ 4402—4405; Ord. of 2-18-20(2))

27-105 Vanity address prohibition.

Any use of building and place names and/or numbers that mimics the city's E911 street naming and addressing system by using a fictitious, or "vanity," address consisting of a combination of a number, name, and/or place type (e.g., "1 City Square") that has not been assigned by the city and does not otherwise comply with the requirements of this article are prohibited.

(Ord. of 2-18-20(2))

27-106 Penalties.

An owner or occupant of a building or part of a building who shall neglect or refuse for sixty (60) days to affix to the same the number designated by the E911 coordinator, or who shall affix to the same or retain thereon more than one (1) day a number contrary to the direction of the Enhanced 911 coordinator shall be fined as provided by Section 1-9.

(Rev. Ords. 1962, § 4406; Ord. of 2-18-20(2). Formerly 27-108)

27-107 Variance from article permitted.

The E911 coordinator may, on written application, grant a variance from the provisions of this article. A variance from the provisions of this article may be granted if all of the following facts are found and specified in a written decision:

- (a) That there are unique circumstances or conditions present that the authorization of a variance is necessary to enable the reasonable addressing of property;
- (b) No unnecessary hardship has been created by the applicant; and

- (c) That the variance, if authorized, will represent the minimum variance necessary that will afford relief and will represent the least deviation possible from the provisions of this article.

The E911 coordinator shall give written notice of their decision to all interested parties no later than thirty (30) days after receipt of an application for a variance. In rendering a decision in favor of an applicant, the E911 coordinator may attach such conditions as are considered necessary and appropriate under the circumstances to implement the purposes of this article.

(Rev. Ords. 1962, § 4401; Ord. of 2-18-20(2). Formerly 27-103)

27-108 Appeals.

(a) Any owner of parcels, dwellings, or buildings, or any other interested person, may appeal an action or failure to act by the E911 coordinator. A written notice of appeal shall be filed with the office of the city attorney within fourteen (14) calendar days of receiving the actual notice of the order or action complained of, and shall set forth in detail the grievances of the appellant.

(b) The city council's license committee shall meet within forty-five (45) days of the filing of the notice of appeal. All hearings shall be public, and all interested parties shall be given an opportunity to be heard and to present evidence and arguments.

(c) The city council's license committee shall give written notice of its decision to all interested parties no later than thirty (30) days after the close of the hearing. The decision of the city council's license committee shall be final.

(Ord. of 2-18-20(2))

27-109—27-118 Reserved.

ARTICLE VI. STREET FRANCHISE FEES¹

27-119 Title.

This article shall be cited as the "Street Franchise Fee Ordinance" and is adopted pursuant to the Charter of the City of Burlington, Section 48, Subsection XL, Acts of 1949, No. 298, Vermont General Assembly, as amended.

(Ord. of 6-11-90, § 27-109)

27-120 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

City means the City of Burlington.

Company means any street railroad, traction, telegraph, telephone, electric, electric lighting, electric power, gas, cable television, or telecommunications company, or other company or person enjoying the privileges or exercising the functions of any such company doing business within the City of Burlington by maintaining or using by ownership, lease, lease-purchase, access agreement or otherwise poles, wires, cables, conduits, manholes, fixtures or other facilities in connection with such business on, in, over, under or above any public street in the City of Burlington.

Council means the Burlington City Council.

Gross revenues means the gross revenues taken in or received by any company from sales and/or services provided within the City of Burlington. It includes the total amounts actually received or receivable for the performance of any sale, act or service provided within the city for which a charge or credit is made. It also shall include all receipts, cash, credits, and property of any kind or nature without any deduction therefrom on account of cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. It shall not include monthly sales within the city of the first two hundred fifty (250) kilowatt-hour of electric power to each residential customer including sale of New York Power Authority power by or on behalf of the Vermont Department of Public Service.

Month means a calendar month.

Street means all public streets, alleys, public ways and public places now laid out and dedicated, and all additions thereto and extensions thereof, including airspace above and ground underneath the street surface.

Sworn report means an affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury or an accounting as required to be filed under this article.

(Ord. of 6-11-90, § 27-110)

27-121 Grant of franchise; express agreements.

- (a) The City of Burlington hereby grants to any company as herein defined which has not executed a valid and operative franchise agreement under authority of Charter Section 48(XL) with the city regarding street usage the nonexclusive privilege and franchise to own, use, lease, lease-purchase, place, maintain, operate, erect, or construct poles, wires, cables, fiber optics, underground conduits including pipes, manholes and other fixtures necessary for proper maintenance and operation in, upon, along, across, above, over and under, and to otherwise use and occupy the streets, alleys, rights-of-way and public property of the city.
- (b) Companies which have executed operative, valid and binding franchise agreements with the city regarding their use and occupation of city streets under authority of City Charter Section 48(XL) shall be subject to the terms of said agreements for the term(s) specified therein in lieu of this article.

(Ord. of 6-11-90, § 27-111)

27-122 Franchise fees.

- (a) Each company shall pay as compensation to the city for its use of city streets, a franchise fee in a sum equal to the following percentages of the company's gross revenues:
- (1) Cable television services in Burlington have been declared by the Federal Communications Commission to be subject to "effective competition" and under the Cable Communications Policy Act of 1984 are therefore priced in Burlington on a deregulated market-will-bear basis. Congress has determined in Section 622(b) of that Act that a five (5) percent franchise fee is reasonable. Therefore, all such rate deregulated cable television companies which provide such service within Burlington shall pay a franchise fee of five (5) percent of gross revenue commencing July 1, 1990.
- (2) Services such as natural gas, electric, local exchange telephone, water and wastewater are legal and/or natural monopolies provided by investor or publicly owned public service companies. Their service rates are established and/or regulated on a cost-of-service basis rather than a market-will-bear basis. All such companies (including, but not limited to, the Burlington Electric Department and the Water and Wastewater Divisions of the Public Works Department) shall pay a franchise fee of two and one-half (2.5) percent gross revenues commencing July 1, 1990.

All franchise fees are in addition to any pole rental fees, street excavation fees, or other fees and charges which may come due unless otherwise provided by an express agreement with the city executed under authority of Charter Section 48(XL).

(b) A company shall file monthly with the city treasurer a sworn summary report, showing the gross revenues received by the company from its operations within the city during that month and such other information as the city shall request which is reasonably related to the purposes of this article. The city shall also have access at all reasonable hours to all of a company's plans, contracts, and engineering, accounting, financial, statistical and customer service records relating to the operation of the company within the city. The monthly reports shall be on forms prepared by the city treasurer.

(c) Franchise fees due to the city under paragraph (a) above shall be payable in monthly installments and remittance therefor shall be made no later than the last day of the month next succeeding the month in which the sum is collected.

(d) If a company fails to file a return and payment when required, the city treasurer shall assess the amount of franchise fees due including applicable interest charges using any information in its possession. The monthly franchise fee payment shall be considered delinquent on the day after the report and payment are due. To all delinquent franchise fees there shall be an interest penalty equal to the legal rate of twelve (12) percent per annum simple interest. Any compensation due and unpaid and all interest charges thereon shall be a debt to the city and may be collected by appropriate action in law or equity.

(Ord. of 6-11-90, § 27-112)

27-123 Term of franchise; reservation of city's right to alter, amend, revoke or repeal.

(a) The terms herein for use of city streets shall take effect and be in force immediately upon the effective date after publication.

(b) The uses of public streets herein are always subordinate to the paramount interests of the public therein. Any franchise for such use conveys to no company any property interest or vested right in the public streets or rights-of-way. Any relocation expenses incurred by such company because of any work on such street undertaken by the city for any purpose shall be exclusively at the expense of such company. Such use is privileged only, and is at all times subject to all other ordinances, resolutions and regulations of the city. The city expressly reserves the right to use the public streets for its own governmental purposes, and expressly reserves the right to alter, amend, revoke or appeal [repeal] this article in whole or in part at any time.

(Ord. of 6-11-90, § 27-113)

27-124 Charter notice.

Notice is hereby given that Charter Section 48 Subsection XL provides as follows:

"48. The City Council shall have power.

"XL. To fix, demand, impose and enforce such terms, conditions and regulations for the use or occupation of any street or highway in said city by any street railroad, traction, telegraph, telephone, electric, gas, electric lighting, electric power, or other company or any person enjoying the privileges, or exercising the functions of any such company aforesaid, as shall be just and reasonable, including any sum or sums of money to be paid to said city for the use of any street or highway by any or all of said companies for the purpose of laying, maintaining and operating any street railway therein, or for the purpose of therein erecting and maintaining any poles, wires or any other apparatus in or under the surface of said street; and to prohibit the use of such street by any such company or person until such terms have been complied with.

"In case any such company or person cannot agree with said city upon such terms, said company or person may apply by petition to the county court within and for the County of Chittenden, and said court shall thereupon, after hearing all parties interested therein, fix such terms as shall be just and reasonable and make all necessary orders for carrying its decision therein into effect.

"Provided, however, that no special franchise shall be granted by said city council for a longer term than thirty (30) years, and further provided that at the expiration of any franchise, or at any time thereafter, the city shall have the right to acquire the title to and take over the property employed or used in the business for which such franchise was granted, upon the payment to the owner of the same of the fair value of the physical properties at that time employed or used in such business, and that in case the city is unable to agree with the owners as to the value of such physical properties, then said property may be condemned and taken for public use, and the value thereof ascertained and awarded as compensation therefor to the owner of the same in the manner, as near as may be, provided in the general laws of the state for the determination of the damages to be awarded persons aggrieved or damaged by the construction or operation of a street railway, and further provided that the grant of every such special franchise shall contain provisions embodying the foregoing conditions and limitations."

These terms of the Charter are incorporated herein by reference.

(Ord. of 6-11-90, § 27-114)

27-125 Severability.

If any part or parts or application of any part of this article is held invalid, such holding shall not affect the validity of remaining parts of this article.

(Ord. of 6-11-90, § 27-115)

27-126 Regulating the placement of utility facilities below ground.

(a) *Purpose.* This section is enacted in order to meet the following goals:

To improve the city's vistas, view corridors, and streetscapes, particularly those along streets which are heavily traveled and provide visual access to Lake Champlain, as well as those that serve as main approaches into the city;

To improve the city's physical environment where the opportunities exist to advance community goals for economic development, cultural and recreational activities, and the enhancement of its visual and historic resources;

To re-establish the city's street tree canopy where possible; and

To maintain consistency with existing policies regarding the underground construction of utility facilities.

(b) *Definitions.* The following terms, whether singular or plural, shall be defined as follows:

Person: Any agency, individual, firm, company, association, society, corporation, body, or group.

Public improvement project: Any project undertaken by a local, state, or federal body for the benefit of the general public, such as, but not limited to, road or bridge construction, or the development of a park. Any utility facility project undertaken by a privately, publicly or cooperatively owned utility, or any combination thereof, that requires a certificate of public good from the Vermont Public Service Board or an Act 250 permit from the environmental board or district environmental commission shall be considered a public improvement project.

Substantial roadway reconstruction: The construction of any new road in the public right-of-way, and the construction of any new road that is part of a project subject to the jurisdiction of the subdivision regulations of the City of Burlington, and the modification of an existing road that results in an increase in the number of lanes for at least five hundred (500) feet of its length or an increase of over four (4) feet in the width of the paved portion of the road for at least five hundred (500) feet of its length.

Utility facility: Any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, cable television, power electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with the highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public.

(c) *Requirements:*

(1) *Review committee.* An underground utilities review committee consisting of a representative of the planning and zoning, Burlington electric, public works, community and economic development and parks departments shall review all projects covered by this section. Input shall be solicited from affected utilities during each project review.

The underground utilities review committee shall maintain a record of the evidence presented during its review of each project.

(2) *New roadways.* On any new road, street, or highway hereafter constructed within the city, all new and existing utility facilities associated with the right-of-way of such project will be installed or relocated underground in accordance with the specifications of the affected utilities and the locational requirements of the department of public works unless the city council determines that underground installation is not feasible due to the existence of any of the conditions listed below.

The underground utilities review committee shall review the project and may recommend to the city council that the requirements of this subsection be waived, in whole or in part, for a specific new roadway project based on a finding that the placement of utility facilities underground is not feasible due to one or more of the following conditions:

- a. That hazardous conditions at or near the project site unduly endanger the health and safety of the workers or the public or both, either during or after installation;
- b. That the placement of utilities underground would irreparably endanger an important historic or natural resource;
- c. That physical and/or technical constraints exist at or near the site which cause unreasonable hardship with regard to the proper installation and maintenance of said utilities underground; and/or
- d. The engineering design or permitting process for a project has been substantially completed and the construction of that project will be completed in a timely manner.

Upon receipt of the record and information from the committee, the city council may waive the requirements of this subsection for a specific project based on the existence of the conditions listed above. The council shall conduct a review of the record of the information presented to the underground utilities review committee and its decision shall be based solely on that evidence. The decision of the council shall be final.

(3) *Substantial highway reconstruction projects.* On all substantial roadway reconstruction or public improvement project in the areas of the city listed below, utility facilities will be installed or relocated underground in accordance with the specifications

of the affected utilities and the locational requirements of the department of public works:

- a. The Waterfront Commercial-West (WFC-W), Waterfront Commercial-East (WFC-E), Waterfront Recreation, Conservation, Open Space (WRC), Waterfront Enterprise (WFE) and the Waterfront Residential, medium density (WRM) zoning districts as defined in the zoning ordinance;
- b. Main approaches into the city as described in the municipal development plan, such as the Champlain Parkway, Main Street, Riverside Avenue, Shelburne Street, and Pine Street;
- c. Neighborhood activity centers as defined in the municipal development plan; and
- d. Bike paths, view corridors and any other main approaches as delineated in the municipal development plan in effect at the time of the project.

However, in these identified areas, the city shall also consider whether there is an alternative to underground placement of utilities that is more appropriate. The underground utilities review committee shall determine the placement of utilities on all such projects for these areas using all relevant considerations including, but not limited to, aesthetics, public safety, physical and technical considerations of construction, alternatives to underground placement and an analysis of the economic impacts of requiring the placement of utilities underground for the project.

Any of the member departments of the underground utilities review committee or other person initiating the project, may appeal to the city council the committee's determination that there is a more appropriate alternative placement for the utilities in the areas listed in this subsection. The council shall conduct a review of the record of the information presented to the committee and issue a decision based solely on that evidence. The council's decision shall be final.

(4) *Other city streets.* On all other city streets, consideration should be given to placing utility facilities underground during substantial roadway reconstruction or public improvement projects.

The underground utilities review committee shall make a determination on these projects using the criteria outlined in subsection (3). Member departments of the committee or other person initiating the project, may appeal the committee's determination to the council also as provided in subsection (3). The council's decision

shall be made based solely on the record of the evidence heard by the committee. The council's decision shall be final.

(5) *Cost.* In the case of any public improvement project or substantial roadway reconstruction where the placement of utility facilities underground is to be done for aesthetic or economic development purposes, the person initiating the project shall be responsible for securing the difference in cost between the placement of utility facilities above ground and their placement underground. The affected utilities shall be responsible for the costs if placement underground is being done in the best interest of service delivery. When the City of Burlington initiates a substantial roadway reconstruction for any purpose, the affected utilities shall be responsible for the underground relocation cost.

(6) *Utility apparatus.* It is acknowledged that some utility apparatus used in connection with underground utility service, such as transformers, switches, amplifiers, equipment cabinets, and other similar equipment, may be mounted at ground level in accordance with accepted construction standards and codes and locational standards of the department of public works.

(7) *Emergency work.* This section shall not apply to projects for the provision of temporary service or normal repairs or maintenance or for emergency services.

(d) *Enforcement and penalties:*

(1) Any person found to be in violation of any provision of this section shall be served by the city attorney with a written notice stating the nature of the violation and providing a specific time limit, of at least ten (10) working days, for satisfactory correction thereof.

(2) The city may commence appropriate civil enforcement proceedings against any person who fails to correct all violations within the time provided in the notice. The city may recover fines in an amount not to exceed five hundred dollars (\$500.00) for each violation. Each day's continued violation shall be considered a separate offense. The city may also seek injunctive or other appropriate relief.

(Ord. of 5-22-95; Ord. of 2-20-01; Ord. of 4-23-01; Ord. of 6-9-03)

¹ **Editor's note**—An ordinance enacted June 11, 1990, amended Ch. 27 by adding a new Art. VI, §§ 27-109—27-115. In order to conform to established Code format and to provide for future additions to Art. V without the necessity of point-numbering, the editor, at his discretion, has renumbered these new provisions as §§ 27-119—27-125. The original numbers of these sections have been retained in the history citation following each section and in the Code Comparative Table in order to assist in tracking.

Chapter 28 SUBDIVISIONS¹

28-1 Authority; purpose; nonretroactive effect.

28-2 Definitions.

28-3 Platting jurisdiction.

28-4 Preapplication conference.

28-5 Procedure for approval of preliminary plat.

28-6 Procedure for approval of final plat and construction detail drawings.

28-7 General and specific review criteria.

28-8 Fees.

28-9 As-built drawings.

28-10 Dedication and acceptance of public facilities.

28-11 Waivers.

28-12 Severability.

28-1 Authority; purpose; nonretroactive effect.

(a) *Authority.* The City of Burlington acting pursuant to the authority set forth in 24 V.S.A., Chapter 91 as amended, hereby adopts regulations governing the subdivision of lands within the City of Burlington, Vermont. These regulations shall be known as the City of Burlington Subdivision Regulations.

(b) *Purpose.* It is the intent and purpose of this chapter to encourage the appropriate development of all lands in a manner which will promote the public health, safety, morals, prosperity, comfort, convenience, efficiency, economy and general welfare; and to provide means and methods for the prevention, minimization and future elimination of land development problems which may presently exist or which may be foreseen. In addition, this chapter shall further the following specific aims:

- (1) To create an optimum urban environment, to encourage a rational, convenient pattern of development and/or conservation, and appropriate design, and in particular to encourage and enhance the attractiveness of the Burlington scene.
- (2) To protect public health by the reduction of noise, air and water pollution and other obnoxious physical influences.
- (3) To protect the access to adequate light and air.
- (4) To provide adequate access to public ways that will be safe and convenient for pedestrian and vehicular traffic.
- (5) To implement the comprehensive master plan and to insure compliance with the applicable zoning bylaws.
- (6) To secure adequate provisions for water, sewage drainage and other utility services; street lighting, fire and police protection, recreational and educational facilities and similar municipal services; and any other requirements where necessary in a subdivision.

(c) *Nonretroactive effect.* The provisions of this chapter shall not apply to any existing subdivision which has heretofore been approved by the planning commission and the plat thereof recorded pursuant to the provisions of the subdivision regulations of the City of Burlington adopted April, 1954, as amended. In the event any such subdivision plat has not been so recorded, the subdivision of said property shall be subject to the provisions hereof. No such prior approved subdivision shall be modified, changed or altered except by approval of the development review board in accordance with the provisions of this chapter.

(Ord. of 10-16-00)

28-2 Definitions.

Except as specifically defined in this section, words and phrases used in this chapter shall have their customary dictionary definitions unless the result would be entirely inconsistent with the context. The term "shall" is mandatory. Words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

(a) *Administrative officer(s):* The person or persons designated by the planning commission to receive and process applications under this chapter.

- (b) *Design review:* Review of height, bulk, open space, massing, traffic access, circulation, parking, landscaping and all other architectural features by the design advisory board.
- (c) *Design advisory board:* The board appointed by the legislative body to advise it in the fields of landscaping, architecture, engineering and other pertinent design criteria during review of subdivisions.
- (d) *Development review board or board:* The City of Burlington Development Review Board. The board has seven (7) members and two (2) alternate members. The responsibilities of the board includes, but is not limited to, review of all development projects in the City of Burlington.
- (e) *Lot:* A portion or parcel of real property distinguishable from other portions or parcels by deed, description or use, as on a subdivision plat, record or survey map, or as described by metes and bounds, or intended for transfer of ownership or for building development. For purposes of this chapter, the term does not include any portion of a dedicated right-of-way. With specific respect to residential development, each dwelling unit with associated accessory uses located on a separated land area from other dwelling units shall constitute a lot.
- (f) *Planned residential development:* A subdivision developed as an entity with respect to which the development review board has approved modification of otherwise applicable zoning regulations, pursuant to the authority and limitations set forth in the comprehensive master plan and 24 V.S.A. 4407(3), as amended.
- (g) *Planning commission:* The City of Burlington Planning Commission.
- (h) *Recreation land acquisition and improvement trust fund:* A fund established by this chapter to be administered by the city council and used to acquire park and/or recreational property or to improve existing park and/or recreational facilities.
- (i) *Site plan review:* Review of site plans in accordance with the authority, limitations and procedures set forth in the comprehensive master plan, 24 V.S.A. 4407(5) and the Burlington Zoning Regulations, all as amended.
- (j) *Street or alley:* A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation. Streets shall be further classified as follows:
 - (1) *Arterials:* Limited access highways moving large volumes of traffic between major points within or outside of the city.
 - (2) *Major streets:* Interconnect the neighborhoods of the city, other adjacent communities and the downtown to the neighborhoods.

(3) **Collector streets:** Gather traffic from local streets and to feed it to major streets.

(4) **Local streets:** Streets used primarily for direct access to residential properties.

(5) **Marginal access streets:** Local streets which are parallel to and adjacent to arterial and major streets which provide access to abutting properties and protection from through traffic.

(6) **Alleys:** Ways which provide access to the back side of properties abutting on a street and used primarily for providing services to such properties.

(7) **Cul-de-sac:** The turn around at the dead end of a local street.

(k) ***Subdivider:*** A person, firm, corporation or any other entity having such proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this chapter, or the authorized agent of such person, firm or corporation.

(l) ***Subdivision:*** All divisions of a tract or parcel of land into two (2) or more lots, residential, commercial or industrial building sites, or other divisions including without limitation, condominiums, cooperatives, apartment and multiple dwellings, to be constructed on more than one lot, for the purpose, whether immediate or future, of sale, lease, contract, legacy, or building development; all divisions of land involving the extension of water, sewer, or gas transmission lines; resubdivision. Where appropriate to the context, the term "subdivision" relates to the process of subdividing or to the land or area subdivided. The following are specifically not included within this definition:

(1) A combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the city.

(2) A duplex unit or apartment structure to be constructed on a single lot and not as a part of a subdivision as above defined.

(m) ***Yard:*** All open space, other than an enclosed court, on the same lot with a building or group of buildings, which open space lies between such building(s) and a lot line. The width of the lot shall be measured at the building line. No building or other structure shall be erected unless in conformity with section 22, minimum lot requirements, of the Burlington Zoning Ordinance as amended [included herein as Appendix A], except that: eaves, sills, stoops, steps, roof overhang, cornices, belt cornices, fences or walls, and similar features may project into the specified yards. The open, unoccupied space extending across the full width of the lot and lying between the street line of the lot and the nearest line of the building. The depth

of a front yard shall be the minimum distance between the building and front lot line, measured at right angles to the front line of the lot.

(1) **Yard, rear:** The open, unoccupied space extending across the full width of the lot and lying between the rear lot line of the nearest line of the building. The depth of a rear yard shall be the minimum distance between the building and rear lot line, measured at right angles to the rear line of the lot.

(2) **Yard, side:** The open, unoccupied space between the side lot line and the lot and the nearest line of the building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The width of a side yard shall be the minimum distance between the building and the side lot line, measured at right angles to the side line of the lot.

(n) **Zoning administrator:** The official duly appointed to administer the zoning regulations.

(Ord. of 10-16-00)

28-3 Platting jurisdiction.

(a) **Platting authority:** The development review board shall be the official city platting authority, and no plat of a land subdivision shall be entitled to be recorded in the office of the city clerk unless it shall have the approval of the development review board inscribed thereon.

(b) **Use of plat:** The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that does not have final approval by the development review board inscribed thereon and is not recorded in the office of the city clerk is prohibited.

(c) **Acceptance of streets:** The city council has exclusive authority to accept streets. Upon the effective date of these regulations no city improvements or maintenance shall be authorized on any unaccepted streets except by resolution authority of such city council; or unless a performance bond as required herein has first been posted by a subdivider. A subdivider shall not lay out, open, improve, grade, pave or light any street unless such street corresponds to the street location shown on the approved final plat of such subdivision.

(d) **Erection of buildings:** No building permit shall be issued and no buildings shall be erected on any lot within a proposed subdivision unless and until the final subdivision plat has been recorded with the city clerk following approval by the development review board.

(Ord. of 10-16-00)

28-4 Preapplication conference.

Whenever a subdivision is proposed, the subdivider is urged to consult the administrative officer. The purpose hereof is to afford the subdivider an opportunity to consult early and informally with the administrative officer before preparation of the preliminary and/or final plats, in order to save time and expense, and to make the most of opportunities for desirable development. The subdivider may submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for such preapplication review and no formal application shall be required.

(Ord. of 10-16-00)

28-5 Procedure for approval of preliminary plat.

- (a) Application for preliminary plat approval: Whenever a subdivider desires review of a preliminary plat, he shall submit to the administrative officer the following items:
 - (1) A letter requesting review and approval of a preliminary plat, giving the names and addresses of those to whom notice of the public hearing by the development review board on preliminary plat shall be sent.
 - (2) Ten (10) copies of the preliminary plat.
 - (3) Filing fee: Every applicant, before being granted consideration hereunder, shall pay to the office of the development review board a filing fee in accordance with the current schedule of fees adopted by resolution of the city council. The fee is nonrefundable.
- (b) Upon receipt of the ten (10) copies of the preliminary plat, the administrative officer shall date each copy and immediately distribute one copy to each of the following: city engineer, the director or superintendent of the department of public works, parks and electric departments; the chair or designated individual of the development review board, and the fire marshal. The administrative officer shall retain the other two (2) copies. The administrative officer shall also notify the school board and the city councilors serving the affected ward(s) of the pending development, its size, location and general character.
- (c) Within fourteen (14) days of the submission of a preliminary plat, the development review board shall set the date of a public hearing thereon.
- (d) Within one week following such public hearing the administrative officer shall call a meeting of affected city departments in order to facilitate review and coordination of the

improvements required under this chapter. Representatives of state and private agencies may likewise be requested by the administrative officer to attend. Following such meeting, affected city departments shall make a written report to the administrative officer and the subdivider of all objections and the reasons therefor. The subdivider shall make written response to all such reports upon submission of his final plat.

(e) Preliminary plat specifications:

(1) Sheet size and scale: The preliminary plat shall be twenty-four (24) inches by thirty-six (36) inches outside dimension with a one-inch margin on three (3) sides and a two-inch margin on the left side. The plat shall be made on reproducible paper with pencil and shall be clearly and legibly drawn at a scale of one inch equals forty (40) feet. Larger sheet sizes will be allowed with approval of the administrative officer.

(2) The preliminary plat must show the following:

(A) Subdivision name or title, address, scale, north arrow indicating magnetic and true north, date and legend.

(B) Names and addresses and phone numbers of the subdivider, designer and other parties to the subdivision.

(C) Vicinity map, drawn at a scale of one inch equals six hundred (600) feet, showing boundary lines of adjoining developed and undeveloped land within an area bounded by nearest arterial streets or other natural boundaries; identifying type of use and ownership of surrounding land and showing alignments of existing streets.

(D) Total acreage of subdivision and number of lots proposed.

(E) Exact boundary lines of the tract by bearings and distances with such measurements tied into an existing reference point and the boundaries of contiguous properties.

(F) Location, widths, and names of all existing or previously platted streets, or other rights-of-way, parks, and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.

(G) Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract; also indicating such data as grade invert elevations, and locations of catch basins, manholes, and hydrants.

- (H) Physical features such as water courses, marshes, rock outcrops, wooded areas and other significant features and soil boring data at locations and depths as may be reasonably required by the administrative officer or city engineer to carry out the purposes and intent of this chapter.
- (I) Existing and proposed contours at vertical intervals of not more than five (5) feet with elevations indicated in feet above mean sea level except where the city engineer requires further delineation of the topography.
- (J) Proposed layout including streets and alleys with proposed street names, lot lines with approximate dimensions, approximate location of proposed structures including public facilities and land to be reserved or dedicated for public uses. Where only a portion of a larger parcel is being subdivided, the development review board may require a complete plan of the entire parcel so as to examine the partial development to be sure it does not adversely affect the arrangement and continuity of the overall design. The general plan of the entire parcel shall indicate the types of land uses, densities and vehicular accessibility.
- (K) Open space, systems of drainage, provisions for disposal of sewerage and water supply within the subdivision.
- (L) Building types, approximate size and cost, if applicable.
- (M) Proposed street tree planting including proposed species, size and spacing.
- (N) Zoning districts of all areas shown on the plan.
- (f) Notice of public hearing on preliminary plat: Within thirty-five (35) days of preliminary plat submission, a public hearing shall be held by the development review board. The public hearing shall be advertised in a local newspaper with general circulation throughout the city and notice shall be posted in one or more public places within the city at least fifteen (15) days prior to the hearing. Such notice shall describe the location of the proposed subdivision, the name of the subdivider and the time and place of the hearing. On the day of publication, a copy of said notice shall be sent by first class mail to the subdivider and to all owners of land abutting the proposed subdivision. Should the proposed subdivision be located within five hundred (500) feet of a municipal boundary, a copy of the notice shall be sent to the regional planning commission and to the clerk of the planning commission of the affected municipality at least fifteen (15) days prior to the hearing. Once convened, the development review board may recess such public hearing to be reconvened at a later date, time and place announced during said hearing without having to readvertise and repost notice of such recessed hearing. The development review board shall make a record of all comments

presented at the public hearing. Such comments shall be considered by the development review board throughout the review process.

(g) Decision of the development review board on the preliminary plat: The development review board shall, within forty-five (45) days after the public hearing, approve with modification, approve or disapprove the preliminary plat. A notation of the action taken by the development review board shall be made on two (2) copies of the preliminary plat, one copy shall be returned to the subdivider and one copy retained for the records of the development review board. If decision on a preliminary plat is not made by the development review board within forty-five (45) days after the public hearing, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand. In the case of disapproval, a copy of the minutes of the meeting outlining the reasons for denial shall accompany the returned copy of the preliminary plat. The subdivider may then file a revised preliminary plat in accordance with subsection 28-5(a) upon payment of fifty (50) percent of the original filing fee as previously established. Approval of the preliminary plat shall not constitute approval of a final plat. It shall indicate only approval of the desired layout and serve as a guide to the preparation of the final plat. A preliminary plat for a specific area of land shall be valid, for a period of one year after the date of approval. The period of validity may be extended for an additional one year only if request for such extension has been approved by the development review board prior to the expiration of that year. No additional renewals shall be granted.

(h) For minor subdivisions, including those of ten (10) dwelling units or less, the applicant may request, and the development review board may so authorize, that the hearings on preliminary and final subdivision plats be combined into a single public hearing.

(Ord. of 10-16-00)

28-6 Procedure for approval of final plat and construction detail drawings.

(a) Application for approval of final plat: During such time that an approved preliminary plat remains effective, the subdivider may seek approval of his final plat by filing the following items with the administrative officer:

- (1) A letter requesting review and approval of the final plat and giving the name and addresses of person(s) to whom notice of the hearing by the development review board thereon shall be sent.
- (2) Ten (10) copies of the final plat, with one of such copies being the original drawn in black permanent and actinic inks on reproducible linen tracing cloth, one hundred (100)

percent rag content linen record paper or three (3) to five (5) mil stable-base polyester film. Upon receipt of the plats, the administrative officer shall date each and distribute a copy to the city officials listed in subsection 28-5(b). At least two (2) copies shall be retained by the administrative officer.

- (3) Ten (10) copies of construction detail drawings of the sewer, water and drainage systems, other underground utilities, surface improvements, street profiles and street cross-sections as specified in subsection 28-6(e). The administrative officer shall date each copy of such drawings and distribute a copy to the city engineer and the superintendent of each affected city department. Two (2) copies shall be reserved for use by private utilities and two (2) copies shall be retained by the administrative officer.
- (b) Within fourteen (14) days of the submission of a final plat, the development review board shall set the date of a public hearing thereon.
- (c) Legal data required: In addition to the items listed in subsection (a) hereof, the subdivider shall submit the following executed documents to the administrative officer at the time of application for approval of the final plat.

(1) Engineer's certification as follows:

"It is hereby certified that this plat fully complies with all engineering requirements set forth in the subdivision regulations of the City of Burlington and all other engineering requirements of Burlington, Vermont."

By: _____ Registered _____
Seal _____

(2) Surveyor's certification as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future," and their location, size, type and materials are correctly shown."

By: _____ Registered _____
Seal _____

(3) Subdivider's certification as follows:

State of Vermont, County of Chittenden,
City of Burlington

"The owner of the land shown on this plat
and whose name is subscribed hereto, in
person or through a duly authorized
agent, certifies that this plat was made
from an actual survey, and that all taxes
or other assessments now due on this
land have been paid."

Agent

Owner

Date

Date

(4) Certificate of dedication: A certification by the subdivider setting forth the description of the areas and improvements he is dedicating to the public and the extent of the title which he is dedicating.

(5) Text of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(6) Certificate of the city engineer, as follows:

"I, _____, City Engineer, do hereby
certify that the subject plat has been
examined by me and found to comply
with the engineering requirements set
forth in the regulations governing plats of
subdivided land adopted by the city
council, with the following exceptions:"

City Engineer

(7) Certificate of the superintendent of parks as follows:

"I, _____, Superintendent of Parks,
do hereby certify that the subject plat has
been examined by me and found to
comply with the street planting
requirements and park area
requirements set forth in the regulations
governing plats of subdivided land
adopted by the city council, with the
following exceptions:"

City Superintendent of Parks

(8) Certificate of the fire marshal as follows:

"I, _____, Fire Marshal, do hereby
certify that the subject plat has been
examined by me and found to comply
with the fire prevention requirements set
forth in this chapter governing plats of
subdivided land adopted by the city
council with the following exceptions:"

City Fire Marshal

(9) Any other certificate as may be reasonably required by the development review board to carry out the purpose and intent of these regulations.

Upon receipt, the administrative officer shall forward such documents to the city attorney who shall advise as to their form and legal sufficiency.

(d) Final plat specifications: The final plat shall be prepared by a registered professional engineer or land surveyor and shall be legibly drawn in permanent and actinic black inks upon linen tracing cloth or similar permanent material. The plan shall be at a scale of one inch equals forty feet (1"=40'). In addition such other scale as the board may require to show details clearly and adequately shall be included. Sheet sizes shall be twenty-four (24) inches by thirty-six (36) inches with one inch margins on three (3) sides and a two (2) inch margin on the side to be bound. If multiple sheets are used, they shall be accompanied by an index sheet referencing the entire final plat. The final plat shall contain all information required on the preliminary plat, updated and accurate, together with the following information:

(1) Existing and proposed lines of streets, ways, lots with areas of each, dimensions and areas of easements, parks and other property within the subdivision to be dedicated for public use.

- (2) Location, width and final grade of proposed streets.
- (3) Sufficient data including the length, radii and central angles of all curves to determine readily the location, bearing and length of every street and right-of-way, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within five hundred (500) feet of a Vermont Coordinate Survey Monument, the survey of the subdivision shall be tied to said monument(s). The error of closure must not exceed one to fifteen thousand (15,000); traverse streets or a copy thereof showing error of closure of the field surveys and the calculations for final adjustment must be submitted to the office of the city engineer for approval.
- (4) Location of all permanent monuments, properly identified as to whether existing or proposed. The distance and bearing to the nearest municipal, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street right-of-way lines or where designated by the city engineer.
- (5) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access street leading from the subdivision to the nearest accepted public street.
- (6) Lot numbers, proposed house numbers and areas of other adjoining land of applicant not included in subdivision.
- (7) Minimum front and side street building setback lines shall be shown and dimensioned in accordance with the applicable zoning ordinance requirements.
- (8) Subsurface conditions of the tract, location and results of tests made to ascertain subsurface soil rock and ground water conditions and depth to ground water, as may be reasonably required to carry out the purposes and intent of these regulations.
- (9) Proposed surface water drainage pattern for each individual block, and street including an updated proposed grading plan.
- (10) Trees of over eight-inch caliper.
- (11) Location of all the following improvements unless specifically waived in writing by the board: street paving, sidewalks, curbs, utilities above and below ground, fire hydrants, street trees, street signs, street lighting standards, storm drainage, all easements and fire alarm boxes.
- (12) Legend denoting any signs and symbols used on the plan and not otherwise explained.

- (13) A certificate for notation of final plat approved by the development review board, directly on the plat as follows:

APPROVED BY RESOLUTION OF THE CITY
OF BURLINGTON DEVELOPMENT REVIEW
BOARD, VERMONT, ON THE _____
DAY OF _____, 20 _____
SUBJECT TO ALL REQUIREMENTS AND
CONDITIONS OF CHAPTER 28 ENTITLED
SUBDIVISION REGULATIONS OF THE
BURLINGTON, VERMONT, CODE OF
ORDINANCES, SIGNED THIS
_____ DAY OF _____,
_____ BY

Witness

Chairman

- (e) Construction detail drawings: All submitted applications for final plat approval must likewise have construction detail drawings consisting of the following:

- (1) Plans and profiles showing existing and proposed elevations along centerlines of all streets within the subdivision.
- (2) Plans and profiles showing location of street pavements, curbs, gutters, sidewalks, manholes, catchbasins, culverts and existing intersecting walks and driveways.
- (3) Typical cross-sections of improved streets indicating the material used for construction of the roadbed and surface sidewalk, curbing and tree belt, tree pit and showing centerline right-of-way width, width of pavement and travel lanes, height of crown, curb reveal, and any other pertinent information.
- (4) Plans and profiles of the storm drainage system showing the location, pipe size and invert elevations of existing and proposed storm drains together with invert and rim elevations of all catchbasins and manholes. Surface elevation and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information shall be sufficient for the city engineer to determine the size of any proposed drain, culvert or bridge.
- (5) Plans and profiles of the sanitary sewer system showing the location, pipe size and invert elevations of existing and proposed sewage system together with invert and rim elevations of all manholes. All lots within the proposed subdivision shall be serviced by

the municipal sewerage system. Where a gravity flow of sewage cannot be attained, the subdivider shall install a pumping or lift station of a make and type specified by the sewage disposal superintendent to provide for the proper disposal of all waste into the existing sanitary systems. The subdivider shall covenant that one year after the pumping station has been installed and found to function to the satisfaction of the sewage disposal superintendent said pumping station shall be deeded to the city and thereafter shall be maintained and operated by the sewage disposal department.

(6) Plans and profiles of the water supply system showing the location, pipe size and invert elevations of the subdivision water system. All lots within the proposed subdivision shall be supplied by the municipal water system.

(7) All profiles shall be drawn with:

(A) A horizontal scale of one inch to forty (40) feet and a vertical scale of one inch to four (4) feet.

(B) Existing centerline in fine black line with elevation shown every fifty (50) feet.

(C) Proposed centerline grades in heavier black line with elevations shown at every fifty (50) foot station except that in vertical curves elevations shall be shown at twenty-five (25) foot station. All changes in street grade shall be shown by a tangent to the vertical curve with the grade of the tangent indicated at the point of tangency.

(D) Cross-sections at every fifty (50) foot station or any unusual section as is common practice in the design of roadways by the Vermont Department of Highways.

(E) Existing right-of-way line in fine black dash line.

(F) Proposed right-of-way line in fine black dotted line.

(G) All elevations based on the U.S. Coast and Geodetic Survey bench marks.

Requirements 1—6 of such construction detail drawings must be approved by the city engineer prior to approval of the final plat by the development review board.

(f) Final approval of construction detail drawings: Final approval of the complete set of construction detail drawings shall consist of a letter of approval from the development review board, therein stating:

(1) Type of improvement(s) covered by the plan.

- (2) Name of the designing engineer.
- (3) Date of preparation and revision if any.

Prior to such final construction detail drawings approval, the development review board may recommend, or may require upon recommendation of the city engineer such changes or revisions as are deemed reasonably necessary to carry out the purposes and intent of these regulations.

(g) Notice of public hearing on final plat: Within thirty-five (35) days of the date the final plat is submitted, a public hearing thereon shall be held by the development review board. The public hearing shall be advertised in a local newspaper with general circulation throughout the city and notice shall be posted in one or more public places in the city at least fifteen (15) days prior to the hearing. The notice shall describe the location of the proposed subdivision, the name of the applicant and the time and place of the hearing. It shall specifically state the hearing is on the subdivider's proposed final plat. On the day of publication, a copy of said notice shall be sent by first class mail to the applicant and to all owners of land abutting the proposed subdivision. If the subdivision shall be located within five hundred (500) feet of a municipal boundary, a copy shall be sent to the regional planning commission and to the clerk of the affected municipality at least fifteen (15) days prior to the hearing. If deemed necessary, the development review board may recess the public hearing, to be reconvened at a later date, time, place announced during said hearing without having to readvertise and repost a notice of such recessed hearing.

(h) Development review board approval of final plat: The administrative officer shall check the final plat for conformance with this chapter and report his findings and recommendations together with the findings and recommendations of the other city officials whose departments are affected by the proposed subdivision to the development review board. Thereafter the development review board shall, within forty-five (45) days from the close of the public hearing on the final plat, approve, with modifications, or disapprove the final plat. A notation of the action shall be made on the original tracing and two (2) copies of the final plat. If the final plat is approved or approved with modifications, the chairman or the person designated by resolution by the development review board shall sign the plat certificate. The original or a reproducible copy thereof shall be retained by the board for its records. In the case of approval with modification, the modifications shall be included in the minutes of the meeting. A copy of the applicable minutes shall accompany the original tracing and each print of the final plat. If the final plat is disapproved, grounds for such action shall be stated in the board minutes with a copy of said minutes included in a letter advising the subdivider of the disapproval of the plat. In the case of denial of the final plat, a minimum of six (6) months must elapse, commencing from the date of denial, before the subdivider may resubmit the subdivision plans for review by the development review board. If action on the

final plat is not taken by the development review board within forty-five (45) days from the public hearing, the final plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant may waive this requirement and consent to an extension of time, provided such waiver is received in written form. Before approving a final plat, the development review board shall obtain a memorandum from the city attorney that approved bond, or security, pursuant to T. 24 Sections 4416, 4417 of the Vermont Statutes Annotated has been posted to insure completion of all required improvements.

(i) **Filing of approved final plat:** After a final plat has been approved, the subdivider shall:

(1) File a permanent copy sheet size either eleven (11) inches by seventeen (17) inches or eighteen (18) inches by twenty-four (24) inches drawn in black permanent and actinic ink on linen tracing cloth or other similar reproducible material or reduced copy thereof with the city clerk within ninety (90) days from the date of approval. Failure to so file within ninety (90) days shall render void the final plat approval. Prior to the acceptance of the final plat by the city clerk, the city engineer shall check the copy to be filed to ascertain that it is as approved. A plat shall become void if changes are made to it after the board has endorsed the same in writing. Any person altering or attempting to alter any plat subsequent to final development review board approval shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed two hundred dollars (\$200.00). After filing with the city clerk, the plat shall become part of the official map.

(2) File one approved print with the building inspector before building permits are made available.

(3) File one approved print with the city assessor.

(Ord. of 10-16-00)

28-7 General and specific review criteria.

The development review board shall base its decisions with respect to consideration of preliminary plats and final plats for subdivisions on whether the proposed subdivision meets the general and specific review criteria set forth in this section.

(a) *General review criteria:* The following general standards shall apply to all proposals for subdivision development:

(1) Subdivisions shall conform to the zoning regulations, official map and shall:

(A) Not result in undue water, air, or noise pollution;

- (B) Have sufficient water available for its needs;
- (C) Not unreasonably burden the city's present or future water supply or distribution system;
- (D) Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- (E) Not cause unreasonable congestion or unsafe conditions with respect to the use of highways, waterways, railways, and other means of transportation existing or proposed;
- (F) Not cause an unreasonable burden on the ability of the city to provide municipal services;
- (G) Not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare or irreplaceable natural areas;
- (H) Not have an undue adverse impact on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth nor on the city's investment in public services and facilities;
- (I) Be in substantial conformance with the city's municipal development plan; and
- (J) Not have an undue adverse impact on the present and projected housing needs of the city in terms of amount, type, affordability and location;
- (K) Not have an undue adverse impact on the present and projected park and recreational needs of the city.

Any of these criteria, with the exception of (I), may be waived by the development review board for residential developments containing less than five (5) dwelling units.

- (2) Land subject to flooding, improper drainage or erosion, or that is for topographical or other physical reasons unsuitable for residential use shall not be platted for residential use nor any other use that will continue or increase the danger to health, safety or property. Unless said problems can be and are corrected, such land shall be used only for such uses as are not endangered by periodic inundation, and may be offered as a gift, to be used for public park or recreation purposes.
- (3) A proposed subdivision shall not be approved if, despite completion by the subdivider of the specific requirements set out in this chapter, its development would render the below listed existing municipal services in-adequate and overburdened:

- (A) Major street linkages to such proposed subdivision.
- (B) The city water system and/or the city sanitary sewer system.
- (C) The capacities of the city school system to provide educational services.
- (D) The ability of the police and fire departments to provide police and fire protection without the necessity of establishing a new station or requiring additional personnel and/or equipment at an existing station.
- (E) Municipal parks, playgrounds, pedestrian ways and other public facilities.

The development review board shall not disapprove an application for preliminary or final plat approval on the basis of the general review criteria of this section in the absence of evidence establishing that the proposed subdivision would not be in compliance therewith. The subdivider shall not bear the burden of proof with respect to such general review criteria.

(4) Higher standard covenants: In the event a request for preliminary plat approval is disapproved on the basis of evidence presented establishing that despite completion of all specific requirements, one or more of the general review criteria would not be met, the development review board and the subdivider may, if in the judgment of the board all general review criteria could be met thereby, enter into a covenant to the effect that development will be completed according to specifically delineated criteria more detailed and/or stringent than the specific review criteria set forth in this chapter. Such covenant must be approved by the city attorney as to its form and legal sufficiency. If such a covenant is executed it shall be submitted by the subdivider with his application for final plat approval and be considered a part of the record at the public hearing. Should a final plat be approved for such a subdivision, all sections of this chapter relating to performance obligations and performance security shall be applicable to the conditions of such higher standard covenant.

(5) Phased development: Should the development review board determine, on the basis of evidence presented with respect to an application for either preliminary or final plat approval, that one or more of the general review criteria of this section would not be met unless development of the subdivision was phased over a number of years, the board shall have authority to approve a plot on the basis of a covenant with the subdivider providing that development will be phased over the number of years required to meet such general review criteria. Upon final plat approval, failure by a subdivider to comply with the terms of such a phased development covenant shall constitute a violation of this section, and such final plat approval for subdivision development shall be null and void.

(b) *Specific review criteria:* In addition to the general review criteria set forth in subsection (a) hereof, the below set forth specific review criteria shall apply to all proposals for subdivision development. All improvements required as a part of such specific review criteria shall be made at the sole expense of the subdivider.

(1) Monuments: Provision shall be made for permanent monuments to be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curve. Monuments shall be stone or concrete with a one-inch diameter metal pipe at least two (2) feet long set in the center, located in the ground at final grade level, and indicated on the final plat. Metal stakes shall be set at all corners and angle points of individual lot lines within the subdivision located in the ground at or above final grade level.

(2) Lots and blocks:

(A) Lots—Planning and design standards: Residential lots shall meet the lot width, frontage and area requirements of the Burlington Zoning Ordinance, as amended, and shall be arranged so that there will be no foreseeable difficulties in securing building permits and gaining access to buildings from streets. The subdivision plat shall provide each lot with satisfactory access to a public street and no driveway grade shall exceed ten (10) percent. Where practicable, lots shall be so laid out that driveways have access to the abutting street which carries or is intended to carry the lesser amount of traffic. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with this chapter. Side lot lines shall be at right angles or radial to street lines, unless in the judgment of the board, a variation will give a better street or lot plan. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback requirements of each street as specified in the zoning ordinance.

(B) Blocks—Planning and design standards: No specific rule concerning the shape of blocks is made, but blocks must fit readily into the overall plan of the subdivision and their design must evidence consideration of topographical conditions, lot planning, traffic flow, and public open space areas. The length, width and shape of blocks shall be determined with due regard to:

- (I) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- (II) Zoning requirements as to lot sizes and dimensions.
- (III) Need for convenient access, circulation, control and safety of street traffic.

(IV) Limitations and opportunities of topography.

Blocks intended for commercial, industrial, and institutional use must be designated as such. Where a subdivision borders on or contains a railroad right-of-way or limited access thoroughfare, the development review board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for a park, deep residential lots backing to railroad or arterial street with a planting screen in a no access area at rear property lines of lots, or for motor vehicle parking for business or industry with due regard for the requirement of approach grades and future grade separations.

(3) Streets:

(A) Planning standards:

- (I) Streets shall be suitably located to accommodate the prospective traffic and to afford satisfactory access to fire fighting, snow removal and road maintenance equipment.
- (II) Streets shall be arranged so as to cause no undue hardship to adjoining properties, and shall be coordinated so as to compose a convenient system.
- (III) The arrangement, width and grade of all streets shall be considered in relation to existing and planned streets, topographic conditions, public convenience and safety, and in their appropriate relations to proposed land uses.
- (IV) Curbs shall meet all requirements for access by the handicapped as are and may be established by the public works commissioners.
- (V) Local streets shall be planned so their use by through traffic will be discouraged.
- (VI) Grades of streets shall conform as closely as possible to original topography and shall be arranged so that building sites are at or above street grade. Steep grades and sharp curves shall be avoided.
- (VII) Where a tract is subdivided into lots much larger than the minimum size required in the zoning district in which a subdivision is located, the development review board may require that streets and lots be laid out to permit future resubdivision.

(VIII) Where the subdivision borders on an existing street and the comprehensive master plan or official map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the board shall require that such areas be shown and marked on the final plat "reserved for street realignment (or widening) purposes", and not be conveyed as a part of any lot.

(IX) Minimum building setbacks shall comply with the requirements for setbacks specified in the zoning ordinance.

(X) Intersections of major streets by other streets shall be held to a minimum and shall be at least eight hundred (800) feet apart, unless this is determined by the board as impossible with respect to a particular intersection. Cross street intersections shall be avoided, except at important traffic intersections. A distance of at least one hundred twenty-five (125) feet shall be maintained between offset intersections. Within one hundred (100) feet of an intersection right-of-way, streets shall be approximately at right angles.

(XI) Alleys may be required at the rear of all lots used for multifamily, commercial or industrial developments but shall not be provided in one or two-family residential developments unless the subdivider provides evidence satisfactory to the development review board of the need for alleys.

(XII) Arrangement of streets shall provide for continuation of existing streets between adjacent properties whenever possible at the same or greater width, but in no case less than the required width.

(XIII) Dead-end streets shall have a maximum length of nine hundred (900) feet and shall be constructed with a cul-de-sac at the terminus with a minimum diameter of eighty (80) feet unless the board approves an equally safe and convenient form of turning space. The minimum widths and standards for right-of-way, pavements, sidewalks, utilities, etc. required of a local street shall also apply to a dead-end street.

(XIV) Where undeveloped land lies beyond the developed portion of the subdivision, no building permit shall be issued for the lot located on the extension of a cul-de-sac or dead-end street unless the board is satisfied that said street shall remain a permanent dead-end street.

(XV) If adjacent property is undeveloped and in the opinion of the development review board the cul-de-sac is temporary, right-of-way and improvements shall be extended to the property line. A temporary circular turn-

around shall be provided on all temporary dead-end streets meeting the standards set in paragraph (XIII) above, with the notation on the plat that land outside the street right-of-way shall be conveyed to the owners of abutting lots at the time the street is continued.

(B) Design standards: In the design of streets to be accepted by the city, the subdivider shall adhere to the minimum standards set by the City of Burlington as approved by the city engineer in June, 1968, as amended, for the construction of roadways, curbs, sidewalks, manholes, catchbasins and drive aprons. The book of such minimum city standards is available from the street department office for a fee of three dollars (\$3.00). The following specific standards shall likewise apply:

	<i>Major Collector Local</i>		
Minimum right-of-way width	80'	70'	56'
Minimum pavement width	48'	40'	30'
Maximum grade	4%	6%	10%
Minimum grade	0.5%	0.5%	0.5%
Minimum radius of curves, inner street lines for deflections of more than 10%	800'	500'	250'
Minimum tangent length between reverse curves	200'	150'	100'
Maximum grades within 100' of center line intersections	2%	3%	3%
Minimum braking sight distance	400'	300'	200'
Minimum distance between center line offsets	400'	300'	125'

Major Collector Local

Angle at intersections of street center lines	90°	85-90°	80-100°
---	-----	--------	---------

The radius of the curb at street intersections shall be as follows: Twenty-five (25) foot radius where a major street intersects with a major, collector or local street. Twenty (20) foot radius where a collector street intersects with a collector or local street. Twenty (20) foot radius where a local street intersects with any other type of street public or private.

(C) Construction standards: All street improvements shall be installed at the expense of the subdivider. The following specifications shall constitute the minimum standards for construction and improvement of streets:

- (I) Excavation: Streets shall be rough graded and compacted within the full width of the right-of-way.
- (II) Base course: Road beds shall have a minimum of twelve (12) inches of selected fill material in compliance with the minimum specifications of the public works commissioners. Where subsurface soils prove to be satisfactory to support the sub-base, the city engineer may require the subdivider to excavate deeper and add more than the twelve (12) inch minimum of gravel to return the road bed to proper grade.
- (III) Surface course-two applications: Upon the gravel base there should be constructed a pavement consisting of a base course of bituminous concrete mix one and one half (1 1/2) inches thick, compacted in place; and also a top course of bituminous concrete one inch thick compacted in place.
- (IV) Curbs: Curbs shall be installed on each side of all streets within the proposed subdivision. Curbs shall conform to standards approved by the city engineer and shall be made of four thousand (4,000) pound test concrete with construction joints at least every ten (10) feet and expansion joints every sixty (60) feet.
- (V) Sidewalks: Sidewalks shall be installed on each side of all streets within the proposed subdivision except:
 - A. If the development review board and the city council shall determine by resolutions passed prior to the public hearing on a final plat that the construction of sidewalks on one side of a proposed street would be impractical and unnecessary, the requirement of sidewalks on such side

may be waived by the development review board. For minor subdivisions, including those of ten (10) units or less, a resolution by the city council shall not be required.

B. With respect to a proposed street recommended for acceptance by the city engineer, the requirements of sidewalks and/or curbings may be waived if the development review board and the city council shall determine by resolution passed prior to the public hearing on a final plat that the foreseeable future development of the area served by such proposed street does not require such improvements. For minor subdivisions, including those of ten (10) units or less, these requirements may be waived by resolution of the development review board upon consent of the city engineer. The minimum widths of sidewalks shall be five (5) feet for all residential, commercial and industrial areas. Sidewalks shall have at least a five inch wearing course, except that through driveways and other areas subject to vehicular traffic shall be at least six (6) inches thick, laid on a compacted bed of gravel at least six (6) inches deep. Concrete shall have a minimum twenty-eight (28) day compressive strength of four thousand (4,000) PSI. All sidewalks shall have one quarter (1/4) inch per foot slope towards the street to provide proper drainage. The minimum tree belt width (distance between the curb and edge of the sidewalk) shall be seven (7) feet. Tree belts shall have a minimum of six (6) inches of top soil and an established turf of a mix approved by the board of parks and recreation commissioners. Provided, the development review board may waive the seven foot tree belt width requirement if it finds that unique physical factors are present which render such requirement impracticable.

(4) Subsurface improvements:

(A) Storm water drainage: Provision shall be made for storm sewer mains, catchbasin and manholes of a size, type and location approved by the public works commissioners. The same shall be a separate system from the sanitary sewer mains, and shall be connected to an adequate outfall, without creating a hardship on low-land owners. Such sewers shall provide for an extension to land lying within the upland drainage area, whether such land is within the subdivision or not. Storm sewers shall be designed by the rational method, and copies of the design computations shall be submitted with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance in excess of three hundred (300) feet in any gutter. Said board may, upon advice of the city engineer, require catchbasins at closer intervals if topographical conditions so warrant. Rights-of-way for storm water drainage must be sufficient for facilities to

handle not only the anticipated discharge from the property being subdivided but also the run-off that will occur when property at a higher elevation in the drainage basin is developed, based on a ten-year storm under conditions of total potential development. In cases where run-off incident to development of the subdivision will overload existing drainage facilities during a ten-year storm, the development review board shall not approve the subdivision until provision has been made for improvement of the downstream facilities. Where a subdivision is traversed by a water course or drainage way, there shall be provided a stormwater drainage easement of such width as to encompass the twenty-five-year flood area of such water course, which easement shall be indicated on the final plat.

(B) Sanitary sewage disposal: Provision shall be made for construction of a sanitary sewer system of a size, type and location approved by the public works commission. The following requirements shall likewise be met:

- (I) Asbestos cement (AC) or other pipes approved by the public works commission, having minimum internal diameter of eight (8) inches, shall be laid at such depths below finished grade so as to provide adequate sewage facilities to every dwelling and other structure. Larger pipes may be required where needed to provide an adequate system. Pipe fittings shall be made by John Mansfield or interchangeable with the same brand.
- (II) Where possible, the sanitary sewer mains shall be served by gravity flow system. In cases where the topography is such that all or a portion of the subdivision cannot be accommodated by gravity flow, the subdivider shall install and maintain a lift station to efficiently dispose of all sanitary waste into the existing sewer system. The lift station shall be of a design and capacity to adequately serve the development and be approved by the public works commission. All force mains leading from the pumping station shall be made of cast iron and shall be of a size approved by the public works commission. Upon the date of release of the performance bond, as hereinafter set forth, the city shall be conveyed and shall assume ownership and maintenance of any such pumping station.
- (III) Manholes shall be no more than three hundred (300) feet apart with additional manholes at each change of direction, according to standard engineering practices.
- (IV) Sanitary sewer shall be designed by the rational method and copies of all design computations therefor shall be submitted by the divider.

(C) Water supply: A public water supply system shall be installed of a kind, type and location approved by the public works commissioners. The following requirements shall likewise be met:

- (I) Water mains at least six (6) inches in diameter shall be laid at least six (6) feet below finished grade. Larger pipes may be required where needed to provide an adequate system. Water pressure shall not be less than thirty (30) PSI at the meter and if less than this pressure, the subdivider shall install a booster system in accordance with water department standards.
- (II) The system shall likewise be designed and installed to all standards and procedures of the Vermont Department of Health. Water and sewer lines should not be laid together in the same trench, and a minimum of ten (10) feet horizontal separations shall be preserved between the two (2) mains.
- (III) Water distribution facilities including, without limitation, all pipes, fittings, hydrants, valves and vaults shall be installed to serve all properties within the subdivision.

(D) Fire protection: Provision shall be made for fire alarm boxes and fire hydrants in the number, size, type and location approved by the board of fire commissioners. All lines connecting alarm boxes with fire stations shall be placed underground. Water pipes serving hydrants shall be of a sufficient size to provide the necessary supply of water for fire fighting purposes. All buildings within the proposed development shall be provided with access for firefighting equipment by means of either public streets or fire lanes. Fire lanes shall be no less than twenty-five (25) feet wide with access from two (2) locations wherever possible. Free-standing buildings over five (5) stories in height shall have access to firefighting equipment on all sides to provide for the safe and efficient operations of the fire department.

(E) Other public utilities:

- (I) Subdivider shall be responsible for the provision of electric, telephone, fire alarm, cable television and gas lines to a subdivision unless the development review board shall determine, after either the preliminary or final plat public hearing, that any one or more of such services is not reasonably available to or necessary for such subdivision. All such lines, with the exception of fire alarm cables which shall be installed at subdivider's expense, shall be installed at the expense of the applicable utility. The subdivider shall place all such lines underground. All electric power transformers shall, as determined by the electric department be placed underground in vaults or on ground level concrete pads of a type approved and inspected by said department. Further, if

the required transformer can be mounted on existing power poles, such above ground location shall be permissible provided all wires and conduits to the service use point are placed underground. The placement of all such lines shall be within easements or other dedicated public ways so as not to conflict with other underground services. All utility lines listed above shall be placed within street rights-of-way unless the development review board shall determine, with respect to any such line, that existing physical conditions make it impracticable to do so. In cases where such impracticability is determined, said utilities shall be centered and located on rear or side lot lines.

(II) Street lights: Subdivider shall make provision for the installation of all street lighting poles, brackets and lights, the specifications for which shall comply with standards established by the Burlington Electric Department. When such equipment is to be placed within an area or street proposed for dedication and city acceptance, it shall be both supplied and installed by the electric department.

(5) Easements: All easements which are required for the provision of utility services within a subdivision shall be at least twenty (20) feet in width, unless the development review board shall determine that a lesser width is required for a particular purpose. The development review board may require easements for pedestrian access to schools, public open space, playgrounds or streets when in its judgment the same are necessary. Such easements shall be a minimum of five (5) feet in width and paved by the subdivider in accordance with the specifications for sidewalks. At the end of all dead-end streets a subdivider shall dedicate a twenty (20) foot easement to the city for provision of storm drains to carry street run-off, snow placement and for future looping of utility services.

(6) Trees: A subdivider shall make provision for the planting and temporary maintenance of trees within a proposed subdivision in accordance with the standards of this section. The standard shall be three (3) trees for each residential lot and/or three (3) trees for each dwelling unit in the event a clustered housing type subdivision is developed. Existing, undisturbed trees which are approved by the park superintendent shall be considered in computing the number of trees needed to attain such standard.

(A) Size: Unless otherwise specified by the park superintendent all planted trees shall be small, medium or large deciduous tree species and their cultivars and varieties, shall conform to American Association of Nurserymen Standards and be at least two (2) to two and one half (2 1/2) inches in diameter six (6) inches above ground level, and at least eight (8) to ten (10) feet in height when planted. The crown shall be in good balance with the trunk.

(B) Grade: Unless otherwise specified by the park superintendent, all trees shall have comparatively straight trunks, well developed leaders and tops, and roots characteristic of the species, cultivar, or variety, and show evidence of proper nursery pruning. All trees must be free of insects, diseases, mechanical injuries, and other objectionable features at the time of planting.

(C) Location and spacing: Based on a forty-year cycle, no tree which will attain a trunk diameter greater than twelve (12) to fifteen (15) inches shall be planted in a tree belt less than seven (7) feet in width. Trees shall be planted at least thirty (30) feet from street intersections and at least fifteen (15) feet from driveways and alleys. Spacing of trees shall be determined by the park superintendent according to local conditions, the species, cultivars, or varieties used, their mature height, spread, and form. Generally, all large trees shall be planted forty (40) to sixty (60) feet on center; all medium-sized trees shall be planted a minimum of thirty-five (35) feet on center; and all small trees shall be planted a minimum of twenty-five (25) feet on center.

(D) Planting and support:

(I) Most small deciduous trees may be moved bare-rooted unless otherwise indicated by the park superintendent. Roots of bare-rooted trees should be protected against drying out.

(II) All coniferous trees shall be moved balled and burlapped. Balled roots should be prevented from drying out at the surface of the ball and protected against injurious freezing.

(III) Pits dug for planting of bare-root plants shall be a minimum of twelve (12) inches larger in diameter than the diameter of the root system so as to be of sufficient size to accommodate the roots without crowding. For balled trees, the pits shall be a minimum of twelve (12) inches larger in diameter than the diameter of the ball of soil to allow proper backfill.

(IV) Plants shall be planted no deeper than previously grown, with due allowance for settling.

(V) In poorly drained soil, artificial drainage shall be provided to properly drain the soil about the plant roots or tolerant species selected.

(VI) Acceptable top soil, compost, peat moss, or other acceptable soil mixtures shall be placed about the roots, or in the back fill around the ball. When the planting is completed, the entire root area shall be thoroughly saturated with water.

(VII) Excessive pruning at the time of transplanting should be avoided. The extent of top pruning should be based on the ability of the plant roots to function.

(VIII) Trees shall be suitably wrapped and guyed, or supported in an upright position according to accepted arboricultural practices. The guys or supports shall be fastened so that they will not girdle or cause serious injury to the tree or endanger public safety.

(E) Ownership: All trees planted within tree belts or on other land dedicated to the public shall be maintained by the subdivider for a period of two (2) growing seasons after time of planting. Thereafter, such trees shall be maintained by the city.

(7) Street names and house numbers:

(A) Street names: All street names shall be subject to development review board approval. Extensions of existing streets shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets. Street name signs shall be furnished and installed by the subdivider. The type, size and location thereof shall be subject to development review board approval.

(B) House numbers: All house numbers must follow the pattern previously established in the city. An identifying number shall be designated on the final plat for each twenty (20) feet of frontage to provide for the future resubdivision of parcels and/or increased densities. Only numerals shall be used to identify residences and other building numbers.

(8) Land for park and recreational purposes: Whenever approval is sought for development of a subdivision exceeding three (3) acres in area, the development review board shall require, as a condition of its approval, that an area or areas comprising in total no more than fifteen (15) percent of the subdivision land area be reserved for use as a park or parks for playground or other recreation purposes. Land set aside for such use shall be so designated on the subdivision plat. Upon completion of the subdivision, such areas may be dedicated to the city by the subdivider and if accepted by the city council, shall be maintained by the city. If dedication is not made or such lands are not accepted by the city council, such lands shall be maintained by the subdivider for a minimum period of five (5) years from the date of subdivision final plat approval in accordance with regulations promulgated or adopted by the development review board to assure preservation of such lands for their intended purpose.

Such conditions shall be inserted on the final plat prior to approval and recording. Provided, however, that should the development review board determine that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practicable, the development review board may require as a condition to the approval of such plat a payment to the city in an amount determined by the city council, which amount shall be appropriated by said city council so as to serve the needs of the surrounding area including, without limitation, the needs for acquisition of property for a neighborhood park, playground or other recreational purposes.

(9) Preservation of natural features and trees: Outstanding natural features of the site including groves of trees, water courses and falls, historic spots, exceptional views, and similar irreplaceable assets shall be preserved as far as possible by harmonious design. All types over ten (10) inches in trunk diameter shall be preserved except where it can be demonstrated by the subdivider that retention of any such tree is not appropriate. Topsoil removed in the process of grading the subdivision site shall be replaced, except with respect to proposed streets, driveways and building locations.

(10) Performance bond:

(A) Necessity: Prior to approval of any final plat, a subdivider shall file with the development review board and with the city clerk for recording, a covenant, running with the land, committing such subdivider to complete all improvements required by the board pursuant to this chapter within a maximum period of three (3) years from the date of final plat approval. Such covenant shall be secured by either a performance bond or a deposit of money or negotiable securities filed with the board. The amount of such bond, money or negotiable securities (security deposit) shall be determined by the board, upon consultation with the city engineer and affected city departments, and shall be based upon the estimated cost of such improvements, plus a ten (10) percent contingency factor and the estimated maintenance cost for such improvements for a period of two (2) years following their completion. If a performance bond is filed, the penal sum of such bond shall be one hundred (100) percent of the above determined amount. The bond shall be approved as to legal sufficiency, form and manner of execution by the city attorney and as to sureties by the city treasurer. If money or negotiable securities are filed, the necessary sum shall be fifteen percent (15) of such above determined amount.

(B) Reduction: As a subdivider shall complete any one or more of the required improvements, and such completion is certified by the board after inspection by appropriate city departments, the board may permit a corresponding reduction in the amount of security required under subparagraph (A) hereof. The subdivider shall inform the administrative officer at least forty-eight (48) hours prior to

completion of any improvement so that arrangements for proper inspection thereof can be made. No part of any improvement shall be covered over until such inspection is made and completion of such improvement is certified. In no event, however, shall such security be reduced below the amount required to cover the ten (10) percent contingency factor and the estimated two-year maintenance cost.

(C) Certification of final completion: The development review board or its designee shall issue a certificate of final completion when it is satisfied, after appropriate inspections, that all improvements required by it under authority of this chapter have been completed by the subdivider, and the "as-built drawings" required by section 28-9 hereof have been filed by him. Upon the issuance thereof, all security deposits required shall be released except the amount required for the issuance thereof, all security deposits required shall be released except the amount required for the ten (10) percent contingency factor and the estimated two-year maintenance cost. Such remaining amount shall be released two (2) years from the date such final completion certificate is issued, unless all or any portion thereof has been previously forfeited or is required for necessary maintenance work which arises prior to the expiration of such period.

(D) Forfeiture: In the event any required improvements are not completed within the maximum period allowed, or are not maintained as required, such security deposit may be declared forfeit by the development review board, and the proceeds thereof utilized by the city to complete such improvements, maintenance or "as-built drawings."

(Ord. of 10-16-00)

28-8 Fees.

For the administration of subdivision review, this city council shall by resolution establish, and may from time to time amend, a schedule of fees which will cover the city's obligations under this chapter including, without limitation, the cost of publishing notices, holding public hearings and making the inspections required during installation of subdivision improvements. Such fees shall be payable to the administrative officer upon submission of an application for preliminary plat approval and shall be nonrefundable.

(Ord. of 10-16-00)

28-9 As-built drawings.

One reproducible set of drawings showing the location of all required improvements as-built shall be certified by an engineer or land surveyor and filed with the development review board prior to the issuance of any certificate of final completion.

(Ord. of 10-16-00)

28-10 Dedication and acceptance of public facilities.

- (a) *Contract required.* Prior to approval of any final plat, the development review board shall require a subdivider to execute a contract pledging to dedicate and convey to the city all property lying within each street right-of-way to be constructed, all land designated for park and/or recreational use and all improvements which by virtue of section 28-7 will after a specified period of time, become the property of the city. Such contracts may be executed on behalf of the city by the development review board chairman when duly authorized so to do by his board. The city attorney shall approve all documents as to legal sufficiency, form and manner of execution.
- (b) *Private status.* Notwithstanding the execution of any contract requiring future dedication under subsection (a) hereof, all proposed streets, park and/or recreational lands and improvements shall remain the private property of subdivider until the same have been formally accepted by the city council. Furthermore, final plat approval by the development review board shall not be deemed to constitute or imply acceptance by said city council. No city department shall install any improvement within an unaccepted street right-of-way until the contract required by this section and the performance bond required by section 28-7(b) (11) have been filed with the board.
- (c) *Acceptance procedure.* Upon receipt of a certificate of final completion under section 28-7(b)(11)(C), a subdivider shall prepare and submit to the city council for acceptance pertinent deeds describing by metes and bounds all lands pledged to be dedicated to the city by the contract executed under subsection (a). All required easements for utility line maintenance shall likewise be submitted. No such deed or easement may be considered by the council until a certificate of final completion has been issued. Upon proper submission, the city council shall set the matter down for public hearing, and give notice thereof by publication in a newspaper of general circulation in the city at least fifteen (15) days before such hearing. The notice shall state the name and location of the proposed street, park or easement, the name of the grantor on the proposed deed or easement, and the time and place of the hearing. Following such hearing the council shall, upon finding that all requirements of this chapter have been met, and that all liens, encumbrances or charges of record affecting title or right to such land and/or easements have been discharged, accept such streets, lands or easements as the property of the city.

(d) *Previously developed streets.* Any provision of this chapter to the contrary notwithstanding, the city council may in its discretion, after public hearing warned as per subsection (c) hereof, accept a street the development of which shall have been substantially completed prior to the effective date hereof, and which shall be recommended for acceptance by the city engineer and the development review board.

(Ord. of 10-16-00)

28-11 Waivers.

Where the development review board and the city council both specifically find by resolution, after a single separate and distinct public hearing warned in the same manner as for all other public hearings hereunder on the question of whether a waiver should be granted, that due to the special circumstances of a particular plat, or because of exceptional or unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, provision of any one or more of the required improvements under this chapter is not requisite in the interest of the public health, safety or general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or proximate to the proposed subdivision, it may waive such requirement(s) subject to appropriate conditions. Such conditions must, in the judgment of the board, substantially secure the objectives of the requirements so waived. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the zoning regulations, comprehensive master plan, the official map or this chapter. Where a more specific waiver provision is established for any provision of this chapter, this section shall not be applicable.

(Ord. of 10-16-00)

28-12 Severability.

The provisions of this chapter shall be regarded as severable and should any portion thereof be held invalid, such invalidity shall not affect any other portion of such chapter.

(Ord. of 10-16-00)

¹ **Editor's note**—An ordinance adopted Oct. 16, 2000, repealed Ch. 28, Subdivisions, in its entirety and enacted a new ordinance with similar provisions as herein set out. The former chapter was derived from ordinances adopted on April 22, 1974; Sept. 29, 1980; May 12, 1986; and June 12, 1989.

Chapter 29 VEGETATION¹

29-1 Planting certain trees prohibited.**29-2 Park commissioners to approve location and manner of planting.****29-3 Cutting, pruning or removing trees prohibited; exception.****29-4 Removing plants, vines, etc., prohibited.****29-5 Hitching horses or other animals to trees or shrubs prohibited.****29-6 Attaching board, notice, wire, stay or support to tree prohibited.****29-7 Penalty.****29-1 Planting certain trees prohibited.**

No person shall plant or cause to be planted or assist in planting in any of the city parks or streets any variety of poplar, cottonwood or willow tree.

(Rev. Ords. 1962, § 3916)

29-2 Park commissioners to approve location and manner of planting.

No tree in a street, public park or other city property shall be planted except with the approval, and in accordance with the rules, of the board of park commissioners, 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 board of park commissioners or its agents, such supports or guards may be desirable.

(Rev. Ords. 1962, § 3851)

State law reference—Authority to appropriate sum of money to plant trees, 24 V.S.A., § 2507.

29-3 Cutting, pruning or removing trees prohibited; exception.

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 board of park commissioners or of the duly appointed tree warden or city forester.

(Rev. Ords. 1962, § 3852)

Charter reference—Power of city council to remove or trim trees when necessary, § 48(XXXI).

Cross reference—Authority to remove trees, shrubs or plants from cemetery, § 9-75.

State law reference—Cutting shade trees, 24 V.S.A. § 2508 et seq.

29-4 Removing plants, vines, etc., prohibited.

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.

(Rev. Ords. 1962, § 3855)

29-5 Hitching horses or other animals to trees or shrubs prohibited.

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.

(Rev. Ords. 1962, § 3853)

29-6 Attaching board, notice, wire, stay or support to tree prohibited.

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 board of park commissioners.

(Rev. Ords. 1962, § 3854)

Charter reference—Power of city council to prohibit and punish willful injury to trees, § 48(XXXII).

29-7 Penalty.

A violation of any provision of any provision of this chapter shall be a civil offense punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00) for each offense. Each day the violation continues shall be a separate offense. The superintendent of parks, waterfront manager, city arborist and all law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter.

(Ord. of 1-9-95)

Editor's note—An ordinance of Jan. 9, 1995, added provisions designated as § 29-6. Since there already existed provisions with that number, the editor has redesignated these new provisions as § 29-7

¹**Cross reference**—Cemeteries, Ch. 9; parks, Ch. 22.

State law reference—Authority of municipality to provide for location, protection and maintenance of trees, plants and shrubs, 24 V.S.A. § 2291(3); shade trees generally, 24 V.S.A. § 2502 et seq.

Chapter 30 VEHICLES FOR HIRE¹

ARTICLE I. IN GENERAL

30-1 Definitions.

ARTICLE II. SCOPE OF AUTHORITY AND GOVERNANCE

30-2 Applicability.

30-3 Enforcement of chapter.

30-4 Licensing board.

30-5 Vehicle for hire administration office.

ARTICLE III. VEHICLE FOR HIRE BUSINESS LICENSE

30-6 Business licenses required.

30-7 Application.

30-8 Investigation and disqualification.

30-9 Responsibilities of licensee—Expiration of license.

ARTICLE IV. VEHICLE FOR HIRE DRIVER STANDARDS

30-10 Background checks.

30-11 Requirements for lawful operation of a vehicle for hire.

30-12 Obligation to disclose.

30-13 Vehicle for hire driver identification.

30-14 False impersonation of another.

ARTICLE V. VEHICLE FOR HIRE VEHICLE STANDARDS

- 30-15 Inspections.**
- 30-16 Vehicle for hire inspection certifications.**
- 30-17 Vehicle identification.**

ARTICLE VI. VEHICLE FOR HIRE INSURANCE REQUIREMENTS

- 30-18 Minimum insurance coverage.**

ARTICLE VII. VEHICLE FOR HIRE RECORDS AND REPORTING REQUIREMENTS

- 30-19 Records.**
- 30-20 Reporting and audits.**

ARTICLE VIII. PASSENGER RIGHTS

- 30-21 Notice to the public.**

ARTICLE IX. FARES

- 30-22 Pre-agreement and disclosure on rates.**
- 30-23 Taxi rides.**
- 30-24 Dynamic market pricing.**

ARTICLE X. SPECIFIC STANDARDS

- 30-25 Nondiscrimination.**
- 30-26 Accessibility.**
- 30-27 Transport of animals.**
- 30-28 Carrying additional passengers.**
- 30-29 Most direct route.**
- 30-30 Compliance with authorities.**
- 30-31 Compliance with law.**
- 30-32 Maximum number of hours of operation.**

ARTICLE XI. ENFORCEMENT

30-33 Monitoring of public safety requirements.

30-34 Suspensions and revocations.

30-35 Appeals—Notice and opportunity for a hearing.

30-36 Removal and impoundment.

30-37 Penalties.

Prior legislation: Ord. of 7-11-11(2).

¹**Editor's note**—An ordinance adopted July 11, 2011, repealed ch. 30 and enacted a new chapter as set out herein. The former ch. 30, §§ 30-1—30-5, 30-16—30-18, 30-20—30-43, and 30-47—30-54, pertained to similar subject matter and derived from §§ 1441—1444 of the Rev. Ords. of 1962; § 8 of an ordinance adopted March 20, 1978; an ordinance adopted Oct. 25, 1993; an ordinance adopted Jan. 9, 1995; an ordinance adopted Feb. 5, 1996; an ordinance adopted Jan. 24, 2000; an ordinance adopted Oct. 7, 2002; an ordinance adopted Oct. 11, 2005; an ordinance adopted Sept. 15, 2008; and an ordinance adopted July 12, 2010.

Cross reference—Motor vehicles, Ch. 20, vehicle licenses and permits for taxicabs/limousines operating on grounds of Burlington International Airport, App. E, § 2.1 et seq.

ARTICLE I. IN GENERAL

30-1 Definitions.

The *administration office* or *vehicle for hire administration office* is the office within the city responsible for administering this vehicle for hire ordinance.

The *airport* is the Burlington International Airport and all other properties owned, operated, leased or controlled by the airport, including all parking facilities.

Airport ground transportation personnel is the person(s) appointed by the airport or with whom the airport contracts to assist in the enforcement of airport and vehicle for hire regulations and to provide assistance to the traveling public.

An *applicant* is an individual or other legal entity seeking a license from the city to operate a vehicle for hire or vehicle for hire business in the City of Burlington and/or at the airport.

The *board* is the City of Burlington vehicle for hire licensing board created in Section 30-4.

A *business license* is a license issued by the city pursuant to this chapter granting permission to a person, persons, or entity to operate a vehicle for hire or a vehicle for hire company within the city or at the airport.

The *city* is the municipal corporation of the City of Burlington, Vermont.

Courtesy vehicle is a motor vehicle that carries persons between the airport and off-airport businesses such as valet parking lots, hotels, motels, and rental car companies, for which the passengers pay no direct charge, or car dealer courtesy vehicles. These are not vehicles for hire.

A *driver* is a person who operates a vehicle for hire in the city or at the airport.

Dynamic market or surge pricing is defined as a pricing strategy that sets highly flexible prices for products or services based on a current market demands.

A *licensee* is the holder of a license granted pursuant to this chapter.

Out of service order is an order issued by the board which requires (1) a licensee to cease operations of a vehicle for hire when it is determined that the licensee, its vehicle, and/or its driver does not meet the requirements of this chapter or (2) a TNC to disallow a TNC driver from accessing the TNC's digital network when a TNC driver and/or vehicle does not meet the requirements of this chapter.

A *passenger* is any individual or group of individuals who have hired or attempted to hire a vehicle for hire for travel to any destination.

Prearrangement is an agreement made between a licensee or its driver and a passenger following a request for transportation but in advance of entering a vehicle for hire. The request must be made by contacting the vehicle for hire provider or the provider's digital network via telephone, software application, website, or other method of communication, prior to the passenger's accessing transportation services.

Roof light is an exterior light affixed to the roof of a vehicle for hire operating as a taxicab that is covered with a translucent fixture marked with the word "taxi," "taxicab," or "cab," or the company name.

Street hail means to access a vehicle for hire without prearrangement, on the street or at a taxi stand.

Suspension is the temporary recall of a license issued under this chapter for a specified period of time.

A *taxicab* is a vehicle for hire with a roof light and taximeter that is designed to accept street hails, as well as prearranged passengers, and that may carry no more than the number of passengers intended by the vehicle manufacturer, for a fee, on call or demand. A vehicle used to provide transportation network company services is not a taxicab.

A *taximeter* is an instrument or device approved by the board by which the fare for passengers of taxicabs picking up street hails is automatically calculated and plainly indicated.

Transportation network company or *TNC* is a vehicle for hire business that uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers. The vehicles used to provide transportation network company services are vehicles for hire for purposes of this chapter.

Transportation network company (TNC) driver means an individual who (1) receives connections to potential passengers and related services from a TNC in exchange for payment of a fee to the TNC and (2) operates a motor vehicle that is owned, leased or otherwise authorized for use by the individual and used to provide TNC services. A TNC shall not be deemed to control, direct or manage the personal vehicle or the TNC driver that connects to the TNC's digital network except where agreed to by written contract.

Transportation network company (TNC) services is transportation of a passenger or passengers between points chosen by the passenger and prearranged with a TNC driver through the use of a TNC digital network or software application. TNC services shall begin when a TNC driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC driver transports the passenger in the TNC driver's vehicle, and end when the passenger exits the TNC driver's vehicle.

A *vehicle for hire* is a passenger vehicle transporting passengers for compensation of any kind. Vehicles for hire include taxicabs, TNC vehicles, limousines, jitneys, car services, contract vehicles, shuttle vans, and other such vehicles transporting passengers for compensation of any kind, except:

- (1) Those which an employer uses to transport employees;
- (2) Those which are used primarily to transport elderly, special needs and handicapped persons for whom special transportation programs are designed and funded by state, federal, or local authority or otherwise exempted pursuant to 23 V.S.A. § 4(15);
- (3) Buses, trolleys, trains, or other similar mass transit vehicles; or

- (4) Courtesy vehicles for which the passenger pays no direct charge, such as hotel or car dealer shuttle vans.

Vehicle for hire company is any business entity that owns, operates, controls, dispatches, or otherwise deals with vehicles for hire, including a TNC.

(Ord. of 2-16-16)

ARTICLE II. SCOPE OF AUTHORITY AND GOVERNANCE

30-2 Applicability.

The provisions of this chapter shall apply to all vehicles for hire, vehicle for hire drivers, and vehicle for hire companies operating in the city or at the airport whether or not they are legally and validly licensed pursuant to this chapter. The absence of a license is no defense to any regulatory action pursuant to this chapter, including penalties and fines.

(Ord. of 2-16-16)

30-3 Enforcement of chapter.

This chapter shall be enforced by the board, the vehicle for hire administration office, the city police department, any airport ground transportation personnel, and/or any other law enforcement officer assigned by the city.

(Ord. of 2-16-16)

30-4 Licensing board.

- (a) A vehicle for hire licensing board (board) is established, which shall be composed of five (5) members appointed by the city council with mayor presiding. The initial terms of the members shall be staggered. The first two (2) shall be appointed for a term of three (3) years, and the remaining three (3) shall be appointed for a term of two (2) years. Thereafter, all such appointments shall be for a term of three (3) years commencing the first day of July following their appointment and continuing until their successors have been appointed and qualified. In making appointments, the city council with mayor presiding should consider including members of the general public who use vehicles for hire, representatives of the vehicle for hire industry, representatives from the public safety community, and any other persons expressing an interest in serving, but they are not required to satisfy each category of

representatives when making appointments. Terms of board members shall be for three (3) years. Three (3) members of the board shall constitute a quorum.

(b) *Authority.* The board shall diligently see that all ordinances related to vehicles for hire operating in the city and the airport are enforced and promulgate such rules and regulations, policies and procedures, and enforcement system and practices as are necessary to ensure the efficient administration of and compliance with standards established in this chapter.

The board shall have authority to audit licensees' filings, monitor licensees' conduct and operations, and to affirm or reverse decisions made by the administration office. The board shall also have the authority to fine a licensee and/or suspend or revoke a license for any violation of this chapter.

(1) *Out of service order.* The board shall have the authority to order removed from operation on the streets of the city or airport any vehicle regulated by this chapter which is deemed unfit for public patronage, and to prohibit operation of such vehicle pursuant to this chapter until all deficiencies have been corrected. The board or its designee shall have the sole authority to determine if deficiencies have been corrected.

(2) *Removal and impoundment.* The board shall have authority to order removal and impoundment by its designee of any unauthorized vehicle, including one ordered out of service pursuant to subsection (b)(1) of this section, or any vehicle being used by any unlicensed or suspended driver after previous written warning has been given the owner and driver of the vehicle. The vehicle shall be removed and impounded in accordance with due process requirements.

(c) *Appeals.* The board shall have the authority to hear appeals regarding denials, suspensions and/or revocations of licenses issued by the administration office pursuant to this chapter, and to hear complaints regarding all vehicle for hire operations in the city and at the airport. In the event that the total membership of the board falls below a quorum as defined in Section 30-4(a), authority to hear appeals and complaints shall be vested in a joint committee comprised of the board and the transportation, energy, and utilities committee ("joint committee") until such time as the membership on the board reaches a quorum. After holding a hearing on any such matter, the board or joint committee shall issue a written decision. The board or joint committee, in addition to having the authority to affirm or reverse an action of the administration office and to issue its own determinations regarding complaints, may also impose a fine of up to eight hundred dollars (\$800.00) per day for each violation of this chapter found. This fine may be in addition to any fines imposed for a municipal violation. Any decision by the board or joint committee under this chapter shall be final. Any aggrieved person may appeal a decision of the board or joint committee by instituting relief in the Chittenden Superior Court under V.R.C.P. 74.

30-5 Vehicle for hire administration office.

A vehicle for hire administration office is established within the city clerk/treasurer's office. Under the direction and supervision of the city's chief administrative officer with the oversight of the board, the administration office shall be responsible for examining applications for vehicle for hire licenses in the city, performing criminal and motor vehicle record and other background information checks when requested by an applicant, performing compliance audits of existing licensees, and thereafter granting or denying licenses pursuant to the requirements of this chapter.

The administration office shall also be responsible for the day-to-day administration of the vehicle for hire ordinance and shall implement the rules and regulations, policies and procedures, and enforcement practices and systems promulgated by the board. A vehicle for hire administrator and a vehicle for hire enforcement officer are hereby established for this purpose.

(Ord. of 2-16-16)

ARTICLE III. VEHICLE FOR HIRE BUSINESS LICENSE

30-6 Business licenses required.

Every vehicle for hire operation in the city or airport, whether an individual, corporation, d/b/a, limited liability corporation, partnership, or other legal entity, shall obtain a vehicle for hire business license from the administration office. There shall be an annual application fee for each license, as set out in Schedule I, which shall be determined by the board, approved by the city council by resolution, and posted with the administration office. TNC drivers and drivers who do not own their own vehicle for hire business do not require a business license.

(Ord. of 2-16-16)

30-7 Application.

- (a) Every applicant must complete a business license application provided by the administration office.
- (b) Every applicant must provide the administration office with a physical address for the applicant, as well as an official and current mailing address where all notices may be sent and

any daily contact information.

(c) Applicant shall register with and meet all requirements of the Vermont Secretary of State to do business within the state of Vermont and shall maintain a registered agent in the state of Vermont.

(Ord. of 2-16-16)

30-8 Investigation and disqualification.

(a) By making application for a vehicle for hire business license, the applicant shall be deemed to have authorized being subject to the provisions of this chapter.

(b) No business license will be issued to any applicant, and no driver may operate a vehicle for hire within the city or the airport, who fails to meet the standards of this chapter, including those in Section 30-11.

(c) The administration office may also deny an applicant a business license if it is determined that the applicant cannot or will not comply with the financial responsibility and safety requirements of this chapter or if it is determined that the granting of a business license would jeopardize the health, safety or general welfare of the public.

(d) The denial of a business license may be appealed to the board as provided in Sections 30-4(c) and 30-35.

(e) Receipt of a business license does not authorize pick up and drop off at the airport. The airport sets its own rules and regulations for ground transportation at the airport and any vehicle for hire operations at the airport must be separately permitted by the airport. Any fees related to vehicle for hire operations at the airport shall be established pursuant to the recommendation of the board of airport commissioners.

(Ord. of 2-16-16)

30-9 Responsibilities of licensee—Expiration of license.

(a) *License nontransferable.* A business license is not transferable unless approved by the board. Approval may be granted only if the following criteria are met:

- (1) The licensee pays a transfer fee to the administration office as set out in Schedule I, established by the board and annually posted with the administration office; and
- (2) The new business meets all licensing prerequisites of this chapter.

(b) *Update of information.* All licensees shall have a continuing obligation to notify the administration office of any material change in any of the information required that the licensee is required to report by this chapter, in writing, within five (5) business days of the change.

(c) All licensees must:

- (1) Maintain a current list of drivers and/or allow visual inspection of a list of all identification numbers of drivers operating in the city and provide samples for auditing when required pursuant to Section 30-20;
- (2) Post in all vehicles for hire operating under the license or provide on the receipt required by Section 30-19(c) the phone number or email address of the administration office, to which complaints concerning the licensee or its drivers may be directed;
- (3)
 - a. If the driver is a non-TNC driver, promptly report (no more than forty-eight (48) hours after learning of the suspension or revocation) to the administration office the suspension or revocation of a state operator's license; or
 - b. If the driver is a TNC driver, the TNC shall promptly disallow the driver from accessing the TNC's digital network no more than forty-eight (48) hours after the TNC learns of the suspension or revocation of the TNC driver's state operator's license.

(Ord. of 2-16-16)

ARTICLE IV. VEHICLE FOR HIRE DRIVER STANDARDS

30-10 Background checks.

(a) Every driver must undergo an annual background check, including a criminal background check that meets the standards in Section 30-11(a).

- (1) If the applicant elects to have the city conduct the background check, the applicant shall submit the nonrefundable background check fee established by the board and as noted on the attached Schedule I with the application authorizing the city to conduct the background check prior to issuing a license.
- (2) If the applicant elects to conduct the background check or have a third party conduct the background check, the applicant shall provide the city with an annual certification that the check has been conducted. The certification must be provided on a form approved by the board, in writing and under oath subject to the penalties of

perjury, certifying that the standards set out below have been met and that all drivers permitted to drive under the license at issue have successfully passed the background check and are qualified to operate a vehicle for hire under Section 30-11.

(3) The background check must be completed and passed before any driver may operate a vehicle for hire in the city or at the airport.

(b) Whether conducted by the administration office or by a business licensee through a third party, the annual background check must consist of a complete criminal and motor vehicle background check performed by a company accredited by the National Association of Professional Background Screeners (NAPBS) that includes a national and local criminal record check, a vehicle record check, and a review of the Vermont sex offender registry and the National Sex Offender Public Website. The background check must cover a period of time sufficient to demonstrate that each driver meets the standards set forth in Section 30-11.

(c) All vehicle for hire licensees shall implement a zero tolerance policy on the use of drugs and alcohol that is applicable to any and all drivers, provide notice of said zero tolerance policy on its website or other advertising, and provide procedures to report complaints if passengers suspect a driver is under the influence of drugs or alcohol with said reports resulting in the immediate removal of said driver's access to a vehicle for hire pending completion of an investigation of said complaint.

(Ord. of 2-16-16)

30-11 Requirements for lawful operation of a vehicle for hire.

(a) To legally operate a vehicle for hire in the city or at the airport, each driver must:

- (1) Be twenty-one (21) years of age or older; and
- (2) Hold a valid operator's license, including any necessary endorsement; and
- (3) Have at least one (1) year of driving experience; and
- (4) Not have ever been convicted of homicide, manslaughter, kidnapping, or sexual assault, or is required by any governmental entity to register as a sex offender in any jurisdiction; and

(5) Not have been convicted of any of the following offenses in any jurisdiction in the past seven (7) years:

- a. Operating a motor vehicle while under the influence of either drugs or alcohol;

- b. Refusing to submit to an evidentiary alcohol or drug test for operating under the influence;
 - c. Any felony involving the sale or possession of controlled substances or narcotics;
 - d. Any offense involving threats, physical violence, or the use of a weapon;
 - e. Any felony involving theft, fraud, or dishonesty;
 - f. Any felony involving reckless driving, negligent operation, or leaving the scene of an accident; and
- (6) Not have been convicted of more than three (3) moving motor vehicle violations within the past three (3) years and/or convicted of driving on a suspended or revoked driver's license within the last three (3) years in any jurisdiction; and
- (7) Not have any pending unresolved criminal charges which if convicted would disqualify the driver.
- (b) In addition, the applicant or a third party conducting the background check shall require each driver to self-certify prior to operating a vehicle for hire in the city or at the airport that the individual:
- (1) Is physically and mentally fit to safely operate a vehicle for hire;
 - (2) Is not under the supervision of the department of corrections or its equivalent entity in any jurisdiction due to a conviction for an offense enumerated in subsection (a) (4) or (a)(5) of this section;
 - (3) Is not at the time of the application subject to an active abuse prevention order or its equivalent in any jurisdiction;
 - (4) Has not had a taxi or vehicle for hire license or its equivalent revoked for safety-related reasons by the city or any other jurisdiction within the previous three (3) years; and
 - (5) Is current with all legally assessed taxes, fees or other liabilities to the city or be current on a payment plan authorized by the chief administrative officer of the city.
- (c) In addition to these disqualifications, if the background check is being conducted by the administration office, subject to the right of appeal in Sections 30-4(c) and 30-35, the administration office may deny an application if it is determined that allowing the applicant to

operate a vehicle for hire business in the city would jeopardize the health, safety or general welfare of the public.

(Ord. of 2-16-16)

30-12 Obligation to disclose.

(a) Any person operating a vehicle for hire business in the city and/or at the airport or is a vehicle for hire driver in the city or at the airport shall have an ongoing obligation to disclose to the administration office and, if not individually licensed, to the business licensee for which that person is operating a vehicle for hire, within five (5) business days:

- (1) Any criminal charge or conviction in any jurisdiction that would result in the driver being disqualified under Section 30-11;
- (2) Any motor vehicle conviction that would result in the driver being disqualified under Section 30-11;
- (3) Any motor vehicle suspension or revocation in any jurisdiction; and/or
- (4) Any abuse prevention order issued against him or her, or any charge or conviction of a sexual crime.

(b) Upon receipt of such a notice, the business licensee, or in the case of an individual licensee, the board, shall in a reasonable amount of time determine whether or not the incident makes the driver ineligible to operate a vehicle for hire, and if so, shall immediately suspend the driver's authority to operate, or in the case of an individual licensee, that individual's business license.

(c) Failure to make the disclosure required by subsection (a) of this section shall be grounds for immediate suspension of driving privileges or disallowance from accessing a TNC digital network. A business licensee's failure to take reasonably prompt action upon receipt of notification may result in suspension or revocation of the business license.

(Ord. of 2-16-16)

30-13 Vehicle for hire driver identification.

All vehicle for hire drivers shall identify themselves to passengers prior to passengers entering the vehicle. All drivers must post a photo ID prominently in the vehicle, or alternatively, if a TNC driver, must publish their first name on the TNC's software application or website, along with the license plate number and the make and model of the vehicle so

that passengers can determine whether the driver of the vehicle for hire is in fact the person noted in the photo displayed in the vehicle or on the TNC's application or website.

(Ord. of 2-16-16)

30-14 False impersonation of another.

It shall be unlawful for any person to falsely impersonate a vehicle for hire business licensee and/or driver. Such person shall be subject to any and all penalties set out in this chapter or otherwise available by law, and shall also be prohibited from driving for a business licensee and/or applying for or obtaining a business license under this chapter.

(Ord. of 2-16-16)

ARTICLE V. VEHICLE FOR HIRE VEHICLE STANDARDS

30-15 Inspections.

- (a) *Documentation of state inspection and registration.* Any motor vehicle being used as a vehicle for hire must comply with the safety inspection requirements for motor vehicles under the state law in which the vehicle is registered.
- (b) All motor vehicles operating as vehicles for hire shall not be more than fifteen (15) model years older than the current calendar year.
- (c) All motor vehicles being operated as vehicles for hire must be properly registered as required under applicable law.

(Ord. of 2-16-16; Ord. of 9-11-23)

30-16 Vehicle for hire inspection certifications.

- (a) Each licensee must provide an annual certification to the administration office that all vehicles for hire used by any driver operating under that licensee's business license meet all of the standards in Section 30-15.
- (b) The certification must be provided on a form approved by the board, in writing and under oath subject to the penalties of perjury, certifying that the standards set out in Section 30-15 have been met.

- (c) The vehicle inspection must be completed and passed before a driver may operate the vehicle as a vehicle for hire in the city or at the airport.

(Ord. of 2-16-16)

30-17 Vehicle identification.

- (a) All vehicles for hire, while operating in the city or at the airport, shall be identified with a uniform paint color, or a recognizable logo or decal. The logo or decal must be prominently displayed on the vehicle at all times the vehicle is carrying or available to accept paying passengers.

(Ord. of 2-16-16)

ARTICLE VI. VEHICLE FOR HIRE INSURANCE REQUIREMENTS

30-18 Minimum insurance coverage.

- (a) Each TNC licensee shall, for each vehicle operating under its license, maintain primary automobile liability insurance coverage of at least one million dollars (\$1,000,000.00) of liability coverage for bodily injury and property damage arising from the operation of a vehicle for hire.

(1) This coverage shall be applicable once a vehicle for hire accepts a ride request through the company's digital platform, website, telephone, or any other method of communication and shall continue until the last requesting passenger departs the vehicle.

(2) This coverage shall include underinsured/uninsured motorist coverage to the extent required under 23 V.S.A. § 941.

- (b) Each TNC licensee must also maintain contingent liability coverage of at least fifty thousand dollars (\$50,000.00) per person and at least one hundred thousand dollars (\$100,000.00) per accident, and at least twenty-five thousand dollars (\$25,000.00) for property damage per accident during the time that a TNC driver is logged into a company's digital network and available to receive requests for transportation service but has not accepted a ride request from a passenger.

(1) The coverage required under this subsection (b) shall be maintained by a TNC and provide coverage in the event a TNC driver's own automobile liability policy excludes

coverage according to its policy terms or does not provide coverage of at least the limits required in this subsection.

(2) This coverage shall include under insured/uninsured motorist coverage to the extent required under 23 V.S.A. § 941.

(c) In every instance where insurance maintained by a TNC driver to fulfill the insurance requirements of this section has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by the TNC shall provide the coverage required by this section beginning with the first dollar of a claim.

(d) Each other licensee shall, for each vehicle operating under its license, maintain commercial liability insurance coverage of at least five hundred thousand dollars (\$500,000.00) for bodily injury and property damage arising from the operation of a vehicle for hire.

(e) Insurance required under this section must be placed with an insurer authorized to do business in the state of Vermont or with a surplus lines insurer eligible under 8 V.S.A. § 5021 et seq.

(f) Each licensee is under a continuing obligation to maintain valid insurance coverage of at least the minimums required by this section at all times. Failure to maintain insurance as required by this section shall be grounds for suspension or revocation of a license.

(Ord. of 2-16-16)

ARTICLE VII. VEHICLE FOR HIRE RECORDS AND REPORTING REQUIREMENTS

30-19 Records.

(a) All licensees shall maintain:

(1) Individual trip records for at least two (2) years from the date each trip was provided;

(2) Driver records, including background checks, for at least two (2) years after the last date a driver's relationship with the licensee has ended;

(3) Proof that each vehicle for hire operating under the licensee passed an inspection in accordance with this chapter for a period of at least two (2) years after the vehicle was

last driven in service for the licensee;

- (b) Records may be maintained electronically.
- (c) All vehicles for hire drivers and/or business licensees shall ensure that they have the ability to transmit a paper or an electronic receipt to a passenger. The receipt shall document the origination and destination of the trip and a description of the total amount paid.

(Ord. of 2-16-16)

30-20 Reporting and audits.

(a) For the purpose of ensuring public safety and verifying that the vehicle for hire company is in compliance with the requirements of this chapter, and if the company has chosen to perform or have a third party perform driver background checks and vehicle inspections, the administration office, under the supervision of the city's chief administration officer, shall have the right to request, visually inspect, and audit records, no more than semiannually, driver and vehicle for hire records of business licensees. The purpose of the record request, inspection, and audit is to verify that the licensee is in compliance with the driver and vehicle standards and insurance requirements of this chapter. The terms of the record request, inspection and audit procedure shall be established by a memorandum of understanding between the city and the licensee and approved by the city council. Records provided must show:

- (1) The results of the most recent background check on drivers and proof that the drivers meet the requirements of this chapter;
- (2) Proof that the vehicle(s) meet the standards of this chapter; and
- (3) Proof of adequate insurance coverage for each driver and vehicle as required by this chapter.

(b) The administration office may conduct an audit on a more frequent basis if it has a reasonable basis to suspect that a business licensee is not in compliance with the requirements of this chapter. If the city receives a complaint against any driver or licensee, the driver and/or licensee shall cooperate with the city in investigating the complaint, including by producing any records held by the licensee that the city deems necessary to investigate and resolve the complaint.

(c) At least once a year, each licensee, including any TNCs operating in the city, shall describe to the city what, if any data, it may reasonably share with the city in order to assist the city in planning and addressing various transportation-related issues including, but not

limited to, traffic, pedestrian safety, parking, the availability of disabled-accessible vehicles, and the equitable availability of transportation options across neighborhoods and populations in the city. No licensee or TNC shall be required to share any such data with the city pursuant to this subsection unless the parties voluntarily agree to a data sharing agreement including any confidentiality terms.

(Ord. of 2-16-16)

ARTICLE VIII. PASSENGER RIGHTS

30-21 Notice to the public.

(a) *Passenger bill of rights.* Every vehicle for hire must include a copy of this passenger bill of rights within the vehicle or be made available by a licensee on its website or application:

- (1) The drivers of vehicles for hire shall conduct themselves in a courteous and professional manner at all times;
- (2) The rate of fare must have been agreed upon prior to the ride and posted in vehicles, on websites, on apps, or on a printed or electronic receipt, or must be calculated by a taximeter at the rates determined by the board. A TNC that provides riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC vehicle complies with this provision;
- (3) The driver's first name, picture, license plate number, and vehicle make and model must be prominently displayed in vehicles, on websites, on apps, or on a printed or electronic receipt;
- (4) Smoking is not permitted in any vehicle at any time;
- (5) No person other than the driver is permitted to remain in the vehicle at any time without the express consent of all passengers;
- (6) The vehicle shall have a clean passenger seat area and trunk;
- (7) The driver must know and obey all traffic laws and take the most direct or efficient route to your destination;
- (8) You may direct the destination and route used;
- (9) There shall be adequate heat and air conditioning in every vehicle;

- (10) Licensee policy regarding the capping of dynamic pricing during emergencies shall be followed.
- (b) Licensee shall also post in vehicles, on websites, on apps, or on a printed or electronic receipt the contact information for the administration office for purposes of making complaints.
- (c) Licensee shall maintain an ongoing customer feedback and complaint system for passengers. City law enforcement shall have the authority to review records related to complaints alleging violations of local, state, or federal laws pursuant to a duly-issued subpoena.

(Ord. of 2-16-16)

ARTICLE IX. FARES

30-22 Pre-agreement and disclosure on rates.

- (a) For TNC operations, a TNC may charge a fare for the services provided to riders; provided, that if a fare is collected from a rider, the TNC shall disclose to the rider the fare or fare calculation method on its website or within the software application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's vehicle.
- (b) For non-TNC operations, prior to initiating a ride, except as provided in Section 30-23, each licensee shall disclose the estimated cost of the ride to the potential rider via a written rate sheet posted in the vehicle, over the telephone, on a website, on a smartphone app, or any other method of communication, and the passenger shall pre-agree to pay the rate posted or quoted.
- (c) Except as provided below, no licensee may charge a rate that has not been disclosed prior to the passenger's entering the vehicle.

(Ord. of 2-16-16)

30-23 Taxi rides.

- (a) Notwithstanding Section 30-22, vehicles for hire operating as taxicabs and picking up street hails shall use a meter for setting fares, and shall charge no more than the meter rates set by the board.

- (b) A driver or licensee operating as a taxicab and using a meter for determining fares shall not tamper with, alter, or connect any unauthorized device to the taximeter or make any change in the taximeter that would affect its operation.
- (c) Any taximeter shall be subject to inspection by the city at any time. If any violation or any inaccuracy is discovered, the administration office shall notify the taxicab driver and/or licensee for whom the driver is operating to cease operation and shall order the vehicle out of service. The taxicab shall be kept out of service until the taximeter is repaired, the required working condition is restored, and the taximeter is resealed.

(Ord. of 2-16-16)

30-24 Dynamic market pricing.

- (a) Licensees may utilize dynamic market or surge pricing in the city or at the airport; provided, that the licensee provides clear and visible indication that such pricing is in effect before a passenger requests a ride and includes a feature that requires riders to confirm that they understand such pricing will be applied in order for the ride request to be completed.
- (b) Licensees shall establish and implement a written policy capping dynamic pricing during disasters and relevant states of emergency and shall make this policy available on its website or application.

(Ord. of 2-16-16)

ARTICLE X. SPECIFIC STANDARDS

30-25 Nondiscrimination.

- (a) All licensees and drivers shall comply with all applicable laws requiring that they shall not unlawfully harass or discriminate against any passenger or other person on the basis of destination, race, color, national origin, place of birth, ancestry, religious belief or affiliation, sex, sexual orientation, gender identity, marital status, disability, or age.
- (b) Each licensee shall adopt a written policy, and shall notify all drivers of the policy, prohibiting such unlawful harassment or discrimination.
- (c) A vehicle for hire driver may refuse to transport an individual if:
 - (1) The vehicle for hire is already occupied by a passenger;

- (2) The vehicle for hire is already on its way to pick up a passenger in answer to a call for service;
 - (3) The vehicle for hire is out of service for any reason;
 - (4) Notwithstanding subsection (a) of this section, the person clearly poses a legitimate health or safety concern; or
 - (5) The person has a documented history with the licensee of disorderly behavior or refusing to pay the authorized fare.
- (d) A non-TNC vehicle for hire driver who refuses to transport an individual pursuant to subsection (c) of this section shall promptly file a report with the administration office and/or the business licensee for whom the driver is operating.

(Ord. of 2-16-16)

30-26 Accessibility.

- (a) Licensees and drivers shall comply with all applicable laws relating to accommodation of service animals. No additional fare or fee shall be charged for carrying a service animal.
- (b) Licensees shall not impose additional charges for providing services to persons with disabilities because of those disabilities.
- (c) If a licensee does not provide access to wheelchair accessible vehicles, the licensee shall provide on its website or mobile application the contact information of providers of wheelchair accessible vehicle for hire services, if such services are available in the city.

(Ord. of 2-16-16)

30-27 Transport of animals.

Licensees and drivers may refuse to transport any animal other than a service animal unless the animal is securely enclosed in a kennel case which can be reasonably accommodated by such vehicle or the animal is otherwise reasonably secured in accordance with the size, kind and nature of such animal.

(Ord. of 2-16-16)

30-28 Carrying additional passengers.

- (a) No vehicle for hire licensee or driver shall carry any person(s) other than the passenger(s) first employing the vehicle for hire without the consent of such first passenger(s).
- (b) No person shall be allowed to ride in a vehicle for hire except paying passengers or a trainee with the consent of the passenger.

(Ord. of 2-16-16)

30-29 Most direct route.

A vehicle for hire driver shall take a passenger to his or her destination by a route that the driver reasonably believes is the shortest or fastest route unless the passenger requests a different route. The driver shall comply with all reasonable and lawful routing requests of the passenger.

(Ord. of 2-16-16)

30-30 Compliance with authorities.

No vehicle for hire licensee or driver may knowingly fail or refuse to comply with any lawful order or direction of any law enforcement officer, airport ground transportation personnel, administration office personnel, or other official city representative and upon demand shall exhibit his or her license or vehicle for hire driver identification for closer inspection.

(Ord. of 2-16-16)

30-31 Compliance with law.

- (a) All licensees and drivers, while performing their duties and responsibilities, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny against a passenger.
- (b) Vehicle for hire licensees and drivers, while performing their duties and responsibilities, shall not use or permit any other person to use his or her vehicle for any unlawful purpose and shall report immediately to the police any use or attempt to use his or her vehicle for hire to commit a crime or escape from the scene of a crime.

(Ord. of 2-16-16)

30-32 Maximum number of hours of operation.

No driver may drive, nor may any licensee require a driver to drive, more than twelve (12) consecutive hours within any twenty-four (24) hour period.

(Ord. of 2-16-16)

ARTICLE XI. ENFORCEMENT

30-33 Monitoring of public safety requirements.

The administration office shall establish a vehicle for hire monitoring and compliance system that, on an ongoing basis, monitors and investigates drivers and vehicles for hire operating in the city and at the airport where there is reasonable suspicion that a driver is violating:

- (a) State inspection and safety standard requirements;
- (b) Vehicle identification and decal requirements;
- (c) Driver photo and identification requirements; and
- (d) Passenger bill of rights posting requirements.

(Ord. of 2-16-16)

30-34 Suspensions and revocations.

- (a) Each licensee, including any TNC, shall automatically suspend the driving privileges of any driver and/or disallow access to the TNC network if the administration office or the board provides the licensee with credible evidence indicating that:
 - (1) The driver failed any portion of an administration office vehicle and driver monitoring check more than one (1) time in a calendar year;
 - (2) The driver's operator's license has been suspended or revoked for any reason;
 - (3) The driver is convicted of an offense that under Section 30-11(a) would have disqualified the driver;
 - (4) The driver has been charged with a criminal offense that under Section 30-11(a) would disqualify the driver if the driver is convicted of the offense; or

- (5) The driver has engaged in conduct that poses an immediate and serious risk to the public's peace and safety.
- (b) The city shall automatically suspend the driving privilege of any driver working for a vehicle for hire company for which the city has conducted the background checks:
- (1) Who fails any portion of an administration office monitoring check more than one (1) time in a calendar year;
 - (2) Whose state operator's license has been suspended or revoked for any reason;
 - (3) Who is convicted of or charged with an offense under Section 30-11(a);
 - (4) Who knowingly and materially fails to comply with the certification, audit, records, reporting or other provisions of this chapter;
 - (5) Who, according to credible information from local, state, or national law enforcement or other source, has engaged in conduct that poses an immediate and serious risk to the public's peace and safety; or
- (c) Each licensee shall immediately remove from service any vehicle that is not covered by the liability insurance policy required under Section 30-18. A TNC shall not allow a TNC driver to accept trip requests through the TNC's digital platform unless the vehicle that the TNC driver will use to provide TNC arranged rides is covered by the liability insurance policy required under Section 30-18.
- (d) The city shall automatically suspend the license of any licensee who knowingly failed to suspend the driving privileges of a driver as required in subsection (a) of this section.
- (e) The city shall automatically suspend the license of any licensee upon proof from an insurance carrier that the liability insurance required under Section 30-18 has lapsed or been cancelled.
- (f) If the city automatically suspends a license under any of the provisions above, the licensee shall be notified in writing immediately that the license has been suspended, effective upon the actual notice to the licensee or three (3) days after the date on the notice of suspension; whichever is sooner. The notice shall set forth the reasons for the immediate suspension and the date for a hearing before the board.
- (g) A licensee's business license or a driver's privilege to drive for a licensee may be suspended or revoked by the board for any other cause or violation of this chapter only after notice and hearing. The licensee shall be notified in writing of the alleged violations, the intention to suspend or revoke the license(s), and the date for hearing before the board.

(h) A license may be suspended if the licensee is found to have knowingly violated this chapter three (3) or more times within a twelve (12) month period and the violations resulted in fines or suspensions of a driver operating for that licensee within a twelve (12) month period.

(i) Any suspended license shall be returned to the administration office within three (3) business days of said suspension.

(Ord. of 2-16-16)

30-35 Appeals—Notice and opportunity for a hearing.

(a) Except as expressly provided in this chapter, no licensee may be fined or license revoked or suspended without prior notice to the licensee, and after an opportunity for a hearing before the board.

(b) Unexcused failure of an applicant or licensee to appear at the hearing shall be deemed a waiver of the rights to said hearing.

(c) At any hearing, the applicant or licensee shall be entitled to be represented by counsel, to summon witnesses on its own behalf, to cross-examine those witnesses who testify, and to present evidence. The complainant, if any, shall also be notified of the hearing and given the opportunity to be heard.

(d) The board may agree to settle the case prior to a final decision. After a final decision, the board may hear a motion for reconsideration at its discretion.

(e) All violations shall be determined based upon a preponderance of evidence standard. All hearings shall be conducted with substantial fairness, and strict adherence to the rules of evidence shall not be required. Hearsay evidence may be admissible.

(f) All hearings shall be held within thirty (30) calendar days of delivery to licensee of the notice unless the board grants a continuance for good cause.

(Ord. of 2-16-16)

30-36 Removal and impoundment.

(a) *Removal and impoundment.* The board or police shall have authority to remove and impound any unauthorized vehicle for hire, including one being operated that has been ordered out of service, or any vehicle being operated by any unauthorized person. A vehicle impounded in accordance with this subsection shall be done so in accordance with due

process of law and then removed to a designated facility as determined by the board. A fine of up to eight hundred dollars (\$800.00), as determined by the board, shall be due from the registered owner of the vehicle.

(b) *Notice of impoundment.* Within three (3) business days of removal and impoundment, the administration office or its designee shall provide written notice of impoundment to the registered owner of the vehicle. The notice shall state the grounds for removal and impoundment, the identity of the vehicle and the designated secured facility to which the vehicle was or will be taken.

(c) *Vehicle impoundment hearing.*

(1) The chair of the board or the chair's designee shall serve as the vehicle impoundment hearing officer and hear vehicle impoundment cases pursuant to this chapter. After a hearing, the hearing officer shall issue a written order of release or an order for further impoundment of the vehicle stating the grounds for the order.

(2) The registered owner of the vehicle may admit the violation and pay the fine, plus any applicable towing and storage fees or make a written request for a vehicle impoundment hearing before the vehicle impoundment hearing officer within five (5) business days of the notice of impoundment. The vehicle impoundment hearing officer shall conduct the hearing within five (5) business days of receipt of the request or as soon as practicable thereafter. All interested persons shall be given reasonable opportunity to be heard at the vehicle impoundment hearing.

(3) The formal rules of evidence will not apply at the hearing, and hearsay evidence may be admissible.

(4) If, after the hearing, the vehicle impoundment hearing officer determines that the vehicle is not subject to impoundment under subsection (a) of this section, the vehicle impoundment hearing officer shall order the immediate release and return of the vehicle with no fines, towing fees or costs due to the city.

(5) If, after the hearing, the vehicle impoundment hearing officer determines that the vehicle is subject to impoundment under subsection (a) of this section, the vehicle impoundment hearing officer shall order the continued impoundment of the vehicle as provided in this section unless the registered owner admits the violation(s) and pays in full any towing and storage fees plus the fine(s).

(6) The registered owner may seek relief in any court of competent jurisdiction as provided by the laws of the state of Vermont. Except where ordered otherwise by that court, the vehicle will continue to be impounded unless the registered owner posts with

the administration office a cash bond in the amount of the maximum fine(s) owed plus any applicable towing and storage fees.

Any additional costs associated with the impoundment of the vehicle, including reasonable attorney's fees, will be the responsibility of the registered owner if the hearing officer's decision is upheld.

(7) If the registered owner does not obtain the vehicle by the date specified in the order of release or order for further impoundment, he or she shall be responsible for any further storage fees, and payment of such fees must be made before the release of the vehicle.

(d) *Default hearing.* If the registered owner fails to appear for the vehicle impoundment hearing or does not assert an interest in the impounded vehicle, a default hearing will be held. The vehicle impoundment hearing officer shall make a determination pursuant to subsection (c) of this section. The administration office will inform the registered owner of the default determination by certified mail, return receipt requested. The registered owner may comply with the default determination within seven (7) business days of such mailing or move to vacate such default determination. In the event that such default determination is vacated, the respondent shall be entitled to a full hearing. Such hearing shall be scheduled within ten (10) business days of the order vacating the default determination or as soon as practicable thereafter.

(e) *Abandoned vehicles.*

(1) If the registered owner does not assert an interest in the impounded vehicle by removing it from storage within the time periods specified in subsection (e)(2) of this section, the vehicle shall be deemed abandoned.

(2) A vehicle shall be deemed abandoned, pursuant to subsection (e)(1) of this section, if a registered owner:

a. Has not taken possession of the vehicle within fifteen (15) days of obtaining an order of release pursuant to subsection (c)(3) or (4) of this section; or

b. Has not paid the fines assessed pursuant to this chapter, if any, and towing and storage fees within fifteen (15) days of a hearing determination of continued impoundment pursuant to subsection (c)(4) of this section, or within fifteen (15) days after notice of a default determination was mailed to the registered owner pursuant to subsection (d) of this section; or

c. Has not paid the fines assessed pursuant to this chapter, if any, and towing and storage fees within fifteen (15) days of denial of a motion to vacate a default determination pursuant to subsection (d) of this section.

(f) In the event that a vehicle has been deemed abandoned pursuant to subsections (e)(1) and (2) of this section, the administration office shall by certified mail, return receipt requested, notify the registered owner that the vehicle has been deemed an abandoned vehicle and that the city shall seek title to the vehicle from the state of Vermont pursuant to 23 V.S.A. § 2153.

(g) Upon receiving title to the vehicle from the state, the vehicle shall be sold. The registered owner or lienholder may claim the vehicle at any time before the sale of the vehicle by paying the towing and storage fees due and any fine(s).

(Ord. of 2-16-16)

30-37 Penalties.

(a) For any violation of this chapter, the board, after notice and hearing, may impose any of the following penalties:

(1) The board may place legal conditions on a license that it deems necessary to ensure adherence to the requirements of this chapter and ensure the public's safety and welfare.

(2) In addition to, or instead of, suspension of a license, the board may impose a fine of up to eight hundred dollars (\$800.00) per day for each knowing violation of this chapter.

(3) In addition to any fines or conditions, the board may impose a suspension of up to ninety (90) days for violations of this chapter.

(4) Where there is sufficient evidence that continued licensing would undermine the vehicle for hire industry and/or would pose serious risk to public safety and welfare, the board may revoke a license. A licensee may not apply for a new license for a minimum period of three (3) years from the date of revocation.

(5) The board or police may remove or impound any unauthorized vehicle for hire, including one being operated that has been ordered out of service, or any vehicle being operated by any unauthorized person. A vehicle impounded in accordance with this subsection shall be done so in accordance with due process of law and then removed to a designated facility as determined by the board and a fine of up to eight hundred

dollars (\$800.00), as determined by the board, shall be due from the registered owner of the vehicle.

(b) The city may take any appropriate action to enjoin or abate any violation of this chapter. In addition to the penalties set forth herein, the city shall recover its costs of enforcement, including reasonable attorney's fees and costs associated with enjoining or abating said violation(s).

(Ord. of 2-16-16)

Chapter 31 WATER¹

Article I. In General

31-1 Construction of chapter.

31-2 Applications of water.

31-3 Conditions on which water furnished.

31-4 Proposals by water commissioners.

31-5 Fire hydrants and pipes.

31-6 Carrying off or injuring property of water department.

31-7 City liability for use or failure of water.

31-8 Monthly account of department expenses.

31-9 Authority to shut off water for violations; charges.

31-10 Notice of discontinuance of use of water required.

31-11 Turning water off or on.

31-12 Notice of shutoff.

31-13 Shutting off hydrant or fireplug; notice to fire department.

31-14 Shutoff of water supply or line of pipe; notice to users.

31-15 New services.

31-16 Services to be installed by water department.

- 31-17 Reserved.**
- 31-18 Department to deal with owner.**
- 31-19 Owners responsible to pay charges and assessments.**
- 31-20 Charges to constitute lien on property; collection of delinquent charges; appeal.**
- 31-21 Written permission to make connections or alterations required.**
- 31-22 "Physical connection" defined, prohibited.**
- 31-23 Owners responsible for keeping service pipes in good repair.**
- 31-24 City not liable for leakage or obstructions.**
- 31-25 Water department may repair pipes without notice to owner.**
- 31-26 Repairs at request of owner to be paid for in full by owner.**
- 31-27 Material used for fire service entrances to be approved by water department.**
- 31-28 Withholding water for failure to comply; fee.**
- 31-29—31-38. Reserved.

Article II. Meters

- 31-39 Water not to be furnished until meter set.**
- 31-40 Meters and settings to satisfy public works director or his/her designee.**
- 31-41 Placement of meters.**
- 31-42 Reserved.**
- 31-43 Meters to be furnished at owner's expense.**
- 31-44 Connections to meter required.**
- 31-45 Two (2) or more meters.**
- 31-46 Reserved.**
- 31-47 Faulty meter.**

31-48 Minimum monthly charge.**31-49 Costs of repairing damages to meters.****31-50 Restriction on furnishing water.**

31-51—31-60. Reserved.

Article III. Rates and Charges**31-61 Rates and fees; charges****31-62 Charge for water used without permit.****31-63 Special rates.****31-64 Abatements; refunds.****31-65 When rates commence.****31-66 When bills due.****31-67 Public works director to collect bills.****31-68 Public notice of due date.****31-69 Failure to pay rate; penalty; shutting off water; lien.****31-70 Reserved.**

31-71—31-73. Reserved.

¹**Charter reference**—Power of city council to provide and regulate water supply, § 48(XXI).

Cross reference—Buildings, Ch. 8; electricity, Ch. 12; fire protection, Ch. 13; health, Ch. 17; housing, Ch. 18; plumbing, Ch. 25; sewers and sewage disposal, Ch. 26; subdivisions, Ch. 28; zoning, App. A; placing substances in reservoirs and swimming in reservoir prohibited, § 21-18.

State law reference—Authority to provide water system, 24 V.S.A. § 3301 et seq.

ARTICLE I. IN GENERAL**31-1 Construction of chapter.**

In the construction of this chapter, whenever it is stated that certain things are required, the meaning is that only on compliance with the stipulation can a person become or having already become can he continue to be a user of city water and enjoy or possess the privileges and advantages afforded by the city water department to its users and those with whom it does business. During the refusal or failure of any person to comply with any of the requirements of this chapter or of the regulations of the water department, all rights of such person to use city water shall cease.

(Rev. Ords. 1962, § 6048)

31-2 Applications of water.

Applications for water shall be made on printed forms, to be furnished at the administrative offices of public works, and the applicant must agree to conform to the ordinances and the rules and regulations of the department.

(Rev. Ords. 1962, § 6001; Ord. of 10-22-90)

31-3 Conditions on which water furnished.

This chapter and the rules and regulations of the water department shall be considered as stating the conditions upon which city water will be furnished, and every person using city water shall be considered, by so doing, to express his consent to conform to the requirements of this chapter and the rules and regulations of the department.

(Rev. Ords. 1962, § 6008)

31-4 Proposals by water commissioners.

The public works commissioners shall, from time to time as they may see fit, submit to the city council such proposals of amendment to this chapter or the rates of the department as they may deem for the best interest of the city.

(Rev. Ords. 1962, § 6029; Ord. of 10-22-90)

31-5 Fire hydrants and pipes.

Fire hydrants and the pipes used for fire purposes only shall be entirely independent of, and free from connection with, pipes used for any other purpose and shall be used for fire purposes only.

Cross reference— Examination of hydrants and fireplugs, § 13-11; opening hydrant or fire plug restricted, § 13-12; obstructions to stopcocks or hydrants, § 13-13.

31-6 Carrying off or injuring property of water department.

No person shall remove, carry off or in any way injure, interfere or meddle with a hydrant, valve, valve box or cover, stopcock, top-box or cover, pipe, tool, apparatus, fixture, building, machinery or fence belonging to the city water department.

(Rev. Ords. 1962, § 6015)

31-7 City liability for use or failure of water.

The city shall not be liable for accident or injury of any kind caused by or growing out of the use or failure of city water.

(Rev. Ords. 1962, § 6007)

31-8 Monthly account of department expenses.

The public works director or his/her designee shall, at the end of each month, make up an account in detail of the expenses of the water department, which, after approval by the public works commissioners, shall be submitted to the city council.

(Rev. Ords. 1962, § 6047; Ord. of 10-22-90)

31-9 Authority to shut off water for violations; charges.

The director of public works or his/her designee may, on twenty-four (24) hours' notice, shut off the water from the premises of any person who shall violate any of the provisions of this chapter, including the failure to make repairs to the connections on the premises served, and such offender shall be deprived of the use of the water until he/she shall have made all necessary repairs to the pipes and connections on the premises served and shall have complied with the provisions of this chapter for the violation of which said water was shut off. Provided, however, that for failure to pay when due all rate bills and bills for labor and materials, the director of public works or his/her designee may shut off the water from the premises only upon ten (10) days' advance notice to the owner of the premises affected, and such premises shall be deprived of the use of water until such bills are paid in full or until satisfactory payment arrangements are made with said director of public works, whichever

sooner occurs. When two (2) or more persons are furnished water through one (1) service pipe, the provisions of this chapter in regard to the shutting off of the supply shall be applicable to all, although one (1) or more shall be innocent of any offense. If, after shutting off the water from any service for repairs or any other cause, it is found that on such service there is no cutoff back of all fixtures, water shall not be again turned on to such service until a suitable cutoff has been properly placed on the same. Whenever the water is shut off or turned on for any reason, a minimum service charge of one (1) hour at the then-prevailing materials and labor hourly rate as provided in section 31-20 shall be made, which charge shall be in addition to any other applicable charges.

(Rev. Ords. 1962, § 6034; Ord. of 5-21-73; Ord. of 10-22-90)

31-10 Notice of discontinuance of use of water required.

Any person desiring to discontinue the use of water shall give notice at the office of the department, and service rates shall be chargeable until the water is shut off at the corporation cock.

(Rev. Ords. 1962, § 6010)

31-11 Turning water off or on.

No person, unless authorized by the public works department, shall turn on or shut off the water at the curb or machine stop to any house or premises; nor, unless turned on by one so authorized, shall a person draw or use water from the city waterworks.

(Rev. Ords. 1962, § 6010; Ord. of 10-22-90)

31-12 Notice of shutoff.

(a) Whenever it becomes the duty of the public works director or his/her designee, under the provisions of this chapter, to shut off water, he/she shall, unless herein otherwise specified, give the user of water on the premises in question not less than twenty-four (24) hours' notice of the time when the water will be shut off unless the provisions of this chapter and the regulations of the department are complied with.

(b) In case any such person fails and neglects to comply with such notice within thirty (30) days, or any person constructs and maintains a new physical connection contrary to the requirements of this chapter, or fails to correct any defect or fault in any physical connection, vault or pit within thirty (30) days after receiving notice of the same, or refuses to permit said

public works director or his/her designee at any time to inspect said physical connection, vault or pit, said public works director or his/her designee, upon giving such person twenty-four (24) hours' notice, may shut off the supply of city water and shall not turn the same on again until such person complies with the requirements of this chapter.

(Rev. Ords. 1962, §§ 6035, 6044; Ord. of 5-21-73; Ord. of 10-22-90)

31-13 Shutting off hydrant or fireplug; notice to fire department.

Whenever the public works director or his/her designee, or the person acting in his/her stead, shall shut off the water from a hydrant or fireplug in any part of the city for repairs or other proper cause, he/she shall immediately give notice thereof to the chief engineer of the fire department at his/her office or, in the absence of the chief engineer, to the officer in charge, and shall state in the notice particularly to what extent the hydrants and fireplugs are so rendered unavailable for fire service, and he/she shall also notify the chief engineer, or officer in charge, when the hydrants and fireplugs are again in working order. Such notice shall be given in person or by special messenger.

(Rev. Ords. 1962, § 6036; Ord. of 10-22-90)

31-14 Shutoff of water supply or line of pipe; notice to users.

When the public works director or his/her designee shall have cause to shut off the supply of water on any line of pipe for repairs, he/she shall immediately notify the users on the line of pipe to be shut off, stating as nearly as possible the length of time such supply will be shut off; provided, however, that in case of emergency the water may be shut off without notice, in which case notice of the fact shall be given the users on the line of pipe so affected as soon as possible after shutting off the water.

(Rev. Ords. 1962, § 6038; Ord. of 10-22-90)

31-15 New services.

No new service shall be attached to a water main except on written application, as required by section 31-2, signed by the owner of the premises to be supplied or his/her duly authorized agent; provided, that when permanent construction work is being done on any street, the board of public works commissioners may, at full expense of the same to the owner, attach to the water main a new service in such street and a lateral pipe laid to the street line for every fifty (50) feet of frontage, or the larger part thereof, of any vacant land on said street connecting the vacant land with the water main; and provided further, that each

dwelling fronting on a street shall be supplied through a separate meter. The mains shall be tapped and $\frac{1}{2}$ -inch lateral pipes laid by the city to the line of the street, the owner to pay full cost of the labor and materials used in tapping the main and laying such pipe. If, in the judgment of the public works department or the public works commissioners, a service of less than $\frac{1}{2}$ -inch pipe now attached to a water main should be replaced by $\frac{1}{2}$ -inch pipe or larger, the city shall make such change and the owner shall pay full expense of the same.

(Rev. Ords. 1962, § 6002; Ord. of 10-22-90)

31-16 Services to be installed by water department.

All services, except fire service, from the street line to the building served shall be installed by the water department unless authorized by the public works director or his/her designee. If such authorization is given, a public works inspector must be present at the cost of the owner.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70; Ord. of 10-22-90)

31-17 Reserved.

Editor's note—An ordinance of Oct. 22, 1990, amended the Code by deleting provisions formerly codified as § 31-17, pertaining to water services of larger than one inch, and derived from Rev. Ords. 1962, § 6002.

31-18 Department to deal with owner.

The water department, in laying a new service to any premises and in repairing, maintaining or renewing the same, and in furnishing water, doing work or furnishing material for said service shall deal only with the owner of the premises or his duly authorized agent, and the owner of any premises desiring to use city water on the same and on any premises to the line of which a service connection with the water main has been installed shall keep the water department advised of the address to which bills, notices and other communications to him may be delivered.

(Rev. Ords. 1962, § 6003)

31-19 Owners responsible to pay charges and assessments.

Although another person may pay the service rate, the owner of the premises shall be held responsible for such rate and for one-half of all expenses of installing a new service and

repairing any services from the water main to the street line and all expense inside the street line.

(Rev. Ords. 1962, § 6003)

31-20 Charges to constitute lien on property; collection of delinquent charges; appeal.

(a) All costs of materials and labor chargeable to the owner for installing a new service from the water mains to the lands and buildings served, for keeping such service connection in repair, for renewing the same when necessary, and for replacing any and all parts of such service, as well as all service charges, shall constitute a lien in the nature of a tax upon the real estate so supplied with water. For the purpose of enforcing such lien and the payment of said costs and charges, the department may proceed to collect the same in the manner prescribed in the City Charter for the collection and enforcement of assessments made in laying out streets and highways, provided such charges remain unpaid for a period of thirty (30) days beyond the date such payment was due, and provided further that no appeal has been filed by the owner pursuant to subsection (b) of this section. Prior to sale at public auction of the premises involved, the owner shall be notified by certified mail, return receipt requested, of the lien upon the property in question. Such lien may also be enforced by suit in the superior court in the nature of foreclosure proceedings. A change of tenants or owners will not relieve the premises from such lien. Failure, neglect or delay on the part of the public works commissioners to proceed under this section or the acceptance by the public works department of payment of charges accrued or of any costs for labor and material incurred at any time or the incurring of past-due costs for labor and material shall not constitute or be construed as a waiver of said lien on the premises for such past-due costs or a waiver of the right to enforce the lien on the same for such past-due rates and costs and payment of such rates and costs. Bills or charges which remain unpaid on the due date shall bear interest at the rate of twelve (12) percent per annum. The due date shall be clearly marked on the bill and shall be at least thirty (30) days after mailing of the bill. Interest shall not accrue to the extent of any delinquency which is due solely to a disputed portion of the bill which is then the subject of an appeal pursuant to subsection (b) hereof.

(b) Any owner who feels that charges for materials and labor are excessive may appeal in writing to the director of public works within thirty (30) days from the date of invoice designated on the bill. Upon appeal, the director of public works or his/her designee shall investigate the charges and, if appropriate, adjust such charges accordingly, informing the person appealing of any decision rendered and of his/her right to appeal to the commission. The director of public works' decision shall be rendered within thirty (30) days from the date of the director of public works' receipt of the appeal. If the owner is dissatisfied by the decision of the director of public works, he or she may appeal the director of public works'

decision by filing, within five (5) days of the director of public works' decision, a written appeal with the public works commission. Upon receipt of said appeal, the commission shall set the matter for hearing at its next meeting, but in no case shall the hearing occur later than thirty (30) days after the filing of the appeal. The commission may, where appropriate, adjust the charges. The decision of the commission shall be final.

(Ord. of 1-4-82; Mo. of 1-4-82; Ord. of 10-22-90)

31-21 Written permission to make connections or alterations required.

No person shall connect a water closet, bathtub, fountain, machine, faucet or any other apparatus whatever with the city water supply, except with a metered section thereof, without first obtaining permission in writing to do so from the city engineer or his/her designee. No person shall use water supplied by the city water department, tap the mains or a pipe leading therefrom, or attach pipes thereto for the purpose of extending or altering the service pipe upon his or her premises, except as above provided, without first applying to the city engineer at his/her office and signing an application for the same, stating the purpose for which he or she wishes to use the water, and first obtaining the permission of the city engineer in writing. No change or alteration in any pipe or fixture supplied with city water nor any change or alteration in the position of any cutoff placed back of all fixtures shall be made except by and with the consent and permission of the city engineer.

(Rev. Ords. 1962, § 6012; Ord. of 10-22-90)

31-22 "Physical connection" defined, prohibited.

(a) As used in this section "physical connection" shall mean any cross-connection, bypass, valve, pipeline, auxiliary intake or other similar device which permits or may permit any flow of water into the city water supply from any other water supply unapproved by the state board of health for drinking purposes.

(b) No physical connection shall be constructed or maintained by any person at any time.

(c) Commencing as of January 1, 1992, all services one and one-half (1 1/2) inches and larger shall be equipped with a backflow preventer. All backflow prevention devices must comply with the rules and regulations of the department of public works. It shall be unlawful for any person to utilize a service after January 1, 1992, unless the service is equipped with a functioning backflow preventer per the provisions of this section.

(Rev. Ords. 1962, §§ 6039, 6040; Ord. of 10-22-90)

31-23 Owners responsible for keeping service pipes in good repair.

- (a) All persons taking water from the water department shall keep the service pipe within their premises in good repair and fully protected from frost and shall prevent all unnecessary waste of water.
- (b) If any person fails to keep such service pipe in good repair and protected from frost after receiving notice to do so from the public works director or his/her designee, the water department may, at the expense of the owner, make such repairs and furnish such labor and material as may be required to protect fully said service pipes from frost.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70; Ord. of 10-22-90)

31-24 City not liable for leakage or obstructions.

The city shall not be liable for leakage of hydrants, pipes or fixtures in any part of the service connection from the water main to the property and buildings served, nor for any obstructions therein by frost or otherwise, nor for any damage resulting from any of the foregoing causes.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70)

31-25 Water department may repair pipes without notice to owner.

The water department may repair pipes without notice to owner if owner cannot be reasonably notified.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70; Ord. of 10-22-90)

31-26 Repairs at request of owner to be paid for in full by owner.

Whenever the water department, at the request of an owner, installs service pipes and fixtures on his premises, or repairs or renewals the same, the cost of all materials and labor for such installation, repairs or renewal shall be paid by the owner and shall constitute a lien upon the premises in the nature of a tax, to be enforced as provided in this chapter.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70)

31-27 Material used for fire service entrances to be approved by water department.

No materials and methods shall be utilized for fire service entrances unless approved by the water department.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70)

31-28 Withholding water for failure to comply; fee.

The public works commissioners may withhold the water supply from any person failing or refusing to comply with any of the provisions or requirements of this chapter or the regulations of the department approved by the city council. A failure, neglect or delay on the part of the public works commissioners to withhold water from users neglecting or refusing to comply with any of the provisions or requirements of this chapter shall not constitute or be construed as a waiver of their right so to do and they may at any time, after finding that a user of city water is violating any section of this chapter, cause the water to be shut off and to remain off from the premises of the user of the city water until he/she shall have fully complied with all of the requirements of this chapter and the regulations of the department and shall have paid to the director of public works or his/her designee, for the use of the city, a minimum service charge of one (1) hour at the then-prevailing materials and labor plus equipment minimum service charge of one (1) person/hour for cutting off and turning off the water. The refusal or failure of any person to comply with any of the requirements of this chapter or the regulations of the department shall constitute and be considered a relinquishment of all right to use city water and shall further render the party or parties liable to criminal prosecution.

(Rev. Ords. 1962, § 6028; Ord. of 5-21-73; Ord. of 10-22-90)

31-29—31-38 Reserved.

ARTICLE II. METERS

31-39 Water not to be furnished until meter set.

Water shall not be furnished to any house or premises for use until a suitable place has been prepared for a meter to be set in accordance with the requirements of this chapter and the regulations of the water division of the department of public works.

(Rev. Ords. 1962, § 6004; Ord. of 8-10-15(1))

31-40 Meters and settings to satisfy public works director or his/her designee.

All meters and the setting of the same shall be satisfactory to the public works director or his/her designee.

The water division shall be responsible for specifying type, size, installation, and periodic testing of all water meters. Meter size will be determined based on flow information supplied to them by the owner, developer or engineer, as applicable and be guided by the standards currently in use by the American Water Works Association.

(Rev. Ords. 1962, § 6018; Ord. of 10-22-90; Ord. of 8-10-15(1))

31-41 Placement of meters.

Meters shall be placed as near as possible to an outside wall facing the main, and in such manner that a difference of one (1) inch in length of the meter will not necessitate a change in the piping. All service installations shall have a meter reading device which shall be placed on the outside of the building and which shall be easily accessible year-round.

(Rev. Ords. 1962, § 6018; Ord. of 10-22-90; Ord. of 8-10-15(1))

31-42 Reserved.

Editor's note—An ordinance adopted Aug. 10, 2015, repealed § 31-42 which pertained to regular meters being furnished at department's expense and derived from Rev. Ords. 1962, § 6019 and an ordinance adopted Oct. 22, 1990.

31-43 Meters to be furnished at owner's expense.

In the circumstance where city water service does not exist and no meter is present or in the circumstances specified in Section 31-49, the property owner shall be responsible for paying the cost of the new meters and their installation. Except for those circumstances specified in Section 31-49, the department of public works water division shall be responsible for the cost of maintenance and replacement of a meter.

(Rev. Ords. 1962, §§ 6020, 6024; Ord. of 10-22-90; Ord. of 8-10-15(1))

31-44 Connections to meter required.

All fixtures supplied with water on the premises shall be connected to the meter in a manner that insures that all the water that is used is accurately measured by the meter. Meters that, in the opinion of the department of public works, do not accurately measure the water used are prohibited and in the event the department determines that such a meter is installed, it shall be replaced at the cost of the department unless the department determines that the circumstances specified in Section 31-49 are the cause of the inaccuracy.

(Rev. Ords. 1962, § 6026; Ord. of 10-22-90; Ord. of 8-10-15(1))

31-45 Two (2) or more meters.

Water used through two (2) or more meters upon the same premises, for the same business, and to supply the same pipes used for a common supply shall be rated as passing through one (1) meter, but if used through separate pipes or for different kinds of business, each meter shall be rated separately. In no case, however, shall water be furnished to a meter for less than the established fixed meter charge, as described in Sections 31-48 and 31-61.

(Rev. Ords. 1962, § 6021; Ord. of 8-10-15(1); Ord. of 5-24-21)

31-46 Reserved.

Editor's note—An ordinance adopted Aug. 10, 2015, repealed § 31-46 which pertained to premises of different persons not being supplied through one (1) meter and derived from Rev. Ords. 1962, § 6022.

31-47 Faulty meter.

If from any cause a meter fails to register the amount of water passing through it, the owner shall be charged at the average daily usage as shown by the meter when in order.

(Rev. Ords. 1962, § 6023; Ord. of 8-10-15(1); Ord. of 5-24-21)

31-48 Minimum monthly charge.

There may be a minimum monthly water charge based upon a schedule prescribed by the water division of the department of public works and approved by the city council.

(Rev. Ords. 1962, § 6025; Ord. of 8-10-15(1); Ord. of 5-24-21)

31-49 Costs of repairing damages to meters.

The cost of repairing any damages to meters caused by frost, hot water or improper usage shall be paid by the property owner.

(Rev. Ords. 1962, § 6019; Ord. of 8-10-15(1))

31-50 Restriction on furnishing water.

The water department shall not furnish water through any meter over which it does not have exclusive control.

(Rev. Ords. 1962, § 6020; Ord. of 8-10-15(1))

31-51—31-60 Reserved.

ARTICLE III. RATES AND CHARGES

31-61 Rates and fees; charges.

(a) Monthly water rates and fees shall be in accordance with a schedule prescribed by the water division of the department of public works and approved by the city council in the city's budget or otherwise, and charges shall be categorized as follows:

(1) *Fixed charge.* Based on the size of the meter or meters.

a. A fixed meter charge may be temporarily waived in accordance with policies prescribed by the water division of the department of public works and as approved by city council as part of the water resources assistance program.

(2) *Volumetric charge.* Based on the customer classification and the volumetric usage of wastewater upon the premises as measured by the city water meter or as estimated where appropriate by the water division of the department of public works.

(3) *Private fire protection charge.* Based on the presence of private fire protection infrastructure, meaning a fire hydrant outside the right-of-way and a service line that feeds a fire protection system.

(4) Other fees and charges related to billing, and administrative and field services, including rates, fees and charges set by the State of Vermont.

(Ord. of 5-24-21)

31-62 Charge for water used without permit.

When a person has used city water without a permit from the city water department, a charge shall be made against the premises for the time the water has been so used, or for the quantity estimated or shown by meter measurement to have been used, and said charge shall be increased fifty (50) percent and shall be collected as provided in this chapter.

(Rev. Ords. 1962, § 6016)

31-63 Special rates.

The water division of the department of public works may negotiate special rates for consolidated water districts as provided for in 24 V.S.A. Chapter 91, upon approval of the public works commission.

(Rev. Ords. 1962, § 6009; Ord. of 10-22-90; Ord. of 5-24-21)

31-64 Abatements; refunds.

No abatement of the water charges shall be allowed by reason of disuse or diminished use or vacancy of premises, nor shall a payment be refunded or abatement made by reason of the occurrence of any of the matters or things mentioned in Section 31-7.

(Rev. Ords. 1962, § 6011; Ord. of 5-24-21)

31-65 When rates commence.

The rates, fees and charges, as described in Section 31-61, shall commence upon the date of installation of a meter, and if that date is not the first of the calendar month, the rates, fees and charges shall be prorated based on a thirty (30) day period.

(Rev. Ords. 1962, § 6030; Ord. of 5-24-21)

31-66 When bills due.

Bills for metered water shall become due when rendered.

(Rev. Ords. 1962, § 6030; Ord. of 5-21-73)

31-67 Public works director to collect bills.

Water rates shall be payable to and collected by the public works director or his/her designee. He or she shall make a tax bill of all rates on or before the first day of the month in which the respective rates become due.

(Rev. Ords. 1962, § 6030; Ord. of 10-22-90)

31-68 Public notice of due date.

Public notice shall be given by the director of public works or his/her designee when water rates are due by publication for two (2) days, during which the rates may be paid without incurring the penalty prescribed in section 31-69, in one (1) or more daily newspapers published in the city. Such notice shall state that unless prompt payment is made, twelve (12) percent will be added to the tax bill and the water shut off as prescribed in section 31-69.

(Rev. Ords. 1962, § 6032; Ord. of 5-21-73; Ord. of 10-22-90)

31-69 Failure to pay rate; penalty; shutting off water; lien.

(a) No disconnection of service to a ratepayer shall be undertaken unless payment of a valid bill or charge is delinquent, as defined herein, and notice of disconnection has been provided previously to the ratepayer. Such notice shall also be provided to the occupant of a residential or commercial dwelling which will be affected by disconnection if the occupant is different than the ratepayer. Disconnection shall not be permitted if:

- (1) The delinquent bill or charge, or aggregate delinquent bills and charges, do not exceed fifteen dollars (\$15.00).
- (2) The delinquency is due solely to a disputed portion of a charge which is the subject of an appeal.
- (3) The delinquency is due to a failure to pay a deposit, line extension, special assessment, special construction charge, or other nonrecurring charge.
- (4) The disconnection would represent an immediate and serious hazard to the health of the ratepayer or resident within the ratepayer's household, as set forth in a physician's certificate which is on file with the water department. Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, providing the certificate is in fact received within seven (7) days.

(5) The ratepayer has not been given an opportunity to enter into a reasonable agreement to pay the delinquent bill, or having made such agreement, has abided by its terms.

(b) The notice form required under this section and defined herein shall be clearly printed on a pink-colored sheet of paper and shall be according to the form set out in Title 24, Vermont Statutes Annotated, Section 5144.

(c) Disconnection of water service shall occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day specified on the notice of disconnection, or within the same hours during the four (4) business days thereafter.

(1) When service is disconnected or interrupted at the premises of the ratepayer, which shall include disconnection or interruption at or near the premises of the ratepayer, the individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected or interrupted, or if no responsible adult is then present, shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the ratepayer has to do to have service restored.

(d) If service has been disconnected or interrupted, the utility shall within twenty-four (24) hours restore service upon the customer's request when the cause for disconnection of service has been removed, or when an agreement has been reached between the ratepayer and the water department regarding the dispute which led to the disconnection or when directed to do so by the city council. Restoration of service, to the extent feasible, shall be done so as to avoid charging ratepayers for overtime wages and other abnormal expenses. No collection or reconnection fees may be charged for disconnections or interruptions of service made for reasons of health or safety of the ratepayer or of the general public.

(e) Any ratepayers who dispute any portion of the bill or charge may so notify the public works director or his/her designee in writing on or before the due date of the bill. The due date shall be clearly marked on the bill and shall be at least thirty (30) days after the mailing of the bill.

The public works director or his/her designee shall investigate the bill and, if appropriate, adjust such bill accordingly, informing the ratepayer of any decision rendered and of his or her right to appeal to the public works commission. The public works director's or his/her designee's decision shall be rendered within thirty (30) days from the date of the public works director's or his/her designee's receipt of the written notice. If the ratepayer is dissatisfied with the decision of the public works director or his/her designee, he or she may appeal the decision by filing within five (5) days of receipt of the decision a written appeal with the public works commission. Upon receipt of said appeal, the commission shall set the matter for

hearing at its next meeting, but in no case shall the hearing occur later than thirty (30) days after the filing of the appeal. The commission may, where appropriate, adjust the charges. The decision of the commission shall be final.

- (f) The charges or rates for a water bill shall be a lien upon the real estate pursuant to 32 V.S.A., Section 5061, so long as the lien is recorded with the city clerk. A delinquency of sewer charges shall be considered a delinquency of water charges.
- (g) The water department may charge fees for collection of overdue accounts and reconnection of service disconnected because of nonpayment.

Fees charged shall not exceed the following schedule as provided for in 24 V.S.A. Section 5151(b) as may be amended from time to time:

Collection trips: Twenty-five dollars (\$25.00) maximum, regardless of number.

Reconnection: Normal hours, twenty-five dollars (\$25.00); overtime, thirty-seven dollars and fifty cents (\$37.50).

- (h) Definitions. For the purpose of this section:

- (1) *Disconnection* means the deliberate interruption or disconnection of water service to a ratepayer by the water department.
- (2) *Delinquency* means failure of the ratepayer to tender payment for a valid bill or charge within thirty (30) days of the postmark date of that bill or charge, or by a due date at least thirty (30) days after mailing, which shall be clearly printed on the bill and which shall control in the absence of the postmark.
- (3) *Hearing officer* means a person appointed pursuant to subparagraph (e) of this section to act as a fact-finder, and to hear and investigate evidence, and to make recommendations to the city council for final determination of the dispute.
- (4) *Notice* means the written notice on the form prescribed in subparagraph (b) of this section, sent within forty (40) days after delinquency and postmarked and sent not more than twenty (20) days, nor less than fourteen (14) days prior to the disconnect of service.
- (5) *Physician's certificate* means a written statement by a duly licensed medical practitioner certifying that a ratepayer or resident within the ratepayer's household would suffer an immediate and serious health hazard by the disconnection of the water service to that household. The certificate will be considered valid and in force for thirty (30) days, or the duration of the hazard, whichever is less.

(6) *Payment of a bill* means the receipt at the water department's business office or authorized payment agency of cash, check or money order which is subsequently honored.

(7) *Business days* means Monday through Thursday, excluding legal holidays and any other time, or the day before such time, when the water department's business offices are not open to the public.

(Rev. Ords. 1962, § 6033; Ord. of 5-21-73; Ord. of 9-24-79; Ord. of 10-22-90)

Editor's note—Ord. of May 21, 1973, repealed § 6033 of the Rev. Ords. 1962, which had been codified as §§ 31-69, 31-71—31-73 herein; and said ordinance added a new § 6033, codified herein as § 31-69 at the editor's discretion.

31-70 Reserved.

Editor's note—Former § 31-70, pertaining to failure to receive bills for service rates, and derived from Rev. Ords. 1962, § 6031, was deleted by an ordinance of Oct. 22, 1990.

31-71—31-73 Reserved.

Note—See editor's note, § 31-69

APPENDIX A BURLINGTON COMPREHENSIVE DEVELOPMENT ORDINANCE

The Burlington Comprehensive Development Ordinance is hosted on the city's website.

APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL¹

- 1 Purpose and organization of city council meetings.
- 2 Presiding officer.
- 3 Order of succession.
- 4 Chief administrative officer of the council — Minutes.
- 5 Committee assignments and rules.
- 6 Place and date of meetings — Quorum.
- 7 Duties of presiding officer.

- 8** Member responsibilities.
- 9** Motions and amendments.
- 10** Withdrawal of motion — Motion to reconsider.
- 11** Resolutions and reports to be in writing.
- 12** Yeas and nays.
- 13** City councilor absences.
- 14** Meetings to be public, exception.
- 15** Introduction of ordinances.
- 16** Order of business.
- 17** Agenda.
- 18** Business to be conducted in accordance with Robert's Rules of Order.
- 19** Appointments to be by open ballot.
- 20** Request for legal assistance.
- 21** City councilor expense reimbursement.
- 22** Electronic devices.

1 Purpose and organization of city council meetings.

The purpose of city council meetings is to conduct city business efficiently and effectively, while still allowing appropriate public input. The city council meetings should be structured to allow focused attention on agenda items. Meetings should be predictable in both the business addressed and length of meetings.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 1.A)

2 Presiding officer.

The presiding officer of the city council shall be styled the president. The president shall be elected, by a majority of the sworn members of the council, at a meeting held on the first

Monday in April in each year at 7:00 p.m. The first business transacted shall be the election of a president and such election shall be by a show of hands or, upon request, a roll call vote, unless determined by majority vote of the entire council that such election shall be by ballot. The chief administrative officer shall call the meeting to order and shall preside until a president is elected.

(Res. of 6-27-88; Res. of 6-12-89; Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 1)

Charter reference—Authority to elect president of council, § 36.

3 Order of succession.

In the absence of the president, the chief administrative officer shall, and if the chief administrative officer is not present, any councilor may, call the council to order. A temporary president shall be elected by a majority of those councilors present and voting.

(Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 2)

4 Chief administrative officer of the council — Minutes.

The chief administrative officer or designee shall be clerk of the city council and shall keep full and accurate minutes of the proceedings of the council. The minutes of each meeting shall be made available in accordance with Vermont Open Meeting Law and will be placed on the city council agenda for approval.

(Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 3)

5 Committee assignments and rules.

(a) No later than the second meeting following the election of the president, the president shall appoint standing committees on racial equity, inclusion, and belonging, licenses, ordinances, human resources, charter changes, community development and neighborhood revitalization, public safety, transportation, energy and utilities, parks, art and culture, and tax abatements. The council president shall serve as an ex-officio member of all committees and may serve as a voting member of a committee in the absence of an appointed committee member or as a result of a vacancy on the council. The president shall appoint all ad hoc committees unless the council votes by a majority of those present and voting to designate the members. The president shall appoint the chair of a committee unless the motion or resolution authorizing its appointment shall designate the chair. All committees shall consist of at least three (3) persons unless otherwise ordered by vote of the council. Any matter which has been assigned to the jurisdiction of a standing or ad hoc committee of the

council shall not be taken up by the council until a report and recommendation are made by the committee unless either of the following procedures occurs:

- (1) By a two-thirds (2/3) vote of the council determines to take up a matter notwithstanding its continuing pendency in a committee;
- (2) A majority of the council votes to take the matter up at a council meeting which will occur not sooner than one (1) week after such vote; or
- (3) Notwithstanding either of the above provisions, a matter may be taken up by the full council upon passage of the later of three (3) regular city council meetings after its referral to a council committee or the date when the council requested referral back to the council.

Following the council's organization day, each committee shall hold an organizational meeting to discuss how the committee will function and what work is to be done over the next year. It is the responsibility of the committee chair to verbally report out what they determine appropriate on a regular basis. Additionally, the committee will send their approved minutes to the full city council to be placed on the consent agenda as a communication. The city council shall designate which department or office of the city is to provide staffing for such standing or ad hoc committees, unless otherwise specified by Burlington City Charter. Committee staffing shall be by a policy level staff member who is able to participate in the committee's discussions and actively represent proposals. However, the staff shall not attempt to control debate or discussions at committee meetings, but instead assist the committee's work. Individual councilors and committees shall not require that significant assignments be carried out by city departments without first receiving endorsement from the city council. If any city department believes a request is significant, then the department shall inform the individual councilor or committee. City departments may bring items to the committee for consideration without endorsement by the council. All standing and ad hoc committees shall provide a copy of minutes of their meetings to the city council in a timely manner.

(b) Ad hoc committees may also be established by the president or by a motion approved by the city council. Ad hoc committees may be established for a particular purpose and shall exist for a specified duration, which duration may be extended by the city council. At least once every three (3) months while an ad hoc committee is in effect, it will report to the city council with respect to its activities. Ad hoc committees shall present a written report to the city council which shall include the committee's recommendations upon completion of the committee's work.

(Res. of 7-25-88; Res. of 5-8-95; Res. of 4-13-98; Res. of 4-22-02; Res. of 12-21-11; Res. of 2-11-19; Res. of 5-9-22; Rev. 3-27-23.
Formerly Sec. 4)

6 Place and date of meetings — Quorum.

- (a) The meetings of the council shall be held in Contois Auditorium or in any other location designated by the council. City council meetings shall be held on Mondays on dates identified on a schedule proposed by the president and approved by the council, unless the council shall fix another date. A majority of the whole council shall constitute a quorum, but a smaller number may adjourn and may compel the attendance of absent members. Special meetings of the city council may be called at any time by the mayor and shall be called by the chief administrative officer on petition signed by a majority of the city council and filed with the chief administrative officer.
- (b) The president in consultation with the chief administrative officer or designee shall prepare an agenda for each city council meeting. The agenda shall include preliminary time allotments for each agenda item and all business to be conducted in open session shall be completed by 10:30 p.m. A period of time shall be reserved for items which may be moved from the consent agenda to the deliberative agenda. Each councilor may speak for up to five (5) minutes, and the president may adjust the length of time based on the time allotted for the agenda item. The president should keep the time for each item as set in the agenda and encourage conclusion of the debate and resolution of the item in a timely manner. When the allotted time for an agenda item has been consumed, the president may immediately call for a vote upon a disposing motion unless the council votes to extend the time for consideration of such item. With respect to the agenda items relating to general city affairs, the mayor shall be allocated up to ten (10) minutes, the city council up to fifteen (15) minutes, the public forum up to ninety (90) minutes unless otherwise extended by the president or the council and up to five (5) minutes shall be allocated for committee chairs, unless a longer time is voted at a particular meeting. Priority in public forum should be given to those wishing to speak about an item on the agenda. Among those speaking, priority will be given to Burlington residents first followed by Burlington property owners and organizations and then other non-Burlington residents. The president will announce at the beginning of public forum how long each speaker shall have, based in part on the number of speakers.
- (c) Whenever meetings of the city council and the local control commission are scheduled for the same evening, the local control commission will convene at a time designated by the president.

(Res. of 12-16-91; Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 5)

Charter reference—Meetings of board, §§ 38, 39; quorum, § 40.

7 Duties of presiding officer.

The president or presiding officer shall preserve order and decorum and shall decide all parliamentary questions subject to appeal. The president shall put no questions to vote except upon motion of some member duly seconded. If any member questions the accuracy of the vote as declared by the president, the president shall request a show of hands or a roll call vote. The president may call any member to the chair for a period not to exceed a single session, and when out of the chair may participate in debate. The primary role of the president shall be to run the city council meetings and not to be a participant in the council's debate. As presiding officer, it is inappropriate to offer an opinion on an item under debate without passing the gavel, but the president may pass the gavel to participate in debate infrequently. Occasional comments by the president for the purpose of clarification and direction of the meeting are permissible. The president shall make sure that all commentary remains on the topic at hand. It shall be the responsibility of the president to limit all repetitious and cumulative discussion and to insist that all questions from the city councilors and the public be directed through the president. The president shall enforce parliamentary procedure and all time limits if so specified on the agenda. The president is responsible for compliance with the rules of the council. Any councilor not in compliance shall be notified by the president. Continued noncompliance will be brought to the attention of the full council.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 6)

8 Member responsibilities.

Members are expected to be familiar with Robert's Rules.

No member shall make a motion or speak on any question until the member has addressed and has been recognized by the president. The member shall confine discussion to the question before the council and shall refrain from impugning the character or motivations of any other member of the council, city staff, or any presenter, as the subject of debate is the action before the council, not that individual. No city councilor shall speak longer than five (5) minutes in a single round to the same motion. Members should refrain from profanity when speaking at a meeting; the president will inform a speaker who uses profanity that the speaker's time has ended and move on to the next speaker.

Each member present at a meeting shall cast a vote on each and every motion other than an appointment, unless a conflict of interest is present pursuant to Section 133 of the City Charter. Except for appointments, all motions should present a yes/no question so that councilors may vote either "yes" or "no" on the question.

For appointments made by the council and by council with mayor presiding, nominations shall be accepted and then each nominated candidate voted on individually. When one (1) candidate for an office receives the vote of a majority of the council present and voting at the

meeting, that candidate is declared the winner. If no candidate receives a majority, the nominations fail, and the position is readvertised. Members need not vote for any candidate but may cast only one (1) affirmative vote per round.

Councilors are encouraged to stay at their seat during public forum except in emergencies. City staff and other presenters shall be treated with courtesy and respect by the council; when possible, councilors shall submit questions to staff and presenters in advance of the meeting. Councilors shall abide by these rules and respect rulings by the president, subject to the rights of appeal. Any member may request that the president enforce, or the president may on the president's own initiative enforce, the decorum of the meeting or the rules of this body.

(Ord. of 9-23-91; Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 7)

9 Motions and amendments.

When a question is before the council no motion shall be entertained except as prescribed in Robert's Rules of Order. Generally, a motion addressing council procedures or internal operations, such as a motion to postpone or recess, should be made separately from any motion on the substance of a question, and such a procedural or operational motion should not be considered subject to the mayor's City Charter Article 18 veto authority. A motion to adjourn shall always be in order. Motions to adjourn, to lay on the table and to call the question shall be decided without debate. All amendments proposed must be germane to the subject under consideration. No proposal to amend shall be considered beyond an amendment to an amendment. No motion once seconded may be amended without debate unless the maker of the motion and seconder consent. Amendments to resolutions should be sent to the council clerk to be posted on the city council agenda in advance of the meeting. Every effort should be made to communicate amendments in advance, out of respect for colleagues and the public and in keeping with Rule 1. This does not preclude the possibility of amending on the floor.

(Res. of 12-16-91; Res. of 12-21-11; Res. of 3-27-17(1); Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 8)

10 Withdrawal of motion — Motion to reconsider.

The mover of a motion may withdraw the same at any time prior to a decision or an amendment if the member seconding the motion also gives consent. Once a motion is made and seconded, however, amendments to that motion must be made as a motion to amend, and a vote must be held before the motion is amended; "friendly" amendments cannot avoid that process except for technical corrections, at the president's discretion. A motion for the

reconsideration of any measure must be made by a member who voted with the prevailing side, and a majority of the full membership of the council shall be necessary to secure reconsideration. A motion to reconsider may only be made at the same or the next succeeding meeting as the original motion and, if the vote on the original motion affirmatively approved some action, only if no action to carry out the original motion has yet been taken.

(Res. of 12-21-11; Res. of 3-27-17(2); Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 9)

11 Resolutions and reports to be in writing.

All resolutions and all final reports of committees shall be presented in writing. All resolutions must be sponsored by a city councilor(s). If the resolution pertains to a matter that has been previously considered and acted upon by a committee of the council or by another city board or commission, its text shall include a recital of the date of such action and the margin of approval if such action was taken by a less than unanimous vote.

(Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 10)

12 Yeas and nays.

The yeas and nays (roll call) shall be taken on any question or motion relating to the passage of an ordinance or resolution which appears on the deliberative agenda and which is not adopted by a unanimous voice vote except that the president may choose to request a show of hands and identify for the record the councilors who voted in the minority. The yeas and nays shall also be taken on any question or motion upon the request of a member. Whenever the question before the council shall be upon the passage of an ordinance, resolution or motion, notwithstanding the veto of the mayor, it shall be decided by a yea and nay vote. On all yea and nay votes the clerk shall call the roll of members and no member present shall be excused from voting except by unanimous consent, or unless the member disqualifies himself/herself thereon. So long as a quorum exists, a valid majority for taking city council action shall be a concurrence of a majority of those present and voting except as otherwise provided in these rules, the Code of Ordinances or the City Charter.

(Res. of 5-22-95; Ord. of 10-25-10(2); Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 11)

13 City councilor absences.

Because the council cannot carry on its business without a quorum, and citizens rely on their representatives to be present to act on their behalf, no member shall be absent without leave

from any meeting unless the member is ill or otherwise necessarily detained, in which event the member shall notify the clerk or president of the member's inability to be present. A member who will be late or absent from a meeting is expected to notify the president as soon as possible. If a member desires to leave before the close of a session the member shall ask permission of the president. A member may participate in a meeting by electronic means, but must do so consistent with the requirements of Vermont law. The expectation is that members participate in city council meetings in person with only rare exemptions. Attendance records will be published annually and posted on a consent agenda.

For committees, to assist in reaching full attendance, the committee chair shall accommodate councilor's schedules with proper notice. If an ad hoc or standing committee member misses three (3) consecutive or more meetings within six (6) months without a good reason, the council president may rescind the appointment and appoint another councilor to fill the vacancy. Additionally, committees may meet electronically without the need for rare exemptions.

(Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 12)

Charter reference—Attendance may be compelled, § 40.

14 Meetings to be public, exception.

All meetings of the council shall be public except that executive sessions may be held upon approval by two-thirds (2/3) majority of those present and voting. While in executive session, a councilor may ask for a vote to determine whether a two-thirds (2/3) majority of the council supports staying in executive session, and if a two-thirds (2/3) majority of the council does not support staying in executive session, the council will go out of executive session.

Members of the city council and all persons invited to attend an executive session of the city council shall not discuss in any fashion the discussions occurring in executive session with any person who is not a member of such council and who was not present in the executive session except as such discussion may be compelled by proper legal process. The foregoing sentence shall not be applicable to any subsequent consideration of such discussions in a public session of the council. Any member of the city council who violates the foregoing standards shall be subject to censure by the city council if it is established that such violation has placed the city at a substantial disadvantage in its official business dealings. The burden of proof in such situations shall be borne by the member who makes the contention that another member should be censured. Any other city official who violates the foregoing standards shall be considered to be guilty of negligence or bad conduct, as the case may be, and subject to official reprimand. If such violation places the city at a substantial disadvantage in its official business dealings, or if the violating official has previously been

reprimanded for improperly discussing executive session proceedings, such official shall be subject to disciplinary proceedings pursuant to Section 129 of the City Charter.

(Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 13)

15 Introduction of ordinances.

On introduction to the council, a proposed ordinance or amendment to an existing ordinance shall identify the city department or city councilor sponsoring the proposal. A proposed ordinance shall be read in full at two (2) separate meetings before being adopted. It shall be read the first time upon its presentation and may then be discussed. Upon proper motion, a proposed ordinance may be defeated upon presentation and first reading. If not so defeated, the proposed ordinance shall upon proper motion following discussion, if any, be referred to the ordinance committee. Alternatively, upon a motion to suspend the rules a proposed ordinance may be adopted if approved by two-thirds (2/3) vote of those present and voting. If referred to the ordinance committee, such committee shall consider the proposal, consult with the city attorney and any department concerned, and report to the council no later than sixty (60) days following referral of the proposed ordinance to it. If the proposal remains in the committee beyond a sixty (60) day period, the committee shall report to the city council at least once every thirty (30) days on the status of its continuing review. The city council may adopt the proposed ordinance at any time following its second reading.

(Res. of 10-29-73; Res. of 11-13-95; Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 14)

16 Order of business.

At each regular meeting of the council (except as otherwise provided in the agenda prepared by the president) the order of business shall be as follows:

- (a) Work sessions and/or executive sessions and/or nondeliberative updates and communications should start no earlier than 5:00 p.m. or 6:00 p.m. as the president decides.
- (b) Presentation of awards and memorials.
- (c) Climate emergency updates, public health and safety emergency updates, information presentations, and commission reports (also can adjourn to local control commission, board of abatement, etc.).
- (d) Public forum for a time certain starting no earlier than 6:00 p.m. and no later than 7:00 p.m. for no longer than ninety (90) minutes unless extended by the president or the council.

The president will encourage those who do not have an opportunity to speak to submit comments in writing which will be posted on the next council agenda.

- (e) Action on consent agenda.
- (f) Appointments (adjourn to city council with mayor presiding if required).
- (g) Resolutions and ordinances dealing with the business of the city (unfinished business first).
- (h) Reports from committees.
- (i) Councilor and mayor general city affairs.

(Res. of 10-10-23; Res. of 12-16-91; Res. of 12-21-11; Res. of 2-11-19; Res. of 4-27-20; Rev. 3-27-23. Formerly Sec. 15)

17 Agenda.

- (a) An agenda for city council meetings shall be prepared in the city clerk's office and posted on the web, and copies thereof shall be available to members of the city council and to the general public by the close of the second business day (normally Thursday) immediately preceding each regular meeting of the city council.
- (b) All city departments, councilors, city officials and the public in general (except for the city attorney as provided below) are required to have their materials delivered to the city clerk's office not later than 4:00 p.m. of the third business day (normally Wednesday) preceding regular meetings.
- (c) All requests for resolutions, ordinances, motions, and any materials to be prepared or reviewed by the city attorney must be in the city attorney's hands by 12:00 p.m. on the fourth business day (normally Tuesday) preceding a regular meeting.

The city attorney shall deliver to the office of the city clerk all resolutions, ordinances, motions, or other materials to be submitted no later than 12:00 p.m. of the second business day (normally Thursday) preceding a regular or adjourned regular meeting.

The city clerk's office shall assemble all materials for the coming meeting into one (1) packet for each councilor and shall post those materials at the close of the second business day (normally Thursday) preceding a regular meeting.

It is expected that councilors will submit all materials on time, and the council president may refuse to accept any materials outside of these time frames without extenuating circumstances.

(d)(1) The agenda prepared by the president with input from the chief administrative officer or designee shall be divided into two (2) parts; namely, a consent agenda and a deliberative agenda. The consent agenda is made up of items which are deemed not controversial or are for information only. The consent agenda shall also suggest the proposed action with respect to such items. The deliberative agenda items are for those issues which may be controversial or are of such importance that they deserve discussion by the council. It is not appropriate to move an item from the consent to the deliberative agenda to provide general information. Councilors may use the councilor comment period to disseminate that information. All supporting documents for resolutions and other city policies are available to the public on BoardDocs or other board management software.

(2) Any councilor may request that a particular item be removed from the consent agenda and placed upon the deliberative agenda.

(3) A single motion shall be sufficient to act upon the items listed in the consent agenda in the manner suggested by the chief administrative officer. The items on the deliberative agenda shall be dealt with separately in accordance with the procedures otherwise specified by these rules.

(e) No matters of business other than those included in the agenda and provided to councilors in the packets or electronically provided by the city clerk's office shall be introduced and considered at any regular or adjourned regular meeting of the city council without a two-thirds (2/3) affirmative vote of the councilors present and voting.

(f) All meetings of the city council shall adjourn no later than 10:30 p.m. that same day. No vote by the city council may be taken after 10:30 p.m. except as otherwise provided. All executive sessions will commence no later than 10:30 p.m. and be concluded by 11:00 p.m. The president and chief administrative officer shall preview each agenda and endeavor to make sure that all time-sensitive items are placed as close as possible to the beginning of the meeting. Prior to adjournment at 10:30 p.m., the president shall call for a vote upon a disposing motion on the pending item unless a motion is made to suspend the rules to allow continuation of the meeting to complete all or a part of the agenda. If such a motion is made the president shall inquire about timely matters and the motion to suspend the rules to allow continuation of the meeting may include consideration of such matters warranting action. If such a motion fails to receive approval of two-thirds (2/3) of the councilors present and voting, even if after 10:30 p.m., the president may entertain alternative motions to suspend the rules to allow continuation of the meeting.

(Amended 2-7-72; 2-17-76; Res. of 6-12-89; Res. of 2-25-91; Res. of 6-24-96; Res. of 2-18-97; Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 16)

18 Business to be conducted in accordance with Robert's Rules of Order.

The business of the council shall be conducted in accordance with the recognized parliamentary rules as set forth in the current issue of Robert's Rules of Order, except as otherwise provided in these rules. No rules of this council shall be suspended except by a two-thirds (2/3) vote of those present and voting. No rule shall be amended or repealed unless notice of such proposal has been given at the last regular meeting preceding, and such change must be adopted by a majority of the entire membership of the council. These rules shall be applicable to the city council with mayor presiding, the board of civil authority, the board of abatement of taxes and the local control commission.

(Res. of 4-27-92; Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 17)

19 Appointments to be by open ballot.

When dealing with commission and council appointments, under the City Charter or otherwise, members of the city council or city council with mayor presiding shall not use secret ballot unless two-thirds (2/3) of those present and voting vote to use secret ballots. A commission or council appointment, under the City Charter or otherwise, must be approved by a majority of the city council or the city council with mayor presiding.

(Ord. of 5-23-83; Res. of 12-16-91; Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 18)

20 Request for legal assistance.

All requests for legal assistance, information and advice received by the office of the city attorney from either the mayor or a member of the city council, and all information received by the office of the city attorney in connection with research and drafting such a request, including any preliminary drafts not yet introduced to any committee of the city council, the council, or released to the public, shall be confidential, unless the person requesting or giving the information designates in the request that it is not confidential.

(Res. of 8-15-88; Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 19)

21 City councilor expense reimbursement.

The city council shall annually, as part of the budget and upon recommendation of the mayor, set an expense account for each city councilor. The expense account is for expenses

including reimbursement necessary for the performance of city council business. Councilors may combine, or pool, expenses with other councilors. Funds not spent by a city councilor at the end of the councilor's term shall not be available to the succeeding councilor. A succeeding councilor who takes office during a fiscal year shall be provided with an expense account equivalent to a pro rata share (based on the number of months remaining in the fiscal year) of the annual expense account allocated to each councilor for that fiscal year.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19; Res. of 6-24-19; Rev. 3-27-23. Formerly Sec. 20)

22 Electronic devices.

All electronic devices used by councilors, the public and others present shall be silenced (i.e., turned off or put on "vibrate") during council meetings.

(Res. of 12-21-11; Res. of 2-11-19; Rev. 3-27-23. Formerly Sec. 21)

¹**Editor's note**—Appendix B contains the rules of the city council as adopted by it and as amended from time to time. Amendments are indicated by parenthetical history notes following the amended sections; absence of such notes indicates that the section is as originally enacted.

It should be noted that Acts of 1989, No. M-20 effectively changed "board of aldermen," and other like references, to "city council," etc., throughout the Charter. The editor has changed references to "board of aldermen," etc., to "city council," etc., in Appendix B in order to reflect the enactment of Acts of 1989, No. M-20.

Charter reference—City council with mayor presiding and city council, § 36 et seq.

Cross reference—Administration, Ch. 2; personnel, Ch. 24.

APPENDIX C RULES AND REGULATIONS OF THE TRAFFIC COMMISSION¹

1 Streets on which truck traffic restricted.

1a Truck routes.

2 Traffic-control light locations.

3 Stop sign locations.

4 Location of yield-right-of-way signs.

5 One-way streets designated.

6 Left turns prohibited.

7 No-parking areas.

7A Accessible spaces designated.

7B No stopping, standing or parking for certain purposes.

8 No parking 7:30 a.m. to 4:30 p.m. weekdays.

9 Fifteen-minute parking.

9-1 Three-hour parking.

9-2 Four-hour parking.

10 Two-hour parking.

10-1 Time limits; two-hour parking.

11 One-hour parking.

11-1 Thirty-minute parking.

12 No parking daytime or weekdays except by trucks loading or unloading.

12-1 No parking except vehicles loading or unloading.

13 No parking any time except trucks loading or unloading.

14 Sunday parking restrictions.

15 Designated school zones.

16 Bus stops.

17 Designation of parking meter zones.

18 Parking facility designations and regulations.

19 Parking rates.

20 Prohibition of turns on red signal.

21 School crossing guards.

22 Closing of streets.

- 23** Designation of fire lanes.
- 24** Half-hour parking.
- 25** Taxicab stands.
- 26** Motorcycle parking.
- 27** No parking except with resident parking permit.
- 28** Demonstration projects.
- 29** Special parking.
- 30** Speed limits.
- 31** [Reserved].

1 Streets on which truck traffic restricted.

- (a) No motor trucks exceeding sixteen thousand (16,000) pounds capacity shall be operated on or driven upon the following streets:
 - (1) Prospect Parkway at any time;
 - (2) Birchcliff Parkway from Shelburne Road to Cherry Lane at any time;
 - (3) Hayward Street from Howard Street to Locust Terrace at any time.
 - (4) Locust Terrace.
 - (5) University Place.
- (b) No vehicle exceeding 24,000 pounds gross vehicle weight may be allowed on the following streets:
 - (1) Grove Street, with the exception of emergency vehicles and vehicles that serve the needs of residences or businesses of Grove Street.

(Rev. Ords. 1962, § 5162; 1969 Cum. Supp., § 5162; Reg. of 11-17-75; Reg. of 10-28-87; Reg. of 5-25-88; Reg. of 6-26-91; Reg. of 3-11-03)

1a Truck routes.

The following roadways are designated as truck routes:

- (1) Plattsburg Avenue.
- (2) North Avenue from Plattsburg Avenue to Sherman Street.
- (3) North Street from North Avenue to North Winooski.
- (4) Winooski Valley Parkway.
- (5) Manhattan Drive from Park Street to North Champlain Street.
- (6) Park Street.
- (7) North Champlain Street.
- (8) Hyde Street from Riverside Avenue to North Willard Street.
- (9) North Willard Street.
- (10) South Willard Street.
- (11) South Winooski Avenue from Pearl Street to Main Street.
- (12) Riverside Avenue from North Winooski Avenue to Winooski Bridge.
- (13) Colchester Avenue.
- (14) East Avenue.
- (15) Battery Street.
- (16) Pearl Street.
- (17) Main Street.
- (18) Maple Street from Battery Street to Pine Street.
- (19) St. Paul Street from Shelburne Street to Main Street.
- (20) Shelburne Street.
- (21) Pine Street from Queen City Park Road to Main Street.
- (22) Reserved.

- (23) North Winooski Avenue.
- (24) Flynn Avenue from Pine Street to Shelburne Street.
- (25) Home Avenue from Queen City Park Road to Shelburne Street.
- (26) Sherman Street from Park Street to North Avenue.
- (27) Queen City Park Road.

(Reg. of 8-14-96; Reg. of 3-11-03; Reg. of 6-19-19(1), eff. 7-24-19)

2 Traffic-control light locations.

- (a) Traffic-control light signals are hereby established at the following locations:

- (1) Pearl Street and North and South Winooski Avenues.
- (2) Pearl Street and North and South Willard Streets.
- (3) Main Street and South Union Street.
- (4) Pearl Street and North and South Union Streets.
- (5) Main Street and South Prospect Street.
- (6) Main Street and South Willard Street.
- (7) North Street and North Winooski Avenue.
- (8) Elmwood Avenue, Intervale Avenue and North Street.
- (9) North Willard Street and Loomis Street.
- (10) North Avenue and Route 127.
- (11) Main Street and Pine Street.
- (12) North and South Prospect Streets, Pearl Street and Colchester Avenue.
- (13) North Champlain Street and North Street.
- (14) St. Paul Street, Howard Street and South Winooski Avenue.
- (15) Colchester Avenue and Barrett Street.

- (16) Colchester Avenue, Riverside Avenue and Mill Street.
- (17) College Street and South Willard Street.
- (18) South Winooski Avenue and Cherry Street.
- (19) Main Street and South Winooski Avenue.
- (20) North Avenue and Institute Road.
- (21) North Avenue and Plattsburg Avenue.
- (22) Pearl Street and St. Paul Street.
- (23) Shelburne Street and Prospect Parkway.
- (24) Shelburne Street and the exit from Interstate 189.
- (25) Shelburne Street and Flynn Avenue.
- (26) Colchester Avenue and East Avenue.
- (27) College Street and South Winooski Avenue.
- (28) Maple Street and the driveway to Edmunds School.
- (29) St. Paul Street and Main Street.
- (30) Riverside Avenue, North Prospect Street and Intervale Avenue.
- (31) Repealed.
- (32) Shelburne Street and Home Avenue.
- (33) South Prospect Street and College Street.
- (34) Shelburne Street and the entrances to the Seaway Shopping Center; the Shelburne Road Plaza Shopping Center.
- (35) North Winooski Avenue and Riverside Avenue.
- (36) Pine Street and Flynn Avenue.
- (37) North Winooski Avenue and Archibald Street.
- (38) Riverside Avenue and Barrett Street.

- (39) North Street and North Avenue.
- (40) Colchester Avenue and the entrance to Fletcher Allen Health Care.
- (41) Pine Street and Lakeside Avenue.
- (42) Park Street and North Street.
- (43) Park Street and Pearl Street.
- (44) Park Street and Sherman Street.
- (45) North Champlain Street and Pearl Street.
- (46) North Champlain Street and Manhattan Drive.
- (47) Main Street and University Place.
- (48) Manhattan Drive and Route 127 at Park Street.
- (49) North Avenue and the entrance to the Ethan Allen Shopping Center; Farrington Drive.
- (50) Battery Street and Cherry Street.
- (51) Battery Street and College Street.
- (52) Main Street and Dairy Bar Drive.
- (53) Main Street and University Terrace.
- (54) Main Street and East Avenue and East Terrace.
- (55) Main Street and Spear Street.
- (56) Pine Street and Pearl Street.
- (57) Church Street and Main Street.
- (58) Battery Street and Main Street.
- (59) Battery Street and King Street.
- (60) Bank Street and South Winooski Avenue.
- (61) North Avenue, the entrance to Ethan Allen Park and Ethan Allen Parkway.

- (62) North Avenue, Shore Road and Heineberg Road.
- (63) Riverside Avenue at Salmon Run Housing Complex.
- (64) Beaumont Drive and Carrigan Drive.
- (65) North Avenue and Woodbury Road.
- (66) Colchester Avenue and Mansfield Avenue.
- (67) Reserved.
- (68) Plattsburg Avenue and Route 127.
- (69) At the intersection of Plattsburg Avenue and Sunset Drive.
- (70) At the intersection of Main Street and University Heights.
- (71) Reserved.
- (72) Two (2) flashing caution lights on Pine Street in front of Champlain Elementary School.
- (73) Intersection of East Avenue and Carrigan Drive.
- (74) Two (2) flashing caution lights on Shelburne Street near the intersection of Shelburne Street and South Willard Street.
- (75) The eastern-most access of Hillside Terrace onto Riverside Avenue.
- (76) At the intersection of Maple Street and Battery Street.

(Rev. Ords. 1962, § 5202; 1969 Cum. Supp. § 5202; Reg. of 1-18-71; Reg. of 5-18-71; Reg. of 11-19-71; Reg. of 5-15-72; Reg. of 12-17-73; Reg. of 4-28-75; Reg. of 1-16-78; Reg. of 8-27-79; Reg. of 9-8-80; Reg. of 11-5-84; Reg. of 1-31-89; Reg. of 9-27-89; Reg. of 5-2-90; Reg. of 5-30-90; Reg. of 7-25-90; Reg. of 5-1-91; Reg. of 9-25-91; Reg. of 2-19-92; Reg. of 9-29-92; Reg. of 5-13-98; Reg. of 5-13-98; Reg. of 12-6-00; Reg. of 3-11-03; Reg. of 12-1-04; Reg. of 9-7-05, eff. 10-12-05; Reg. of 12-7-06, eff. 1-31-07; Reg. of 5-18-11(1), eff. 6-15-11; Reg. of 6-20-18(1), eff. 8-1-18; Reg. of 2-17-21(c), eff. 6-16-21)

Cross reference—Traffic-control devices generally, § 20-120 et seq.

3 Stop sign locations.

Stop signs are authorized at the following locations:

- (1) At the intersection of Adams Street and South Winooski Avenue causing traffic on Adams Street to stop.

- (2) At the intersection of Adams Street and St. Paul Street causing traffic on Adams Street to stop.
- (3) At the intersection of Archibald Street and North Willard Street causing traffic on Archibald Street to stop.
- (4) At the intersection of Archibald Street and Intervale Avenue causing all traffic to stop.
- (5) At the intersection of Staniford Road and North Avenue causing traffic on Staniford Road to stop.
 - (5.1) At the intersection of North Avenue and Franklin Square causing traffic on Franklin Square to stop.
- (6) At the intersection of Bank Street and Church Street causing traffic on Bank Street to stop.
- (7) At the intersection of Loomis Street and Mansfield Avenue causing traffic on Loomis Street to stop.
- (8) At the intersection of Chase Street and Grove Street causing traffic on Chase Street to stop.
- (9) At the intersection of Buell Street and South Union Street causing all traffic to stop.
- (10) At the intersection of Walnut Street and Willow Street causing all traffic to stop.
- (11) At the intersection of Bright Street and Riverside Avenue causing traffic on Bright Street to stop.
- (12) At the intersection of Bright Street and Archibald Street causing traffic on Bright Street to stop.
- (13) At the intersection of Lavalley Lane and Maple Street causing northbound traffic on Lavalley Lane to stop.
- (14) At the intersection of Caroline Street and Catherine Street causing traffic on Caroline Street to stop.
- (15) At the intersection of Wilson Street and North Prospect Street causing traffic on Wilson Street to stop.

- (16) At the intersection of Henry Street and North Prospect Street causing traffic on Henry Street to stop.
- (17) At the intersection of South Champlain Street and Main Street causing all traffic on South Champlain Street to stop.
- (18) At the intersection of South Champlain Street and Maple Street causing traffic on South Champlain Street to stop.
- (19) At the intersection of Chase Street and Colchester Avenue causing traffic on Chase Street to stop.
- (20) At the intersection of Cherry Street and Church Street causing traffic on Cherry Street to stop.
- (21) At the intersection of Appletree Point Road and Nottingham Lane causing traffic on Nottingham Lane to stop.
- (22) At the intersection of Appletree Point Road and Muirfield Road causing traffic on Muirfield Road to stop.
- (23) At the intersection of Church Street and Maple Street causing traffic on Church Street to stop.
- (24) At the intersection of Appletree Point Road and Westminster Drive causing traffic on Westminster Drive to stop.
- (25) At the intersection of College Street and Church Street causing traffic on College Street to stop.
- (26) At the intersection of North Avenue and North View Drive causing traffic on North View Drive to stop.
- (27) At the intersection of College Street and Pine Street causing traffic on College Street to stop.
- (28) At the intersection of North Avenue and Westward Drive causing traffic on Westward Drive to stop.
- (29) At the intersection of Cliff Street and South Willard Street causing traffic on Cliff Street to stop.
- (30) At the intersection of Cliff Street and Summit Street causing all traffic to stop.

- (31) At the intersection of Depot Street and Lake Street causing southbound traffic on Depot Street to stop.
- (32) At the intersection of Deforest Road and South Willard Street causing traffic on Deforest Road to stop.
- (33) At the intersection of Deforest Road and Deforest Heights causing westbound traffic on Deforest Road to stop.
- (34) At the intersection of Depot Street and the driveway to Depot Street Housing causing traffic exiting Depot Street Housing to stop.
- (35) At the intersection of Ferguson Avenue and Pine Street causing traffic on Ferguson Avenue to stop.
- (36) At the intersection of Fern Street and Shore Road causing traffic on Fern Street to stop.
- (37) At the intersection of Foster Street and Home Avenue causing traffic on Foster Street to stop.
- (38) At the intersection of Grove Street and Chase Street causing traffic on Grove Street to stop.
- (39) At the intersection of Howard Street and South Union Street causing traffic on Howard Street to stop.
- (40) At the intersection of Howard Street and Pine Street causing traffic on Howard Street to stop.
- (41) At the intersection of Hayward Street and Howard Street causing traffic on Hayward Street to stop.
- (42) At the intersection of Hungerford Terrace and Buell Street causing all traffic to stop.
- (43) At the intersection of Hungerford Terrace and Bradley Street causing all traffic to stop.
- (44) At the intersection of Hickok Place and Greene Street causing traffic on Hickok Place to stop.
- (45) At the intersection of Hyde Street and Riverside Avenue causing traffic on Hyde Street to stop.

- (46) At the intersection of Hyde Street and Archibald Street causing traffic on Hyde Street to stop.
- (47) At the intersection of Intervale Avenue and Spring Street causing eastbound traffic on Spring Street to stop.
- (48) At the intersection of Kilburn Street and Pine Street causing traffic on Kilburn Street to stop.
- (49) At the intersection of Killarney Drive and North Avenue causing traffic on Killarney Drive to stop.
- (50) At the intersection of King Street and South Winooski Avenue causing traffic on King Street to stop.
- (51) At the intersection of King Street and St. Paul Street causing traffic on King Street to stop.
- (52) At the intersection of Pine Street and South Crest Drive causing all traffic on South Crest Drive to stop.
- (53) At the intersection of King Street and Pine Street causing traffic on King Street to stop.
- (54) At the intersection of Haswell Street and Lakeview Terrace causing westbound traffic on Haswell Street to stop.
- (55) At the intersection of Locust Street and Pine Street causing traffic on Locust Street to stop.
- (56) At the intersection of Loomis Street and North Prospect Street causing all traffic to stop.
- (57) At the intersection of Loomis Street and North Willard Street causing all traffic to stop.
- (58) At the intersection of Lafountain Street and Manhattan Drive causing traffic on Lafountain Street to stop.
- (59) At the intersection of Lyman Avenue and Pine Street causing traffic on Lyman Avenue to stop.
- (60) At the intersection of Lyman Avenue and Foster Street causing all traffic to stop.

- (61) At the intersection of North Street and North Willard Street causing all traffic to stop.
- (62) At the intersection of Maple Street and Summit Street causing traffic on Maple Street to stop.
- (63) At the intersection of Maple Street and South Willard Street causing traffic on Maple Street to stop.
- (64) At the intersection of Maple Street and South Union Street causing traffic on Maple Street to stop.
- (65) At the intersection of Maple Street and South Winooski Avenue causing traffic on Maple Street to stop.
- (66) At the intersection of Maple Street and St. Paul Street causing traffic on Maple Street to stop.
- (67) At the intersection of Maple Street and Pine Street causing traffic on Maple Street to stop.
- (68) At the intersection of Maple Street and Battery Street causing traffic on Maple Street to stop.
- (69) At the intersection of Marble Avenue and Pine Street, causing traffic on Marble Avenue to stop.
- (70) At the intersection of Monroe Street and North Champlain Street, causing traffic on Monroe Street to stop.
- (71) At the intersection of Morse Place and Foster Street, causing traffic on Morse Place to stop.
- (72) At the intersection of Morse Place and Pine Street, causing traffic on Morse Place to stop.
- (73) At the intersection of North Street and North Prospect Street, causing all traffic to stop.
- (74) At the intersection of North Street and North Union Street, causing all traffic to stop.
- (75) At the intersection of Canfield Street and Lakeview Terrace causing westbound traffic on Canfield Street to stop.

- (76) At the intersection of South Union Street and St. Paul Street, causing traffic on South Union Street to stop.
- (77) At the intersection of Oak Street and Intervale Avenue, causing traffic on Intervale Avenue to stop.
- (78) At the intersection of Adsit Court and North Willard Street causing traffic on Adsit Court to stop.
- (79) At the intersection of Bayview Street and South Willard Street causing traffic on Bayview Street to stop.
- (80) At the intersection of Beech Street and South Willard Street causing traffic on Beech Street to stop.
- (81) At the intersection of Bradley Street and South Willard Street causing traffic on Bradley Street to stop.
- (82) At the intersection of Pomeroy Street and North Willard Street causing traffic on Pomeroy Street to stop.
- (83) At the intersection of Buell Street and South Willard Street causing traffic on Buell Street to stop.
- (84) At the intersection of Rose Street and Manhattan Drive, causing traffic on Rose Street to stop.
- (85) At the intersection of Charles Street and North Willard Street causing traffic on Charles Street to stop.
- (86) At the intersection of School Street and North Street, causing traffic on School Street to stop.
- (87) At the intersection of Brookes Avenue and North Willard Street causing traffic on Brookes Avenue to stop.
- (88) At the intersection of Southcrest Drive and Home Avenue, causing traffic on Southcrest Drive to stop.
- (89) At the intersection of Spring Street and Manhattan Drive causing traffic on Spring Street to stop.
- (90) At the intersection of Spruce Street and South Winooski Avenue, causing traffic on Spruce Street to stop.

- (91) At the intersection of Spruce Street and South Union Street, causing traffic on Spruce Street to stop.
- (92) At the intersection of Strong Street and Drew Street, causing traffic on Strong Street to stop.
- (93) At the intersection of South Williams Street and College Street, causing traffic on South Williams Street to stop.
- (94) At the intersection of Village Green and North Avenue, causing traffic on Village Green to stop.
- (95) At the intersection of Henry Street and North Willard Street causing traffic on Henry Street to stop.
- (96) At the intersection of Walnut Street and Archibald Street, causing traffic on Walnut Street to stop.
- (97) At the intersection of Wells Street and Lyman Avenue, causing traffic on Wells Street to stop.
- (98) At the intersection of Wells Street and Ferguson Avenue, causing traffic on Wells Street to stop.
- (99) At the intersection of Wells Street and Scraff Avenue, causing traffic on Wells Street to stop.
- (100) At the intersection of Dodd's Court and Shore Road, causing traffic on Dodd's Court to stop.
- (101) At the intersection of Dale Road and Shore Road, causing traffic on Dale Road to stop.
- (102) At intersection of Richardson Street and Morse Place causing all traffic to stop.
- (103) At the intersection of Pine Street at Queen City Park Road, causing traffic on Pine Street to stop.
- (104) At the intersection of Northgate Road and North Avenue Extension, causing traffic on Northgate Road to stop.
- (105) At the intersection of Fairfield Drive and North Avenue Extension, causing traffic on Fairfield Drive to stop.

- (106) At the intersection of Richardson Street and Scarff Avenue causing westbound traffic on Scarff Avenue to stop.
- (107) At the intersection of Pine Street and Home Avenue, causing traffic on Pine Street to stop.
- (108) At the intersection of Home Avenue and Pine Street, causing traffic on Home Avenue to stop.
- (109) At the intersection of North Park Road and North Avenue, causing traffic on North Park Road to stop.
- (110) At the intersection of Archibald Street and North Prospect Street, causing traffic on Archibald Street to stop.
- (111) At the intersection of Tracy Drive and North Avenue, causing traffic on Tracy Drive to stop.
- (112) At the intersection of Crescent Road and Glen Road, causing traffic on Crescent Road to stop.
- (113) At the intersection of Church Street and King Street, causing traffic on Church Street to stop.
- (114) At the western intersection of Shore Road and Crescent Beach Drive, causing traffic on Shore Road to stop.
- (115) At the intersection of Ward Street and Blodgett Street causing northbound traffic on Blodgett Street to stop.
- (116) At the intersection of Archibald Street and Spring Street, causing all traffic to stop.
- (117) At the intersection of Penny Lane and Lake Street causing eastbound traffic on Penny Lane to stop.
- (118) At the intersection of South Champlain Street and King Street, causing traffic on South Champlain Street to stop.
- (119) At the intersection of Pine Street and King Street, causing traffic on Pine Street to stop.
- (120) At the intersection of Pine Street and Maple Street, causing traffic on Pine Street to Stop.

- (121) At the intersection of St. Paul Street and Maple Street, causing traffic on St. Paul Street to stop.
- (122) At the intersection of Hyde Street and North Street causing traffic on Hyde Street to stop.
- (123) At the intersection of Decatur Street, North Winooski Avenue, and North Union Street causing all traffic to stop.
- (124) At the intersection of Pine Street and Cherry Street, causing all traffic to stop.
- (125) At the intersection of St. Paul Street and Cherry Street, causing traffic on St. Paul Street to stop.
- (126) At the intersection of College Street and South Champlain Street, causing traffic on South Champlain Street to stop.
- (127) At the intersection of College Street and Lake Street, causing traffic on College Street to stop.
- (128) At the intersection of Brookes Avenue and North Prospect Street causing eastbound traffic on Brookes Avenue to stop.
- (129) At the intersection of Mansfield Avenue and North Street, causing traffic on Mansfield Avenue to stop.
- (130) At the intersection of George Street and Pearl Street, causing traffic on George Street to stop.
- (131) At the intersection of the Burlington Bike Path and North Avenue Extension causing eastbound and westbound traffic on North Avenue Extension to stop.
- (132) At the intersection of Central Avenue and Queen City Park Road causing eastbound traffic on Queen City Park Road to stop.
- (133) At the intersection of Farrington Parkway and Gosse Court, causing all traffic to stop.
- (134) At the intersection of Starr Farm Road and North Avenue, causing traffic on Starr Farm Road to stop.
- (135) At the intersection of Ferguson Avenue and Wells Street, causing traffic on Ferguson Avenue to stop.

- (136) At the intersection of Gove Court and Shelburne Street causing traffic on Gove Court to stop.
- (137) At the intersection of Manhattan Drive and Oak Street, causing southbound traffic on Manhattan Drive to stop.
- (138) At the intersection of James Avenue and Ethan Allen Parkway, causing traffic on James Avenue to stop.
- (139) At the intersection of Farrington Parkway and Ethan Allen Parkway, causing traffic on Farrington Parkway to stop.
- (140) At the intersection of Battery Street and Maple Street, causing northbound traffic on Battery Street to stop.
- (141) At the intersection of Lyman Avenue and Wells Street, causing traffic on Lyman Avenue to stop.
- (142) At the intersection of Foster Street and Morse Place, causing traffic on Foster Street to stop.
- (143) At the intersection of Proctor Avenue and Shelburne Road, causing traffic on Proctor Avenue to stop.
- (144) At the intersection of Orchard Terrace and Buell Street, causing traffic on Orchard Terrace to stop.
- (145) At the intersection of Front Street and North Avenue, causing traffic on Front Street to stop.
- (146) At the intersection of Maple Street and South Willard Street, causing traffic on South Willard Street to stop.
- (147) At the intersection of Deforest Road and Overlake Park causing traffic on Deforest Road to stop.
- (148) At the northern driveway of Ethan Allen Shopping Center and North Avenue, causing exiting traffic from the shopping center to stop.
- (149) At the intersection of At the southern driveway of Ethan Allen Shopping Center and North Avenue, causing exiting traffic from the shopping center to stop.
- (150) At the intersection of Leddy Park Road and North Avenue, causing traffic on Leddy Park Road to stop.

- (151) At the intersection of Austin Drive and Queen City Park Road, causing traffic on Queen City Park Road to stop.
- (152) At the westernmost intersection of Hillside Terrace and Riverside Avenue, causing traffic on Hillside Terrace to stop.
- (153) At the intersection of South Union Street and Maple Street, causing traffic on South Union Street to stop.
- (154) At the intersection of Oak Street and St. Mary Street, causing traffic on St. Mary Street to stop.
- (155) At the intersection of Barley Road and North Avenue, causing traffic on Barley Road to stop.
- (156) At the intersection of South Winooski Avenue and Maple Street, causing traffic on South Winooski Avenue to stop.
- (157) At the intersection of Washington Street and North Avenue, causing traffic on Washington Street to stop.
- (158) At the intersection of King Street and South Champlain Street, causing traffic on King Street to stop.
- (159) At the intersection of Bank Street and Pine Street, causing traffic on Bank Street to stop.
- (160) At the intersection of St. Paul Street and Bank Street, causing traffic on St. Paul Street to stop.
- (161) At the intersection of St. Paul Street and College Street, causing traffic on St. Paul Street to stop.
- (162) At the intersection of Bradley Street and South Union Street, causing traffic on Bradley Street to stop.
- (163) At the intersection of Orchard Terrace and Pearl Street, causing traffic on Orchard Terrace to stop.
- (164) At the intersection of Howard Street and Hayward Street, causing traffic on Howard Street to stop.
- (165) At the intersection of South Union Street and Howard Street, causing traffic on South Union Street to stop.

- (166) At the intersection of Proctor Place and Harrison Avenue, causing traffic on Proctor Place to stop.
- (167) Reserved.
- (168) At the intersection of Lake Street and College Street, causing traffic on Lake Street to stop.
- (169) At the intersection of Peru Street and Murray Street, causing traffic on Murray Street to stop.
- (170) At the intersection of Peru Street and Johnson Street, causing traffic on Johnson Street to stop.
- (171) At the intersection of Peru Street and North Champlain Street, causing traffic on Peru Street to stop.
- (172) At the intersection of College Street and St. Paul Street, causing traffic on Oak Street to stop.
- (173) At the intersection of Oak Street and Intervale Avenue, causing traffic on Oak Street to stop.
- (174) At the intersection of Riverside Avenue and Intervale Avenue, causing traffic on Riverside Avenue to stop.
- (175) At the intersection of Maple Street and Summit Street, causing traffic on Summit Street to stop.
- (176) At the intersection of Catherine Street and Caroline Street, causing traffic on Catherine Street to stop.
- (177) At the intersection of South Winooski Avenue and Spruce Street, causing traffic on South Winooski Avenue to stop.
- (178) At the intersection of Church Street and College Street, causing traffic on Church Street to stop.
- (179) At the intersection of Intervale Road and the Central Vermont railroad crossing, causing traffic on Intervale Road to stop.
- (180) At the intersection of Foster Street and Ferguson Avenue, causing all traffic to stop.

- (181) At the intersection of North Willard Street and Archibald Street, causing traffic on North Willard Street to stop.
- (182) At the intersection of South Willard Street and Cliff Street causing traffic on South Willard Street to stop.
- (183) At the intersection of Pine Street and College Street, causing traffic on Pine Street to stop.
- (184) Reserved.
- (185) At the intersection of Locust Street and Shelburne Street, causing traffic on Locust Street to stop.
- (186) Reserved.
- (187) Reserved.
- (188) At the driveway of the Burlington College lot and North Avenue, causing traffic from the lot to stop.
- (189) At the intersection of South Prospect Street and Cliff Street, causing traffic on South Prospect Street to stop.
- (190) At the intersection of Cliff Street and South Prospect Street, causing traffic on Cliff Street to stop.
- (191) Reserved.
- (192) At the intersection of St. Paul Street and King Street, causing traffic on St. Paul Street to stop.
- (193) At the intersection of Kilburn Street and Saint Paul Street, causing traffic on Kilburn Street to stop.
- (194) At the intersection of Maple Street and South Champlain Street, causing traffic on Maple Street to stop.
- (195) At the intersection of Luck Street and St. Mary's Street causing all traffic to stop.
- (196) At the intersection of Crescent Road and Prospect Parkway, causing all traffic to stop.

- (197) At the intersection of Crescent Road and Glen Road, causing traffic on Crescent Road to stop.
- (198) At the intersection of Manhattan Drive and Washington Street, causing traffic on Manhattan Drive to stop.
- (199) At the intersection of Hillcrest Road and Crescent Road, causing traffic on Hillcrest Road to stop.
- (200) At the intersection of Hillcrest Road and Ledge Road, causing traffic on Hillcrest Road to stop.
- (201) Reserved.
- (202) At the intersection of Ward Street and Manhattan Drive, causing traffic on Ward Street to stop.
- (203) At the intersection of Cliff Street and South Union Street, causing traffic on Cliff Street to stop.
- (204) At the intersection of Ferguson Avenue and Richardson Street, causing traffic on Ferguson Avenue to stop.
- (205) At the intersection of Richardson Street and Ferguson Avenue, causing traffic on Richardson Street to stop.
- (206) At the intersection of Foster Street and Flynn Avenue, causing traffic on Foster Street to stop.
- (207) At the intersection of Village Green at Saratoga Avenue and Rivermont Terrace, causing traffic on Village Green to stop.
- (208) At the intersection of St. Mary's Street and Manhattan Drive, causing traffic on St. Mary's Street to stop.
- (209) At the intersection of Pitkin Street and Manhattan Drive causing traffic on Pitkin Street to stop.
- (210) Reserved.
- (211) At the intersection of Hope Street and James Avenue, causing traffic on Hope Street to stop.

- (212) At the intersection of University Place and Colchester Avenue, causing traffic on University Place to stop.
- (213) At the intersection of Chase Street and Barrett Street, causing traffic on Chase Street to stop.
- (214) At the intersection of King Street and Church Street, causing traffic on King Street to stop.
- (215) At the intersection of Austin Drive and Redrock Condominiums, causing traffic exiting from Redrock Condominiums to stop.
- (216) At the intersection of North Avenue and Forest Street, causing traffic on Forest Street to stop.
- (217) At the intersection of Central Avenue and Harrison Avenue, causing traffic on Central Avenue to stop.
- (218) At the intersection of Central Avenue and Wright Avenue, causing traffic on Central Avenue to stop.
- (219) At the intersection of Conger Avenue and Wright Avenue, causing southbound traffic on Conger Avenue to stop.
- (220) At the intersection of Conger Avenue and Lakeside Avenue, causing traffic on Conger Avenue to stop.
- (221) At the intersection of Cedar Street and Lafountain Street, causing traffic on Lafountain Street to stop.
- (222) At the intersection of Cedar Street and Rose Street, causing all traffic to stop.
- (223) Reserved.
- (224) Reserved.
- (225) At the intersection of Fairmount Street and Prospect Parkway, causing traffic on Fairmount Street to stop.
- (226) At the intersection of Oak Street and Walnut Street, causing all traffic to stop.
- (227) At the intersection of Oak Street and St. Mary's Street, causing all traffic to stop.

- (228) At the intersection of Riverside Avenue, North Winooski Avenue and Hyde Street, causing traffic on Hyde Street to stop.
- (229) At the intersection of South Winooski Avenue and Adams Street, causing traffic on South Winooski Avenue to stop.
- (230) At the intersection of North Winooski Avenue and Grant Street, causing traffic on North Winooski Avenue to stop,
- (231) At the intersection of Scarff Avenue and Wells Street, causing traffic on Scarff Avenue to stop.
- (232) At the intersection of Home Avenue and Richardson Street, causing traffic on Richardson Street to stop.
- (233) At the intersection of Spruce Street and South Willard Street, causing traffic on Spruce Street to stop.
- (234) At the intersection of Turf Road and Plattsburg Avenue, causing traffic on Turf Road to stop.
- (235) At the intersection of Turf Road and Barley Road, causing all traffic to stop.
- (236) At the intersection of College Street and South Williams Street, causing traffic on College Street to stop.
- (237) At the intersection of South Union Street and Spruce Street, causing traffic on South Union Street to stop.
- (238) At the intersection of King Street and South Winooski Avenue, causing traffic on South Winooski Avenue to stop.
- (239) At the intersection of Monroe Street and North Champlain Street, causing traffic on North Champlain Street to stop.
- (240) At the intersection of Austin Drive and Dunder Road, causing traffic on Dunder Road to stop.
- (241) At the intersection of Gazo Avenue and Randy Lane, causing all traffic to stop.
- (242) At Starr Farm Road, causing traffic on Windrows driveway to stop.
- (243) At Starr Farm Road, causing traffic on Starr Farm Beach Road to stop.

- (244) At the intersection of Bank Street and Pine Street causing all traffic to stop.
- (245) At the intersection of South Prospect Street and Maple Street, causing all traffic entering the intersection to come to a complete stop.
- (246) At the intersection of Village Green, Van Patten Parkway and Brandywine Street, causing all traffic to stop.
- (247) At the intersection of St. Paul Street and Bank Street, causing traffic on Bank Street to stop.
- (248) At the intersection of Appletree Point Road and Cumberland Road, causing traffic to stop on Cumberland Road.
- (249) At the intersection of Decatur Street and Intervale Avenue, causing traffic on Decatur Street to stop.
- (250) At the intersection of Crescent Road and Hillcrest Road, causing traffic on Crescent Road to stop.
- (251) At the intersection of Drew Street and Strong Street, causing traffic on Drew Street to stop.
- (252) At the intersection of Ledge Road and South Prospect Street, causing traffic on Ledge Road and northbound South Prospect Street to stop.
- (253) At the intersection of Shore Road and Fern Street, causing all traffic to stop.
- (254) At the intersections of Colonial Square and North Prospect Street, causing traffic on Colonial Square to stop.
- (255) At the intersection of King Street and South Union Street, causing traffic on King Street to stop.
- (256) At the intersection of Spring Street and Manhattan Drive, causing traffic on Manhattan Drive to stop both in an easterly and westerly direction.
- (257) At the intersection of Farrington Parkway and Heineberg Road.
- (258) At the intersection of University Road and East Avenue, causing all traffic to stop.
- (259) At the intersection of Southcrest Drive and Home Avenue, stopping both eastbound and westbound traffic.

- (260) At the intersection of Church Street and Maple Street, stopping traffic southbound on Church Street.
- (261) At the intersection of North Street and Rose Street causing traffic to stop southbound on Rose Street.
- (262) At the intersection of North Street and Lafountain Street, causing traffic to stop southbound on Lafountain Street.
- (263) At the intersection of Pennington Drive and Vest Haven Drive, causing traffic to stop eastbound on Pennington Drive.
- (264) At the intersection of Brandywine Street and Saratoga Avenue, stopping traffic heading southbound on Brandywine Street.
- (265) At the easternmost intersection of Starr Farm Road and Pleasant Avenue, stopping traffic in all directions.
- (266) At the intersection of Ward Street and Drew Street, stopping traffic in all directions.
- (267) At the intersection of Archibald Street and Walnut Street, requiring eastbound traffic to stop.
- (268) At the intersection of Clymer Street and Shelburne Road requiring all traffic on Clymer Street traveling east to stop.
- (269) At the intersection of Alfred Street and Shelburne Road requiring all traffic on Alfred Street traveling east to stop.
- (270) At the intersection of Hoover Street and Shelburne Road requiring all traffic on Hoover Street traveling east to stop.
- (271) At the intersection of Adams Court and Shelburne Road requiring all traffic on Adams Court traveling west to stop.
- (272) At the intersection of Birchcliff Parkway and Shelburne Road requiring all traffic on Birchcliff Parkway traveling west to stop.
- (273) At the intersection of Ferguson Avenue and Shelburne Road requiring all traffic on Ferguson Avenue traveling west to stop.
- (274) At the intersection of Lyman Avenue and Shelburne Road requiring all traffic on Lyman Avenue traveling west to stop.

- (275) At the intersection of Scarff Avenue and Shelburne Road requiring all traffic on Scarff Avenue traveling west to stop.
- (276) At the intersection of Maple and Church streets causing traffic on Maple Street to stop.
- (277) At the intersection of Adams Street and South Union Street, causing traffic on Adams Street to stop.
- (278) At the intersection of Appletree Point Road and Cumberland Road, causing traffic to stop on Appletree Point Road.
- (279) At the intersection of Valade Park and Sunset Drive causing westbound traffic on Valade Park to stop.
- (280) At the intersection of Richardson Street and Lyman Avenue causing all traffic to stop.
- (281) At the intersection of Derway Drive and North Avenue causing traffic on Derway Drive to stop.
- (282) At the intersection of Woods Street and North Avenue causing traffic on Woods Street to stop.
- (283) At the intersection of Morgan Street and North Avenue causing traffic on Morgan Street to stop.
- (284) At the intersection of Dewey Drive and North Avenue causing traffic on Dewey Drive to stop.
- (285) At the intersection of Algrid Street and North Avenue causing traffic on Algrid Street to stop.
- (286) At the intersection of Simms Street and North Avenue causing traffic on Simms Street to stop.
- (287) At the intersection of Pennington Drive and North Avenue causing traffic on Pennington Drive to stop.
- (288) At the intersection of Browe Court and North Avenue causing traffic on Browe Court to stop.
- (289) At the intersection of West Road and North Avenue causing traffic on West Road to stop.

- (290) At the intersection of Loaldo Drive and North Avenue causing traffic on Loaldo Drive to stop.
- (291) At the intersection of Fairmount Place and North Avenue causing traffic on Fairmount Place to stop.
- (292) At the intersection of Birch Court and North Avenue causing traffic on Birch Court to stop.
- (293) At the intersection of Green Acres Drive and North Avenue causing traffic on Green Acres Drive to stop.
- (294) At the intersection of Cayuga Court and North Avenue causing traffic on Cayuga Court to stop.
- (295) At the intersection of Cross Parkway and North Avenue causing traffic on Cross Parkway to stop.
- (296) At the intersection of Edgemore Drive and North Avenue causing traffic on Edgemore Drive to stop.
- (297) At the intersection of Woodlawn Road and North Avenue causing traffic on Woodlawn Road to stop.
- (298) At the intersection of Gosse Court and North Avenue causing traffic on Gosse Court to stop.
- (299) At the intersection of Dodds Court and North Avenue causing traffic on Dodds Court to stop.
- (300) At the intersection of Poirier Place and North Avenue causing traffic on Poirier Place to stop.
- (301) At the intersection of Leonard Road and North Avenue causing traffic on Leonard Road to stop.
- (302) At the intersection of Lakewood Parkway and North Avenue causing traffic on Lakewood Parkway to stop.
- (303) At the intersection of Saratoga Avenue and North Avenue causing traffic on Saratoga Avenue to stop.
- (304) At intersection of St. Louis Street and Willow Street causing all traffic to stop.

- (305) At the intersection of Main Street and Summit Street causing northbound traffic on Summit Street to stop.
- (306) At the intersection of Main Street and South Williams Street causing southbound traffic on South Williams Street to stop.
- (307) At the intersection of Wilson Street and Mansfield Avenue causing traffic on Wilson Street to stop.
- (308) At the intersection of Greene Street and Pearl Street causing southbound traffic on Greene Street to stop.
- (309) At the intersection of Birchcliff Parkway and Pine Street, causing westbound traffic on Birchcliff Parkway to stop.
- (310) At the intersection of Mansfield Avenue and Loomis Street causing all traffic on Mansfield Avenue to stop.
- (311) At the intersection of Brookes Avenue and North Williams Street causing all traffic on North Williams Street to stop.
- (312) At the intersection of Briggs Street and Ferguson Avenue causing westbound traffic on Ferguson Avenue to stop.
- (313) At the intersection of College Street and South Union Street causing all traffic to stop.
- (314) At the intersection of Beech Street and South Union Street causing westbound traffic on Beech Street to stop.
- (315) At the intersection of Bayview Street and South Union Street causing westbound traffic on Bayview Street to stop.
- (316) At the intersection of Kingsland Terrace and South Union Street causing westbound traffic on Kingsland Terrace to stop.
- (317) At the intersection of Loomis Street and North Union Street causing westbound traffic on Loomis Street to stop.
- (318) At the intersection of Hickok Place and North Union Street causing westbound traffic on Hickok Place to stop.
- (319) At the intersection of Grant Street and North Union Street causing eastbound traffic on Grant Street to stop.

(Rev. Ords. 1962, § 5206; 1969 Cum. Supp. § 5206; Reg. of 5-18-70; Reg. of 8-17-70; Reg. of 9-21-70; Reg. of 4-16-71; Reg. of 5-18-71; Reg. of 1-17-72; Reg. of 3-19-73; Reg. of 8-20-73; Reg. of 9-17-73; Reg. of 11-19-73; Reg. of 12-17-73; Reg. of 3-18-74; Reg. of 5-6-74; Reg. of 6-17-74; Reg. of 7-22-74; Reg. of 9-16-74; Reg. of 10-28-74; Reg. of 11-18-74; Reg. of 4-28-75; Reg. of 5-19-75; Reg. of 6-17-75; Reg. of 8-11-75; Reg. of 9-15-75; Reg. of 10-20-75; Reg. of 2-23-76; Reg. of 5-3-76; Reg. of 6-28-76; Reg. of 7-19-76; Reg. of 9-13-76; Reg. of 4-11-77; Reg. of 5-9-77; Reg. of 8-15-77; Reg. of 9-19-77; Reg. of 10-17-77; Reg. of 5-15-78; Reg. of 2-5-79; Reg. of 7-9-90; Regs. of 8-27-79; Reg. of 9-10-7; Reg. of 10-1-79; Reg. of 5-5-80; Reg. of 9-8-80; Reg. of 12-1-80; Reg. of 1-5-81; Reg. of 7-6-81; Reg. of 8-3-81; Reg. of 9-8-81; Reg. of 10-2-81; Reg. of 1-11-82; Reg. of 8-2-82; Reg. of 10-4-82; Reg. of 11-1-82; Reg. of 6-6-83; Reg. of 7-5-83; Reg. of 10-3-83; Reg. of 11-7-83; Reg. of 4-2-84; Reg. of 5-7-84; Reg. of 6-4-84; Reg. of 8-6-84; Reg. of 11-5-84; Reg. of 1-7-85; Reg. of 6-3-85; Reg. of 7-9-85; Reg. of 9-9-8; Reg. of 11-4-85; Reg. of 4-23-86; Reg. of 8-27-86; Reg. of 9-25-86; Reg. of 10-22-86; Reg. of 12-3-86; Reg. of 2-25-87; Reg. of 3-25-87; Reg. of 5-27-87; Reg. of 9-30-87; Reg. of 11-18-87; Reg. of 2-24-88; Reg. of 4-27-88; Reg. of 6-29-88; Reg. of 7-27-88; Reg. of 8-31-88; Reg. of 11-9-88; Reg. of 5-3-89; Reg. of 6-28-89; Reg. of 9-27-89; Reg. of 1-3-90; Reg. of 2-7-90; Reg. of 3-27-91; Reg. of 5-29-81; Reg. of 11-20-90; Reg. of 1-7-92; Reg. of 7-29-92; Reg. of 9-29-92; Reg. of 9-8-93; Reg. of 6-22-94; Reg. of 8-8-94; Reg. of 10-19-94; Reg. of 12-14-94; Reg. of 11-14-95; Reg. of 7-22-98; Reg. of 10-14-98; Regs. of 12-2-98; Reg. of 3-1-00; Reg. of 10-4-00; Reg. of 4-21-01; Reg. of 10-29-01; Reg. of 1-8-03; Reg. of 4-8-03; Reg. of 4-15-03; Reg. of 5-28-03; Reg. of 12-10-03; Reg. of 2-11-04; Reg. of 10-13-04; Reg. of 11-5-04, eff. 12-1-04; Reg. of 12-1-04; Reg. of 4-13-05; Reg. of 9-7-05/10-12-05; Reg. of 4-12-06/5-17-06; Reg. of 12-7-06, eff. 1-31-07; Reg. of 1-3-07(1), eff. 2-14-07; Reg. of 2-7-07(2), eff. 3-21-07; Reg. of 2-7-07(3), eff. 3-21-07; Reg. of 4-4-07, eff. 5-2-07; Reg. of 10-10-07(1), eff. 11-14-07; Reg. of 5-14-08(1), eff. 6-18-08; Reg. of 7-9-08, eff. 8-13-08; Reg. of 9-15-10, eff. 10-20-10; Reg. of 11-17-10(1), eff. 12-15-10; Reg. of 4-20-11(1), eff. 5-25-11; Reg. of 4-20-11(2), eff. 6-8-11; Reg. of 1-18-12(1), eff. 2-15-12; Reg. of 3-21-12(1), eff. 4-25-12; Reg. of 10-17-12(1), eff. 11-14-12; Reg. of 11-28-12(1), eff. 1-2-13; Reg. of 12-19-12(1), eff. 1-30-13; Reg. of 2-20-13(1), eff. 3-27-13; Reg. of 6-19-13(1), eff. 7-24-13; Reg. of 9-18-13(2), eff. 10-23-13; Reg. of 11-20-13(1), eff. 1-1-14; Reg. of 1-15-14, eff. 2-26-14; Reg. of 7-16-14(2), eff. 11-19-14; Reg. of 7-16-14(9), eff. 1-28-15; Reg. of 12-17-14(1), eff. 1-28-15; Reg. of 6-17-15(1), eff. 8-12-15; Reg. of 6-17-15(2), eff. 8-12-15; Reg. of 11-18-15(1), eff. 12-30-15; Reg. of 12-16-15(1), eff. 1-13-16; Reg. of 3-15-17, eff. 4-26-17; Reg. of 7-13-17(1), eff. 10-11-17; Reg. of 7-13-17(2), eff. 10-11-17; Reg. of 8-17-17, eff. 12-20-17; Reg. of 1-17-18(1), eff. 2-21-18; Reg. of 6-19-19(1), eff. 7-24-19; Reg. of 2-17-21(1), eff. 3-17-21; Reg. of 10-20-21(1), eff. 11-24-21; Reg. of 3-16-22(1), eff. 5-4-22; Reg. of 8-24-22(1), eff. 9-21-22; Reg. of 1-18-23(1), eff. 2-15-23)

Editor's note—The traffic regulation enacted Nov. 9, 1988, amended App. C, § 3 by adding a new subsection (24).

Inasmuch as § 3 of App. C already contained a subsection (246) enacted by a traffic regulation adopted Aug. 31, 1988, the editor has included these new provisions as new subsection (247).

Likewise, the traffic regulations enacted Sept. 27, 1989, amended App. C, § 3 by adding new subsections (249)—(251), but regulations enacted June 28, 1989, had already enacted a subsection (249). Therefore, the editor has included the provisions adopted by the Sept. 27, 1989, regulations as subsections (250)—(252).

Regulations enacted Jan. 3, 1990, and Feb. 7, 1990, designated as subsections (252) and (253), respectively, based on the foregoing redesignations, have been included as new subsections (253) and (254), respectively.

Regulations enacted July 29, 1992, and Sept. 29, 1992, designated as subsections (258) and (259), respectively, based on the foregoing redesignations, have been included as new subsections (259) and (260).

Regulations enacted Oct. 19, 1994, and Dec. 14, 1994, designated as subsections (263) and (264) and (265), respectively, based on the foregoing redesignations, have been included as new subsections (264)—(266).

Cross reference—Stops at intersections required, § 2-26.

4 Location of yield-right-of-way signs.

Yield-right-of-way signs are authorized at the following locations:

- (1) Sixty (60) feet in advance of the east entrance to the one (1) lane Queen City Park Road Bridge.
- (2) Sixty (60) feet in advance of the west entrance to the one (1) lane Queen City Park Road Bridge.
- (3) At the intersection of Hyde Street and School Street causing traffic on School Street to yield.
- (4) At each entrance to the Shelburne Street Roundabout causing all traffic approaching the roundabout to yield.
- (5) At the intersection of Ledge Road and Shelburne Street, causing traffic on Ledge Road to yield.
- (6) Repealed.
- (7) Reserved.
- (8) Repealed.
- (9) Repealed.
- (10) Reserved.
- (11) Repealed.
- (12) At the intersection of Manhattan Drive and Oak Street, causing northbound traffic on Manhattan Drive to yield.
- (13) Repealed.
- (14) Repealed.
- (15) Repealed.
- (16) Reserved.
- (17) At the intersection of Austin Drive and the Redrock Properties access road at 161 Austin Drive, causing westbound traffic on Austin Drive to yield.
- (18) At the intersection of Shelburne Road and the Burlington Plaza Shopping Center southbound exit ramp.

- (19) At each entrance to the Northgate Roundabout causing all traffic approaching the roundabout to yield.

(Rev. Ords. 1962, § 5208; 1969 Cum. Supp., § 5208; Reg. of 5-8-70; Reg. of 5-18-71; Reg. of 1-17-72; Reg. of 5-15-72; Reg. of 9-17-73; Reg. of 3-18-74; Reg. of 5-6-74; Reg. of 7-22-74; Reg. of 2-5-79; Reg. of 10-5-81; Reg. of 6-6-83; Reg. of 12-1-04; Reg. of 7-15-15, eff. 8-19-15; Reg. of 12-16-15(2), eff. 1-13-16; Reg. of 11-17-21(1), eff. 12-22-21; Reg. of 3-16-22(2), eff. 5-4-22; Reg. of 4-19-23(1), eff. 5-24-23)

5 One-way streets designated.

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) University Place in a northerly direction, with the exception of bicycles traveling southbound in the designated contra-flow lane.
- (2) Center street, northerly from College Street to Bank Street.
- (3) North Champlain Street, northerly from Sherman Street to Peru Street, with the exception of bicycles traveling southbound in the designated contra-flow lane.
- (4) Church Street, northerly from Main Street to Pearl Street.
- (5) Repealed.
- (6) Convent Square, traffic from North Avenue to Washington Street.
- (7) Elmwood Avenue, northerly from Pearl Street to Grant Street.
- (8) Franklin Square, in a counterclockwise direction.
- (9) George Street, southerly from Peru Street to Pearl Street.
- (10) Hungerford Terrace, traffic from Pearl Street to College Street.
- (11) Marble Avenue, westerly from St. Paul Street to Pine Street.
- (12) Thorsen Way, easterly from Church Street to Markham Lane.
- (13) Markham Lane northerly from Thorsen Way to College Street.
- (14) Repealed.
- (15) Orchard Terrace, traffic from Buell Street to Pearl Street.

- (16) Repealed.
- (17) Repealed.
- (18) Repealed.
- (19) Depot Street, southerly from Lake Street to North Avenue.
- (20) Park Street, southerly from Manhattan Drive to Sherman Street.
- (21) Reserved.
- (22) Sherman Street, westerly from North Champlain Street to Park Street, with the exception of bicycles traveling eastbound in the designated contra-flow lane.
- (23) Monroe Street, easterly from Park Street to North Champlain Street.
- (24) Allen Street, westerly from Elmwood Avenue to Murray Street.
- (25) Charles Street, westerly from North Willard Street to Russell Street.
- (26) Russell Street, southerly from Charles Street to North Street.
- (27) Reserved.
- (28) North Union Street and South Union Street, northerly from King Street to North Winooski Avenue.
- (29) North Winooski Avenue, southerly from North Union Street to Pearl Street.
- (30) South Winooski Avenue, southerly from King Street to St. Paul Street, with the exception of bicycles traveling northbound in the designated contra-flow lane.
- (31) Repealed.
- (32) Buell Street, easterly from South Winooski Avenue to South Union Street.
- (33) Repealed.
- (34) Repealed.
- (35) Deleted.
- (36) Barley Road, easterly from North Avenue to Turf Road.

- (37) Turf Road, easterly from Barley road to Plattsburg Avenue.
- (38) Johnson Street northerly from Monroe Street to Peru Street.
- (39) Greene Street, southerly from Loomis Street to Hickok Place.
- (40) Poplar Street, westerly from North Champlain Street to Park Street.
- (41) Myrtle Street, easterly from Park Street to North Champlain Street.
- (42) Germain Street, southerly from Archibald Street to Pomeroy Street.
- (43) South Champlain, southerly from Main Street to King Street.
- (44) South Champlain, northerly from Main Street to College Street.

(Rev. Ords. 1962, § 5251; 1969 Cum. Supp., § 5251; Reg. of 6-15-70; Reg. of 5-29-73; Reg. of 1-21-74; Reg. of 4-15-74; Reg. of 5-13-74; Reg. of 8-15-77; Reg. of 3-20-78; Reg. (two) of 8-27-79; Reg. of 10-15-79; Reg. of 1-7-80; Reg. of 12-3-84; Reg. of 1-4-85; Reg. of 10-22-86; Reg. of 5-27-87; Reg. of 6-24-87; Reg. of 5-25-88; Reg. of 7-27-88; Reg. of 8-31-88; Reg. of 5-29-91; Reg. of 7-31-91; Reg. of 9-29-92; Reg. of 4-21-01; Reg. of 4-12-06, eff. 2-14-07; Reg. of 1-9-08(2), eff. 2-20-08; Reg. of 12-16-15(3), eff. 1-13-16; Reg. of 6-21-17(a), eff. 6-27-18; Reg. of 7-17-19(1), eff. 9-11-19; Reg. of 9-15-20, eff. 10-14-20; Reg. of 9-16-20, eff. 11-18-20; Reg. of 12-15-21(1), eff. 6-8-22; Reg. of 7-26-23(1), eff. 9-6-23)

Editor's note—Traffic regulations adopted July 2, 1988, amended App. C by adding subsection (38) to § 5.

Inasmuch as there already existed a subsection 5(38), the editor has included the new provisions as subsection 5(39).

Cross reference—Authority to designate one-way streets, § 20-33.

6 Left turns prohibited.

No vehicle shall make a left turn at any time at the following locations:

- (1) Onto South Prospect Street when heading east on Main Street.
- (2) Onto Riverside Avenue when going north on Hyde Street.
- (3) Onto East Avenue when heading east on Main Street.
- (4) Onto Spear Street when heading west on Main Street.
- (5) Onto the northbound entrance ramp of Vermont Route 127 when going south on North Avenue.
- (6) Onto Main Street when going north on South Prospect Street.

- (7) Exiting the southernmost access to Ethan Allen Shopping Center.
- (8) Entering the southernmost access to Ethan Allen Shopping Center.
- (9) Exiting the northernmost access to Ethan Allen Shopping Center.
- (10) Entering the northernmost access to Ethan Allen Shopping Center.
- (11) Onto Shelburne Street when heading west on Ledge Road.
- (12) Onto Shelburne Street when heading east on Locust Street.
- (13) Onto University Heights when heading west on Main Street.

(Rev. Ords. 1962, § 5252; Reg. of 7-20-70; Reg. of 9-27-76; Reg. of 2-14-77; Reg. of 2-14-83; Reg. of 7-31-91; Reg. of 9-25-91; Reg. of 12-7-06, eff. 1-31-07; Reg. of 1-3-07(2), eff. 2-14-07)

Cross reference—Turns at intersections, § 20-28.

7 No-parking areas.

No person shall park any vehicle at any time in the following locations:

- (1) On the south side of Adams Street between St. Paul Street and Church Street.
- (2) On either side of Archibald Street in front of the H. O. Wheeler School.
- (3) On the south side of Loomis Street in the space between 55 and 57 Loomis Street.
- (4) In the space in front of 278 Colchester Avenue.
- (5) On the north side of Bank Street for 50 feet east of Pine Street and 50 feet west of St. Paul Street.
- (6) On the west side of Hyde Street between North Street and Archibald Street.
- (7) On the south side of Archibald Street between Walnut Street and Spring Street.
- (8) On the south side of Berry Street.
- (9) On the west side of Bradley Road for a space of 1,000 feet north from North Avenue.
- (10) On the north side of Beach Street.

- (11) Parking shall be restricted to one vehicle only on the west side of North Willard Street between the driveways for 103 and 109 North Willard Street.
- (12) On the west side of Converse Court in the space between the driveways for 15 Converse Court and 16 Hickok Place.
- (13) On the north side of Brookes Avenue between North Willard Street and North Prospect Street.
- (14) On the north side of Cedar Street between Elmwood Avenue and North Champlain Street.
- (15) On either side of Briggs Street.
- (16) On the south side of Beech Street, beginning immediately east of the driveway to 515 South Willard Street and extending east for 20 feet.
- (17) Parking shall be restricted to one vehicle only on the west side of North Winooski Avenue in front of 207 North Winooski Avenue.
- (18) On the west side of Center Street.
- (19) On the east and west sides of Church Street for 40 feet south of King Street.
- (20) On the west side of Church Street, between Maple Street and Adams Street.
- (21) On the west side of Clarke Street.
- (22) On the east side of Pine Street for a distance of 100 feet south of Howard Street.
- (23) On the north side of Clover Lane for a distance of approximately 40 feet east of Barley Road.
- (24) On the east side of Barley Road for a distance of approximately 40 feet south of Clover Lane.
- (25) On the south side of Colchester Avenue from South Prospect Street to Latham Court.
- (26) On the north side of Colchester Avenue from North Prospect Street to 254 Colchester Avenue.
- (27) On the north side of Colchester Avenue between 338 and 406 Colchester Avenue.

- (28) On the east side of Barley Road for a distance of approximately 20 feet north of Clover Lane.
- (29) On the south side of Colchester Avenue from a point located 100 feet west of the Greenmount Cemetery entrance to Barrett Street.
- (30) On the north side of Colchester Avenue for a distance of 100 feet south of Barrett Street.
- (31) On the north side of College Street for 50 feet east and west of Hungerford Terrace.
- (32) On the north side of College Street for 35 feet east and 30 feet west of Williams Street, and on the south side of College Street for 30 feet east and west of Williams Street.
- (33) On the south side of College Street from South Union Street to South Prospect Street.
- (34) On the north side of the south branch of Colonial Square.
- (35) On the east or north side of Convent Square.
- (36) On the west side of Hyde Street beginning at Riverside Avenue and extending south for 110 feet.
- (37) On the north side of Colchester Ave. in the space in front of number 276.
- (38) On the south side of Colchester Ave. in the space between the access driveways to and from Centennial Field.
- (39) On the south side of Decatur Street.
- (40) On the north side of Crowley Street.
- (41) On the east side of East Avenue within 33 feet of Colchester Avenue, on the west side of East Avenue within 72 feet of Colchester Avenue.
- (42) On the east side of Elmwood Avenue for 117 feet north of Pearl Street.
- (43) On the west side of Drew Street.
- (44) On the west side of South Union Street for twenty (20) feet north and south of the midblock crosswalk at 531 South Union Street.

- (45) On the east side of Fletcher Place.
- (46) On the west side of Elmwood Avenue, between North Street and Spring Street.
- (47) On the west side of George Street.
- (48) On the west side of St. Paul Street, beginning immediately north of the driveway to 397 St. Paul Street and extending north for 20 feet.
- (49) On the north side of Grant Street for 50 feet east or west of North Winooski Avenue.
- (50) On the east side of North Willard Street, beginning immediately south of Brookes Avenue and extended south for seventy (70) feet.
- (51) On the south side of Grant Street.
- (52) On the east side of Greene Street between Pearl Street and Loomis Street.
- (53) On the west side of Grove Street in front of or north from 63 Grove Street.
- (54) On the north side of Voltz Street beginning at Manhattan Drive and extending west for 200 feet.
- (55) On the south side of Maple Street beginning east of the driveway to 371 Maple Street and extending east for forty-five (45) feet.
- (56) On the north side of Flynn Avenue beginning at Shelburne Street and continuing two hundred twenty (220) feet west.
- (57) On the east side of Harrington Terrace. On the west side of Harrington Terrace from Maple Street to Jackson Court from 7:30 a.m. to 4:30 p.m., Monday through Friday.
- (58) On the east side of Hungerford Terrace between Pearl and College streets.
- (59) On the west side of Hyde Street beginning at the driveway at 368 North Winooski Avenue and extending north for a distance of twelve (12) feet.
- (60) On the south side of Cherry Street for one hundred fifty (150) feet east of the crosswalk at 67 Cherry Street.
- (61) On the east side of Intervale Avenue, between North Street and North Bend Street.

- (62) On the east and north sides of Queen City Park Road west of Central Avenue.
- (63) On the south side of King Street between South Winooski Avenue and South Union Street.
- (64) On the east side of Lafayette Place, from the driveway at 36 Lafayette Place to Pearl Street.
- (65) On both sides of King Street, between Church Street and South Winooski Avenue.
- (66) On the north side of Flynn Avenue, starting at the driveway to 300 Flynn Avenue and continuing west to the first driveway to 208 Flynn Avenue.
- (67) On the north side of Bilodeau Court beginning immediately east of East Avenue and continuing east for a distance of seventy (70) feet.
- (68) On the east side of Lafountain Street.
- (69) On the east side of Lathan Court for 92 feet south of Colchester Avenue.
- (70) On either side of Loomis Street for 50 feet east of North Union Street.
- (71) On the west side of Lakeview Terrace.
- (72) On the north side of Main Street between South Prospect Street and University Place.
- (73) On the west side of North Avenue beginning at the parking lot entrance to 1 North Avenue extending north for 20 feet and beginning at the parking lot exit to 1 North Avenue extending south for 20 feet.
- (74) On the south side of Main Street between South Willard Street and Summit Street.
- (75) On the south side of Main Street between South Prospect Street and University Heights.
- (76) On the south side of Main Street between Summit Street and South Prospect Street.
- (77) On the north side of Maple Street starting at a point 100 feet west of South Champlain Street and continuing west until Lavalley Lane.
- (78) On the south side of Pomeroy Street between the two driveways to # 3 Pomeroy Street.

- (79) On the north side of Cherry Street in the space in front of 150 Cherry Street except for bicycles.

Editor's note—Traffic regulations adopted March 11, 2009 (effective May 27, 2009), contained provisions designated as App. C, § 7(73). Inasmuch as App. C, § 7 already contained provisions designated as (73), the editor has redesignated the provisions of the ordinance as (79).

- (80) On the east side of Pine Street beginning 25 feet south of entrance to Champlain Elementary school and continuing south for 50 feet.

- (81) On the south side of Maple Street, from Summit Street to South Prospect Street.

- (82) On the east side of Pine Street one hundred (100) feet south and fifty (50) feet north of entrance to 500 Pine Street commonly known as Jackson Terrace Apartment complex.

- (83) On the north side of Ferguson Avenue 20 feet east and west of the driveway of 12 Ferguson Avenue.

- (84) On the north side of Willow Street.

- (85) On the south side of Pomeroy Street between the eastern most driveway to #3 and the driveway to #15 Pomeroy Street.

- (86) On the south side of Maple Street between South Union Street and Lavalley Lane.

- (87) On the south side of Willow Street extending 20 feet west of the midblock crossing at St. Louis Street.

- (88) On the east side of St. Louis Street between Manhattan Drive and Oak Street.

- (89) On the north side of Marble Avenue.

- (90) On the east side of North Avenue between Battery Park and the south driveway at 329 North Avenue.

- (91) On the west side of North Union Street starting just north of the sidewalk ramp at Loomis Street extending 35 feet south.

Editor's note—Traffic regulations adopted April 18, 2012 (effective May 23, 2012), contained provisions designated as App. C, § 7(37). Inasmuch as App. C, § 7 already contained provisions designated as (37), the editor has redesignated the provisions of the ordinance as (91).

- (92) On the north side of Myrtle Street.

- (93) On the east side of North Avenue for 63 feet south of Washington Street, and 46 feet north of Washington Street.
- (94) On the east side of North Avenue for 163 feet north of Washington Street.
- (95) On the west side of North Avenue for 43 feet south of Berry Street.
- (96) On the west side of North Avenue between Berry Street and Sunset Court.
- (97) On the west side of North Avenue for 660 feet north of Institute Road, and for 1375 feet south of Institute Road.
- (98) On the west side of North Avenue within 15 feet of the main entrance to Lakeview Cemetery.
- (99) On either side of Batchelder Street.
- (100) On the south side of North Street between North Union Street and North Prospect Street.
- (101) On the south side of North Street from North Winooski Avenue to North Union Street.
- (102) On the north side of North Bend Street, from Intervale Avenue to Washington Street.
- (103) On the north side of Cherry Street for a distance of 30 feet, west of St. Paul Street.
- (104) On the west side of St. Paul Street for a distance of 30 feet, north of Cherry Street.
- (105) On the east side of North Prospect Street between Pearl Street and North Street.
- (106) On the east side of North Williams Street between Pearl Street and Brookes Avenue.
- (107) On the east side of North Avenue, beginning 680 feet north of Institute Road and continuing north for a distance of 330 feet.
- (108) On the east side of North Union Street.
- (109) On the north side of College Street in the first space east of 126 College Street to be restricted to compact cars only.

- (110) On the west side of North Winooski Avenue for 80 feet north of Grant Street.
- (111) On the north side of Oak Street between Intervale Avenue and North Bend Street.
- (112) On the east side of Orchard Terrace.
- (113) On the east and south sides of Overlake Park.
- (114) On the east side of North Winooski Avenue beginning at North Union Street and extending north to Riverside Avenue.
- (115) On the east side of North Willard Street starting at Archibald Street extending two hundred (200) feet north.
- (116) On the west side of North Avenue starting at Institute Road extending south to Berry Street.
- (117) On the north side of Ward Street starting thirty-five (35) feet west of Drew Street extending east for one hundred five (105) feet.
- (118) On the east side of Pine Street for 80 feet south of Main Street.
- (119) On the west side of Pine Street for 40 feet south of Maple Street, and on the east side of Pine Street for 40 feet south of Maple Street.
- (120) On the east side of North Avenue starting at Institute Road extending south to North Street.
- (121) On the west side of Pitkin Street.
- (122) On either side of Poplar Street.
- (123) On the north side of Prospect Hill.
- (124) On the east side of Pine Street starting at the corner of 412 Pine Street's Parking lot extending 20 feet.
- (125) On the east side of Pine Street starting at the corner of Howard Street extending 50 feet north.
- (126) On the east side on Pine Street starting 145 feet north of Howard Street extending 50 feet north.

- (127) On the north side of Riverside Avenue between Intervale Avenue and Colchester Avenue.
- (128) In front of the premises at 156 St. Paul Street.
- (129) On the east side of Rose Street for 400 feet south of Manhattan Drive.
- (130) On the west side of Rose Street.
- (131) On the west side of Shelburne Street from Locust Street to Grove Court.
- (132) On the east side of St. Paul Street between Howard Street and South Union Street.
- (133) On the east side of South Champlain Street between Maple Street and the driveway of the Vermont Spool and Bobbin Company.
- (134) On the east side of South Champlain Street for 36 feet north of Maple Street and 40 feet south of Maple Street, and on the west side of South Champlain Street for 40 feet south of Maple Street.
- (135) Reserved.
- (136) On the west side of South Champlain Street from Maple Street to Main Street, with the exception of a loading zone beginning immediately south of King Street and extending south for thirty (30) feet.
- (137) On the east side of South Prospect Street between Colchester Avenue and a point 150 feet south of College Street.
- (138) Within the cul-de-sac at the west end of Killarney Drive in front of the access ramp for the Island Line trail and for two (2) feet north and south of the access ramp.
- (139) On the west side of South Prospect Street between College Street and Maple Street.
- (140) On the west side of South Prospect Street for a distance of 90 feet north of Main Street.
- (141) On the west side of South Prospect Street for a distance of 15 feet north and south of the driveway of the Waterman Building parking lot.
- (142) On the west side of South Prospect Street in the 30-feet space immediately in front of the Waterman Building.

- (143) On the west side of South Union Street for 50 feet north and south of Adams School crosswalk.
- (144) On the west side of South Union Street in the 46-foot space immediately in front of the Memorial Auditorium.
- (145) On the west side of South Union Street between a point 30 feet south of the exit from the South Winooski Avenue parking lot and a point 30 feet north of the north driveway at 71 South Union Street.
- (146) On the west side of South Willard Street from Pearl Street south to Maple Street.
- (147) On the west side of North Willard Street from North Street south to Pearl Street.
- (148) Parking shall be restricted to one (1) vehicle only on the west side of South Winooski Avenue between the driveways for 365 and 369 South Winooski Avenue.
- (149) Reserved.
- (150) On the west side of South Winooski Avenue for 48 feet north of Maple Street, and 46 feet south of Maple Street.
- (151) On either side of Spring Street, opposite the H. O. Wheeler School property.
- (152) On the west side of Caroline Street, beginning at the intersection of Catherine Street and Caroline Street, and continuing north for sixty (60) feet.
- (153) On the north side of Summer Street.
- (154) On the east and north sides of Thibault Parkway.
- (155) On the north side of Spring Street, between Intervale Avenue and Elmwood Avenue.
- (156) On the east side of South Williams Street, 20 feet north and south of the exit of 70 South Williams street.
- (157) On the south side of Austin Drive extending 115 feet east from the corner of Dunder Drive.
- (158) On the east side of University Place.
- (159) On the west side of Weston Street.

- (160) On the north side of Washington Street.
- (161) On the west side of North Champlain Street between Pearl Street and Monroe Street.
- (162) Parking shall be restricted to one (1) vehicle only on the south side of Brookes Avenue between the driveways for 35 and 39 Brookes Avenue.
- (163) On the east side of Williams Street between College Street and Main Street, and on the west side of Williams Street between College Street and Pearl Street.
- (164) On the north side of Flynn Avenue, beginning immediately east of the easternmost driveway of 208 Flynn Avenue and extending east for eighty (80) feet.
- (165) On the east side of North Avenue for Ethan Allen Parkway to Heineberg Road.
- (166) On the east side of South Prospect Street for 418 feet south of Main Street.
- (167) On the south side of Flynn Avenue.
- (168) On the west side of Pine Street between Maple and Main Streets.
- (169) In-between the driveways of 6 Isham Street and 300 Pearl Street.
- (170) On the north side of Buell Street between South Union and South Willard Streets.
- (171) On the north side of Loomis Street between North Union Street and Mansfield Avenue.
- (172) In between the driveways of 55 Hickok Place and 300 Pearl Street.
- (173) On the inner and outer perimeter of the cul-de-sac on Overlake Park.
- (174) On the west side of Ethan Allen Parkway for twenty (20) feet north and twenty (20) feet south of the midblock crosswalk in front of 325 Ethan Allen Parkway.
- (175) On the south side of Henderson Terrace.
- (176) On the east side of St. Louis Street starting at Archibald Street and extending north for thirty (30) feet.
- (177) On the north and south sides of Ledge Road from Shelburne Road to South Prospect Street.
- (178) On the west side of DeForest Road from Overlake Park to South Willard Street.

- (179) On the east side of Summit Street from Main Street to Cliff Street.
- (180) On the north side of Cliff Street from Summit Street to South Union Street.
- (181) On the south, west and north sides of Robinson Parkway from the north entrance on South Prospect Street to the south entrance on South Prospect Street.
- (182) On the east side of Hayward Street from Howard Street to Marble Avenue.
- (183) On the south side of Howard Street from South Willard Street to Pine Street.
- (184) On the south side of Spruce Street from South Willard Street to St. Paul Street.
- (185) On the south side of Kingsland Terrace (dead-end street).
- (186) On the south side of Bayview Street from South Willard Street to South Union Street.
- (187) On either side of Latham Court.
- (188) On both sides of King Street from Battery Street to the ferry dock entrance.
- (189) On the south side of Sherman Street from North Avenue to North Champlain Street.
- (190) On the west side of Park Street from Sherman Street to Pearl Street.
- (191) On the south side of North Street from North Avenue to South Winooski Avenue.
- (192) On the north side of Archibald Street from North Winooski Avenue to Walnut Street.
- (193) On the north side of Archibald Street from Hyde Street to North Prospect Street.
- (194) On the south side of Cherry Street in the first and second space west of the crosswalk at 67 Cherry Street.
- (195) On the west side of North Avenue extending fifty (50) feet north of the driveway of 33 North Avenue.
- (196) On the west side of St. Paul Street extending fifty (50) feet south of Howard Street.
- (197) On the east side of Isham Street from Loomis Street to Hickok Place.

- (198) On the east side of School Street from North Street to Loomis Street.
- (199) On the north side of Hickok Place from South Union Street to Isham Street.
- (200) On the south side of Cherry Street in the first space east of the crosswalk at 55 Cherry Street.
- (201) On the west side of Overlake Park beginning twenty-two (22) feet north of the driveway for 11 Overlake Park and extending north for forty (40) feet.
- (202) On the south side of Pearl Street from Hungerford Terrace to South Willard Street.
- (203) On the south side of Ward Street from Manhattan Drive to North Avenue.
- (204) On the west side of Adams Court Extension.
- (205) On both sides of Adsit Court, December 1 through April 1.
- (206) On the south side of Barrett Street between Chase Street and Colchester Avenue.
- (207) On either side of Jackson Court between South Willard Street and Harrington Terrace.
- (208) On the north side of Adams Court.
- (209) On the east side of Central Avenue south of Harrison Avenue to its southern terminus.
- (210) On the east side of University Place with the exception of the vehicle loading zone in front of Ira Allen Chapel and the food truck parking in front of the Royal Tyler Theatre.
- (211) On the west side of Pine Street between Flynn Avenue and Ferguson Avenue.
- (212) Repealed.
- (213) On the north side of Henry Street.
- (214) On the north side of Birchcliff Parkway, from Pine Street to Cherry Lane.
- (215) On the south side of Clymer Street.
- (216) On the west side of Spruce Court.

- (217) On the north side of North Street between North Prospect Street and Mansfield Avenue.
- (218) On the north side of Locust Street between Pine and Charlotte streets.
- (219) On the south side of Wright Avenue between Central and Conger Avenues.
- (220) On the north side of Harrison Avenue between Central and Conger avenues.
- (221) On the east or west side of Pine Street from Flynn Avenue to Ferguson Avenue and on the east side of Pine Street between Ferguson Avenue and Lyman Avenue.
- (222) On the west side of North Champlain Street from Pearl Street to Manhattan Drive.
- (223) On the east or west side of Park Street from Pearl Street to Sherman Street.
- (224) On the west side of Park Street from Sherman Street to Manhattan Drive.
- (225) On the east side of Park Street from North Street to Myrtle Street.
- (226) On the east side of North Avenue from a point opposite Loaldo Drive northerly to Plattsburg Avenue.
- (227) On the east side of Plattsburg Avenue from North Avenue northerly to the Mt. Calvary Cemetery.
- (228) On the south side of Pearl Street between North Champlain Street and Battery Street.
- (229) On the south side of Manhattan Drive from Park Street easterly to Spring Street.
- (230) On the west side of Blodgett Street between North Street and Strong Street.
- (231) On the south side of Home Avenue between Pine Street and Foster Street.
- (232) On the west side of South Prospect Street from College Street northerly to No. 31 South Prospect Street.
- (233) On the north side of College Street for a distance of three hundred twenty (320) feet west of South Prospect Street.
- (234) On the south side of Oak Street between Intervale Avenue and St. Mary's Street.
- (235) On the north side of Pearl Street for 65 feet east of North Champlain Street.

- (236) On the east side of Pine Street extending one hundred (100) feet north of the Locust Street.
- (237) On the south side of Cloarec Court (dead-end street).
- (238) On the east side of North Champlain Street between Sherman Street and Peru Street.
- (239) On the west side of St. Paul Street starting thirty-five (35) feet south of the driveway to 567 St. Paul Street extending south for seventy (70) feet.
- (240) On the west side of North Avenue from Shore Road to the southernmost North Avenue Alliance Church driveway at 901 North Avenue.
- (241) On the north side of Berry Street starting at the corner of North Avenue and extending west for thirty-five (35) feet.
- (242) In the space in front of 46 Converse Court.
- (243) On Lavalley Lane.
- (244) On the west side of Nash Place.
- (245) On the west side of Walnut Street with the exception of a 100-foot loading zone between 7:00 a.m. and 4:00 p.m., Monday—Friday, for school purposes only.
- (246) In the spaces in front of the Burlington Housing Authority at 230 St. Paul Street.
- (247) On the east side of Plattsburgh Avenue.
- (248) On the south side of Bank Street, from Pine Street to St. Paul Street.
- (249) On the east side of South Williams Street in the space in front of the south property line of the Taft School.
- (250) On the south side of Wright Avenue from Central Avenue to Proctor Place.
- (251) On the north side of Monroe Street from Park Street to George Street.
- (252) On the west side of Plattsburg Avenue, from North Avenue to Rivers Edge Drive.
- (253) On the north and east side of Chase Street, from its intersection with Grove Street to its end.
- (254) In the space between the two (2) driveways at 222 and 219 North Street.

- (255) On the south side of Riverside Avenue, from Colchester Avenue to North Winooski Avenue.
- (256) On the south side of Cherry Street, west of St. Paul Street for a distance of two hundred eighty-five (285) feet.
- (257) On Leddy Park Road, from North Avenue to Leddy Park parking lot.
- (258) On the west side of University Place, from Main Street to Colchester Avenue.
- (259) On the east side of University Place, between the 2 driveway entrances of the Royal Tyler Theatre.
- (260) On the south side of Kilburn Street extending ninety-five (95) feet west of the corner of St. Paul Street.
- (261) On the west side of Orchard Terrace extending thirty-seven (37) feet north of the corner of Buell Street.
- (262) On the east side of Hayward Street, from Howard Street to Locust Terrace.
- (263) On the south side of Marion Street.
- (264) On the east side of Front Street.
- (265) On the north side of Juniper Terrace.
- (266) On the east side of Grove Street for a distance of 100 feet south of Chase Street.
- (267) On either side of Battery Street between College Street and Pearl Street.
- (268) On the east side of St. Paul Street, 100 feet southerly of Main Street.
- (269) On the south side of Farrington Parkway, for a distance of 170 west of Ethan Allen Parkway.
- (270) On either side of Pine Street, from Sears Lane to Lakeside Avenue.
- (271) Reserved.
- (272) On the east side of North Avenue, beginning at Institute Road and continuing north for 250 feet.
- (273) On the north side of King Street between the driveways to #82 and #88.

- (274) Reserved.
- (275) On the south side of Birchcliff Parkway, from Pine Street to Cherry Lane, between the hours of 8:00 p.m. and 2:00 a.m.
- (276) In the space next southerly of the driveway entrance to Lawrence Barnes School on North Champlain Street.
- (277) On the north side of Main Street beginning at the east edge of the driveway to #288 and continuing east for 110 feet.
- (278) On the north side of Main Street for 30 feet west of South Union Street.
- (279) On the south side of Birchcliff Parkway beginning immediately west of the driveway to 750 Pine Street and extending west for sixty (60) feet, between the hours of 7:00 a.m. and 10:00 a.m., Monday through Friday.
- (280) In the space next westerly of the driveway serving 302 Main Street.
- (281) On the west side of St. Paul Street for a distance of 70 feet south of Catherine Street.
- (282) On the west side of Brown's Court.
- (283) On the east side of North Avenue, from Heineberg Road to Gosse Court.
- (284) On the east side of North Avenue, in the spaces in front of 1398 and 1400 North Avenue.
- (285) On the north side of Saratoga Avenue, 125 feet east of North Avenue.
- (286) On the east side of Battery Street, from a point 175 feet south of Maple Street to the southern end of Battery Street.
- (287) Reserved.
- (288) On the west side of North Avenue, for a distance of 130 feet north of Haswell Street.
- (289) On the south side of Cherry Street beginning at the entrance to the Lakeview Parking Garage and continuing east for 40 feet.
- (290) On the north side of Main Street, beginning at the west driveway of 360 Main Street and extending to the driveway for 362 Main Street.

- (291) Reserved.
- (292) On the west side of North Avenue, for a distance of 325 feet north of Shore Road.
- (293) For a distance of eight feet on either side of the driveway at 286 College Street.
- (294) In front of 154 East Avenue for a distance of fifty (50) feet.
- (295) On the east side of East Avenue, 100 feet either side of Case Parkway.
- (296) On the east side of East Avenue, 100 feet north of Bilodeau Court.
- (297) On the east side of East Avenue, 115 feet south of Bilodeau Court.
- (298) On the east side of East Avenue, 260 feet north of Centennial Court.
- (299) On the south side of Bilodeau Court 150 feet east of East Avenue.
- (300) On the north side of College Street, in a 140-foot zone between Pine Street and South Champlain Street.
- (301) On the north side of Catherine Street, 100 feet from St. Paul Street.
- (302) On the south side of Catherine Street, 125 feet from St. Paul Street.
- (303) On the south side of Case Parkway, 100 feet from East Avenue.
- (304) On the south side of Oak Street, from Walnut Street to St. Mary Street.
- (305) On the west side of Colchester Avenue between the driveways of 430 Colchester Avenue and 426 Colchester Avenue.
- (306) On both sides of Shelburne Street, except on the east side from South Union Street to South Willard Street and except on the west side for a distance of 245 feet south of Marian Street.
- (307) On the north side of Oak Street, 60 feet west of Intervale Avenue.
- (308) On the north side of Heineberg Road, 75 feet east of North Avenue.
- (309) On the south side of Pearl Street and extending twenty (20) feet west of the crosswalk at the intersection with George Street.
- (310) Reserved.

- (311) On the west side of Lake Street, 70 feet north of Main Street.
- (312) On the north side of Pearl Street, for a distance of 180 feet opposite Taft School.
- (313) Reserved.
- (314) Reserved.
- (315) On the north side of the entryway to Franklin Square and on all sides of Franklin Square adjacent to the buildings.
- (316) On the north side of Case Parkway, for a distance of 75 feet from East Avenue.
- (317) Reserved.
- (318) In the space in front of 248 College Street.
- (319) On the west side of South Winooski Avenue, for a distance of 100 feet north of Maple Street.
- (320) In municipal parking facilities in any area designated by an official no-parking sign.
- (321) On the west side of North Winooski Avenue for a distance of 90 feet north of Pearl Street.
- (322) On the north side of Bradley Street.
- (323) From a point 6 feet south of the driveway at 130 South Willard Street to a point 6 feet north of said driveway.
- (324) On the north and south sides of Starr Farm Road, beginning at North Avenue and extending westward to a point fifty (50) feet west of Grey Meadow Drive.
- (325) On the north side of Main Street, from South Williams Street to East Avenue.
- (326) On the south side of Main Street, starting at South Winooski Avenue extending two hundred forty-five (245) feet east.
- (327) On the south side of Band Street, between Center Street and South Winooski Avenue.
- (328) On the north side of Pearl Street, between North Winooski Avenue and South Union Street.

- (329) On the south side of Pearl Street, between South Winooski Avenue and South Union Street.
- (330) On the east side or west side of South Winooski Avenue, between Pearl Street and Main Street.
- (331) On the east side of South Union Street, between Pearl Street and Main Street.
- (332) On the east side of Charlotte Street from December 1 through March 31.
- (333) On the south side of Catherine Street from Hayward Street to Caroline Street from December 1 through March 31.
- (334) On the east side of Southwind Drive.
- (335) On the north side of Catherine Street from Caroline Street to Saint Paul Street from December 1 through March 31.
- (336) For a distance of 25 feet north of the driveway at 163 South Willard Street.
- (337) On the east side of Bright Street between the driveways for 24 and 26 Bright Street.
- (338) On both sides of Church Street, from Main Street to Pearl Street.
- (339) On the south side of Brookes Avenue twenty (20) feet east and twenty (20) feet west of the bump-out prohibiting a total of seventy (70) feet.
- (340) On the east side of Booth Street.
- (341) On the west side of Battery Street, for a distance of 200 feet south of King Street.
- (342) On the east side of Church Street for 120 feet in front of 272 Church Street.
- (343) Reserved.
- (344) On the north side of Crombie Street.
- (345) On both sides of Intervale Road.
- (346) On the north side of College Street 120 feet east of Pine Street.
- (347) On the west side of East Avenue.
- (348) On the south side of Bilodeau Court.

- (349) On the west, north and east sides of Bilodeau Parkway.
- (350) On the north side of Cherry Street beginning at the easternmost driveway to 3 Cathedral Square and continuing east for 60 feet.
- (351) Adjacent to the curb of the traffic island on Case Parkway.
- (352) On the north side of Cherry Street, 20 feet either side of driveway at 3 Cathedral Square.
- (353) On the south side of Cherry Street, 20 feet either side of driveway to the Burlington Square Parking Lot.
- (354) On the east side of South Willard Street, for a distance of 100 feet south of Pearl Street.
- (355) On the south side of Ledge Road, for a distance of 300 feet east of Shelburne Street.
- (356) On the west side of South Prospect Street from Maple Street to Ledge Road.
- (357) On the east side of South Prospect Street from the Burlington Country Club Road to Ledge Road.
- (358) In the first space east of the driveway to the Burlington Housing Authority on the north side of Pearl Street.
- (359) On the east side of Mansfield Avenue from North Street to Colchester Avenue.
- (360) For 50 feet either side of Davis Roadway at UVM on the east side of South Prospect Street.
- (361) For 50 feet on either side of Wright driveway at UVM on the east side of South Prospect Street.
- (362) For 50 feet on either side of the entrance and exit to Redstone at UVM, on the east side of South Prospect Street.
- (363) In the space between 59 and 75 Brookes Avenue.
- (364) In the space in front of 238 College Street.
- (365) For a distance of 15 feet either side of the driveway to 29 Mansfield Avenue.

- (366) Reserved.
- (367) On the west side of North Union Street for a distance of 90 feet from North Winooski Avenue.
- (368) On the east side of North Champlain Street beginning at North Street and continuing south for 25 feet.
- (369) On the east side of St. Mary's Street, from Luck Street to Manhattan Drive.
- (370) On the north side of North Street, in the space just west of 100 North Street.
- (371) On the west side of Pine Street from Maple Street to Kilburn Street.
- (372) On the east side of Pine Street for a distance of 15 feet on either side of the driveway at 1110 Pine Street.
- (373) Parking shall be restricted to one vehicle only on the west side of Hayward Street between the driveways for 37 and 39 Hayward Street.
- (374) On the east side of North Winooski Avenue, for a distance of 100 feet north of Grant Street.
- (375) On the north side of Maple Street, from South Union Street to Summit Street.
- (376) On the east side of Pine Street extending 20 feet on both sides of the driveway to 1 Howard Street.
- (377) On the north side of King Street, for a distance of 75 feet west of South Union Street.
- (378) On the south side of the access drive to the main entrance to the Fletcher Free Library.
- (379) On the north side of College Street, for a distance of 92 feet west of South Champlain Street.
- (380) On the south side of College Street, for a distance of 45 feet west of South Champlain Street.
- (381) On the east side of Pine Street extending 20 feet on both sides of the driveway to 444 Pine Street.

- (382) On the east side of South Prospect Street, from a point 85 feet south of Maple Street to Pearl Street.
- (383) On the south side of Wilson Street.
- (384) Parking shall be restricted to one vehicle only on the north side of Grant Street between the driveways for 78 and 82 Grant Street.
- (385) On the south and west sides of Fairfield Drive.
- (386) On the south side of Case Parkway, for a distance of 100 feet from East Avenue.
- (387) On the south side of College Street, from Battery Street to Lake Street.
- (388) On the west side of South Willard Street for 180 feet south of Cliff Street.
- (389) On the north side of Alfred Street, from Shelburne Street to Perrotta Place, between the hours of 12:00 a.m. and 6:00 a.m.
- (390) Reserved.
- (391) In the space north of 156 St. Paul Street.
- (392) Reserved.
- (393) In the space in front of 35 Lafayette Place.
- (394) In the space south of the driveway to 230 St. Paul Street.
- (395) On the east side of South Prospect Street, from Cliff Street to Country Club Drive, between the hours of 12:00 midnight to 6:00 a.m.
- (396) On the east side of Hyde Street from Riverside Avenue to Willard Street.
- (397) In the spaces in front of 305 Maple Street.
- (398) For a distance of 20 feet east of the driveway at 388 College Street.
- (399) On the east side of Pine Street, from 226 Pine Street to 266 Pine Street.
- (400) On the east side of Pine Street, beginning immediately north of the driveway to 266 Pine Street and extending north for twenty (20) feet.
- (401) On the south side of Pearl Street from 273 Pearl Street to Hungerford Terrace.

- (402) On the south side of Chase Street beginning at Barrett Street and extending south 272 feet.
- (403) On the north side of Austin Drive, 200 feet either side of Dunder Road.
- (404) On the south side of Austin Drive, 100 feet either side of Dunder Road.
- (405) On both sides of Dunder Road, for a distance of 100 feet south of Austin Drive.
- (406) In the space in front of 15 Beech Street.
- (407) Reserved.
- (408) On the east side of Park Street, 115 feet north of Poplar Street.
- (409) On the east side of Park Street, 120 feet south of Poplar Street.
- (410) On the east side of Park Street, for a distance of 280 feet north of a point 130 feet north of Sherman Street.
- (411) In the two (2) spaces on the east side of Church Street adjacent the Superior Court driveway.
- (412) Reserved.
- (413) In the space in front of 71 Greene Street.
- (414) In the space north of McKenzie House driveway on George Street.
- (415) On the south side of Cliff Street from South Prospect Street to Summit Street.
- (416) On either side of Lori Lane adjacent the northern traffic island.
- (417) On the West Side of Church Street starting at Main Street extending 300 feet south.
- (418) On the west side of North Avenue for 255 feet north of Sherman Street during the hours between 10:00 p.m. and 6:00 a.m. the following day.
- (419) On the east side of North Winooski Avenue, 10 feet south of the driveway between 94 and 100 North Winooski Avenue.
- (420) On the west side of South Willard Street for 100 feet north of Howard Street.
- (421) On the west side of North Prospect Street for 150 feet north of Pearl Street.

- (422) On the west side of Bright Street beginning at Archibald Street and extending north for two hundred thirty (230) feet.
- (423) No truck parking in the two spaces adjacent the driveway to 288 Main Street.
- (424) On the south side of Dodds Court for 400 feet west of North Avenue.
- (425) On the south side of Scraff Avenue, 105 feet west of Shelburne Street.
- (426) The space located directly in front of the parking garage on the east side of St. Paul Street between Pearl Street and Cherry Street.
- (427) The space located directly across from 247 Pearl Street on the north side of Pearl Street.
- (428) On the College Street cul-de-sac.
- (429) On the south side of Birch Court.
- (430) On the west side of North Avenue, from Institute Road north to the next private driveway.
- (431) On the west side of Mansfield Avenue, from Colchester Avenue north to the north side of the second driveway.
- (432) Reserved.
- (433) In the first space east of the Pearl Street beverage parking lot, the space is located on the north side of Pearl Street between South Union Street and Greene Street.
- (434) Prohibit parking for approximately 730 feet north of Farrington Parkway on the east side of Ethan Allen Parkway.
- (435) Prohibit parking for approximately 225 feet on the west side of Ethan Allen Parkway in front of the C.P. Smith School parking lot.
- (436) Prohibit parking on the north side of Heineberg Road for approximately 25 feet west of Heineberg Senior Housing's westernmost driveway.
- (437) The first 30 feet west of Elmwood Avenue on the north side of Pearl Street.
- (438) The east side of Lake Street.
- (439) Ten-foot section located in front of 384 Main Street.

- (440) East side of North Winooski Avenue for 85 feet north of Pearl Street.
- (441) First space west of Georgia Street on the north side of Pearl Street.
- (442) Two spaces on the north side of Pearl Street at the head of St. Paul Street.
- (443) For 65 feet east of North Avenue on the south side of Convent Square.
- (444) On the south side of Colonial Square, in the space between #15 and #21 Colonial Square.
- (445) No parking anytime on west side of Lake Street, specifically that section that starts forty (40) feet south of the fire hydrant that adjoins the intersection of Depot Street and Lake Street north to the Coast Guard Station's driveway.
- (446) On the east side of Prospect Street beginning at the Redstone Campus entrance extending south to the property line of 544 South Prospect Street.
- (447) On the east side of Church Street between Main Street and King Street in the designated area just north of 184 Church Street, such area being across the street from the rear access to the Flynn Theater.
- (448) No parking between the driveways of 165 and 173 Intervale Avenue.
- (449) On the west side of Bright Street beginning at Riverside Avenue and extending south for one hundred thirty (130) feet.
- (450) On the south side of Archibald Street from eighty (80) feet west of North Winooski Avenue further east to the easternmost property line of 167 Archibald Street.
- (451) Reserved.
- (452) On the east side of Pine Street from Kilburn Street extending fifty (50) feet south of the entrance of 316 Pine Street.
- (453) One hundred feet north of the northernmost driveway to Redstone Apartments on the east side of Prospect Street.
- (454) On the west side of North William Street for fifteen (15) feet between the first two (2) driveways.
- (455) Sixty (60) feet west of Bright Street on the south side of Riverside Avenue.

- (456) On the south side of Pearl Street for one hundred thirty (130) feet west of South Winooski Avenue.
- (457) On the south side of Pearl Street starting one hundred twenty (120) feet east of St. Paul Street and continuing east for one hundred thirty (130) feet.
- (458) On both sides of Starr Farm Road beginning one hundred fifty (150) feet east of the easternmost section of Pleasant Avenue extending west two hundred (200) feet west of the bikepath.
- (459) Reserved.
- (460) Reserved.
- (461) North side of Fairmont Place.
- (462) Extending five (5) feet at both sides of driveway at 50 South Willard Street.
- (463) On the west side of Convent Square in front of [#]45 extending fifty (50) feet.
- (464) The entire length of Austin Drive on the north side.
- (465) Fifty (50) feet either side of Bike Path on Shore Road.
- (466) Fifty (50) feet either side of Bike Path on Staniford Road.
- (467) West side of Lake Street from College Street north to its terminus.
- (468) Both sides of College Street from Lake Street west to its terminus, excluding the loading zone on the south side of College Street just west of Lake Street.
- (469) South side of Main Street from the first twenty (20) feet east of Lake Street.
- (470) West side of Lake Street for the first twenty (20) feet north of Main Street.
- (471) North Side of Main Street between Lake Street and Battery Street.
- (472) A portion of the east side of Lake Street between College Street and its terminus. Prohibition starting from the northern most metered space north to its terminus.
- (473) On the south side of Institute Road for a distance of two hundred thirty (230) feet west of North Avenue.
- (474) On the north side of Institute Road beginning from North Avenue and extending west to the entrance of North Beach.

- (475) On the south side of Institute Road for a distance of three hundred eighty (380) feet east of the North Beach Entrance.
- (476) On the south side of Institute Road starting three hundred thirty-three (333) feet west of North Avenue and extending west for a distance of three hundred seventy-five (375) feet.
- (477) On the west side of North Avenue between the entrance and exit driveways to 1 North Avenue.
- (478) On the north side of Main Street west of South Williams Street between buildings No. 396 and No. 384.
- (479) Reserved.
- (480) Reserved.
- (481) Reserved.
- (482) On the north side of Cherry Street in the first two spaces east of the alleyway between 108 and 110 Cherry Street.
- (483) On the east side of Oakbeach Drive between Flynn Avenue and the southern most intersection of Southwind Drive and Oakbeach Drive.
- (484) On the south side of Archibald Street for a distance of twenty-five (25) feet on either side of the driveway between 85 and 83 Archibald Street.
- (485) On the east side of South Williams Street for a distance of twenty (20) feet north and twenty (20) feet south of the driveway servicing the parking lot at 1 University Health Care Center.
- (486) On the west side of Murray Street starting at North Street and ending at the northern most corner of Allen and Murray Street on the west side.
- (487) On the west side of Murray Street between Allen Street and Peru Street.
- (488) At the east end of Adsit Court from the southern edge of the driveway at number 36 to the eastern edge of the driveway at number 34.
- (489) On the east side of Summit Ridge.
- (490) In front of 267 South Willard Street south to 270 South Willard Street for a distance of two hundred seventy (270) feet.

- (491) On the north side of West Road for one hundred twenty-five (125) feet west of North Avenue.
- (492) On the south side of West Road for two hundred (200) feet west of North Avenue.
- (493) On the east end of Harrison Avenue adjacent to railroad tracks.
- (494) On the west and east sides of Elmwood Avenue between Peru Street and Allen Street. Parking restricted to funeral only, when time posted.
- (495) Reserved.
- (496) On the west side of Elmwood Avenue in the first space south of the driveway to 37 Elmwood Avenue.
- (497) Entire length of the street commonly known as the Lake Street Extension extending north side of Lake Street for a distance of three hundred fifty (350) feet.
- (498) On the east side of South Williams Street for five (5) feet north of Driveway at 14 Williams Street.
- (499) On the west side of North Winooski Avenue for a distance of fifty (50) feet in front of # 241
- (500) On the east side of Bright Street beginning at the driveway between 48 and 50 Bright Street and extending south two hundred (200) feet, ending ten (10) feet south of the driveway at 30 Bright Street.
- (501) Reserved.
- (502) On the east and west sides of High Grove Court including the inner and outer perimeter of the cul-de-sac with the exception of the west side of High Grove Court beginning one hundred sixty-six (166) feet north of North Street and extending northward one hundred forty (140) feet.
- (503) On the east side of South Willard Street from Maple Street south to the Rotary.
- (504) On the west side of So. Willard Street, twenty (20) feet to the north and twelve (12) feet to the south of the driveway for 425 So. Willard Street.
- (505) On the west side of So. Willard Street, twenty (20) feet to the north and twelve (12) feet to the south of the driveway area between 429 and 439 So. Willard Street.

- (506) On the west side of So. Willard Street, twenty (20) feet to the north of the driveway for 443 So. Willard Street.
- (507) On the east side of Pine Street extending fifty (50) feet south of Pine Place.
- (508) On the east side of Pine Street extending fifty (50) feet north of Marble Avenue.
- (509) No parking from the northerly entrance of 332 Pine Street extending south to Pine Place.
- (510) On the north side of Main Street beginning four hundred thirty-five (435) feet east of South Union Street and extending twelve (12) feet east.
- (511) On the north of Main Street beginning three hundred thirteen (313) feet east of South Union Street and extending forty-three (43) feet east.
- (512) On the north side of Main Street beginning at South Willard Street and extending sixty (60) feet west.
- (513) On the south side of Main Street starting three hundred fifty-seven (357) feet east of South Union Street extending eighty (80) feet east from 12:00 a.m. to 5:00 p.m. Monday through Friday.
- (514) On the south side of Main Street starting at South Willard Street extending one hundred fifty-four (154) feet west.
- (515) On the south side of Main Street starting at South Union Street extending one hundred (100) feet east.
- (516) No person shall park any vehicle from 12:00 a.m. to 7:00 a.m. and from 9:00 a.m. to 2:00 p.m., Monday through Friday, in the following areas:
 - (a) On the south side of Main Street starting one hundred (100) feet east of South Union Street extending two hundred (200) feet east.
 - (b) On the south side of Main Street starting one hundred fifty-four (154) feet west of South Willard Street extending two hundred forty (240) feet west.
- (517) On the east side of Elmwood Avenue starting one hundred twenty (120) feet south of Grant Street extending north to Grant Street.
- (518) On the north side of Main Street starting at the corner of South Willard Street and extending east for two hundred twenty (220) feet.

- (519) On the east side of Ethan Allen Parkway starting north of the driveway at 437 Ethan Allen Parkway extending north for one hundred fifty (150) feet.
- (520) On the east side of South Union Street beginning north of the driveway to 528-530 South Union Street and extending north to Pearl Street.
- (521) On the east side of North Champlain Street starting at Peru Street and extending for twenty (20) feet north.
- (522) On the west side of Intervale Avenue starting at Spring Street and extending fifty-three (53) feet south.
- (523) On the east side of Bright Street between the driveways of 24 and 26 Bright Street.
- (524) On the north side of Pearl Street for a length of fifty (50) feet west of Greene Street and fifty-seven (57) feet east of Greene Street.
- (525) On the west side of North Winooski Avenue starting immediately north of the parking lot entrance to 241 North Winooski Avenue and extending twenty (20) feet north.
- (526) On the entire south side of Sears Lane and on the north side of Sears Lane beginning at the eastern side of the parcel at 40 Sears Lane and continuing west to the end of Sears Lane.
- (527) On the north side of Harrison Avenue between Central Avenue and Proctor Place.
- (528) On the east side of University Place for twenty (20) feet north and south of the crosswalks located sixty (60) feet, three hundred twenty-eight (328) feet, five hundred seven (507) feet, seven hundred thirty (730) feet, nine hundred ten (910) feet, nine hundred thirty-five (935) feet, and one thousand one hundred (1,100) feet south of Colchester Avenue.
- (529) On the north side of Shore Road for a distance of one hundred twenty (120) feet west of North Avenue.
- (530) On the north side of Haswell Street.
- (531) On the south side of Main Street for fifty (50) feet west of South Champlain Street.

- (532) On the north side of Main Street for thirty-eight (38) feet east of South Champlain Street.
- (533) On the south side of Main Street for thirty-nine (39) feet east of South Champlain Street.
- (534) On the west side of North Avenue from two hundred fifty (250) feet south of Dodds Court to Plattsburg Avenue.
- (535) On the west side of North Avenue from Shore Road to a point eighty-five (85) feet north of Shore Road.
- (536) On the west side of North Avenue from Institute Road to the North Avenue Alliance Church driveway.
- (537) On the east side of North Avenue from Institute Road to the VT 127 entrance.
- (538) On the east side of North Avenue from Heineberg Road to Plattsburg Avenue.
- (539) On the north side of Flynn Avenue from the railroad tracks extending west to the westernmost terminus of Flynn Avenue.
- (540) On the west side of Mansfield Avenue for twenty (20) feet north and twenty (20) feet south of the midblock crosswalk in front of 49 Mansfield Avenue.
- (541) On the north side of South Crest Drive beginning one hundred twenty-five (125) feet west of Pine Street and extending westward eighty (80) feet.
- (542) On the south side of Pearl Street between South Union Street and Hungerford Terrace.
- (543) On the east side of Pine Street between Ferguson Avenue and Home Avenue.
- (544) On the west side of Pine Street between Ferguson Avenue and Home Avenue.
- (545) On the south side of Pearl Street between Pine Street and Battery Street.
- (546) On the west side of Intervale Avenue between the driveways of 171 Intervale Avenue and 177 Intervale Avenue, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.
- (547) On the east side of Germain Street from December 1 to April 1.
- (548) On the east side of Latham Court from December 1 to April 1.

- (549) On the south side of Hoover Street from December 1 to April 1.
- (550) On the east side of George Street, beginning immediately south of the driveway to 40 George Street and extending south for twenty (20) feet.
- (551) Reserved.
- (552) On the south side of Austin Drive from the Ledgewood driveway to the Redrock Condominiums driveway.
- (553) On Proctor Place.
- (554) On the north side of Colchester Avenue from East Avenue to Barrett Street.
- (555) On either side of Penny Lane starting at its western terminus and going east to the northeast corner of the Francis J. O'Brien Water Treatment Facility.
- (556) For twenty (20) feet on either side of the midblock crosswalk on Flynn Avenue at the intersection of Richardson Street.
- (557) Reserved.
- (558) On either side of Ethan Allen Parkway from North Avenue to Farrington Avenue.
- (559) On the west side of North Avenue beginning at the driveway to 167 North Avenue and continuing south to the crosswalk at the intersection of North Avenue and Ward Street.
- (560) On the south side of Charles Street from January 1 to March 1.
- (561) On the west side of Russell Street from January 1 to March 1.
- (562) Parking shall be restricted to one vehicle only on the east side of North Willard Street between the driveways for 164 and 172 North Willard Street.
- (563) On the west side of Saint Paul Street for twenty (20) feet north and south of the midblock crosswalk at 230 Saint Paul Street.
- (564) Reserved.
- (565) On the west side of North Avenue beginning at Berry Street and extending south for ninety (90) feet.

- (566) On the south side of Lakeside Avenue beginning at Conger Avenue and extending east to the driveway for 115 Lakeside Avenue.
- (567) On the north side of Lakeside Avenue beginning at the western driveway for 128 Lakeside Avenue and extending west to the driveway for 50 Lakeside Avenue.
- (568) On the north side of Lakeside Avenue beginning at the crosswalk at the intersection of Conger Avenue and the driveway for 50 Lakeside Avenue and extending west for 30 feet.
- (569) On the east side of South Street, beginning at Holt Street and extending north to the driveway for 70 South Street.
- (570) On the west side of South Street, in the first and second spaces north of Glen Road.
- (571) On the east side of South Street beginning at Glen Road and extending north to the driveway for 46 South Street.
- (572) On the west side of Prospect Parkway, between the driveways for 194 Prospect Parkway and 204 Prospect Parkway.
- (573) On the east side of Prospect Parkway, beginning at Fairmont Street and extending north to the driveway for 201 Prospect Parkway.
- (574) On the north side of Fairmont Street, in the first space east of Prospect Parkway.
- (575) On the east side of Fairmont Street, between the driveways for 22 Fairmont Street and 32 Fairmont Street.
- (576) On the west side of South Prospect Street, beginning at Prospect Parkway and extending south to the driveway for 789 South Prospect Street.
- (577) On the east side of South Prospect Street, beginning at Prospect Parkway and extending south to the driveway for 792 South Prospect Street.
- (578) On north side of Lakewood Parkway beginning at the driveway for 182 Lakewood Parkway and extending west for forty (40) feet.
- (579) On south side of Lakewood Parkway beginning at the driveway for 191 Lakewood Parkway and extending west for forty (40) feet.
- (580) On north side of Lakewood Parkway between the driveway for 146 Lakewood Parkway and the driveway for 154 Lakewood Parkway.

(581) Locust Street beginning at Shelburne Street and extending west one hundred fifty (150) feet.

(582) On the south side of Chase Street beginning at Colchester Avenue extending north three hundred forty-one (341) feet.

(583) On the north side of Chase Street, beginning two hundred ninety-three (293) feet north of Colchester Avenue and extending north two hundred eighty (280) feet.

(584) On the east side of St. Paul Street between the driveways for 309 St. Paul Street and 315 St. Paul Street.

(Rev. Ords. 1962, § 5308; 1969 Cum. Supp., § 6308; Reg. of 10-6-69; Reg. of 3-16-70; Reg. of 5-18-70; Reg. of 6-15-70; Reg. of 8-17-70; Reg. of 11-6-70; Reg. of 1-18-71; Reg. of 4-16-71; Reg. of 5-18-71; Reg. of 6-15-71; Reg. of 9-21-71; Reg. of 11-19-71; Reg. of 1-17-72; Reg. of 5-15-72; Reg. of 12-18-72; Reg. of 1-15-73; Ord. of 2-13-73; Reg. of 2-20-73; Reg. of 4-16-73; Ord. of 5-21-73; Reg. of 6-18-73; Reg. of 8-20-73; Reg. of 9-17-73; Reg. of 10-15-73; Reg. of 11-1-73; Reg. of 11-19-73; Reg. of 12-5-73; Reg. of 12-17-73; Reg. of 4-15-74; Reg. of 4-22-74; Reg. of 7-2-74; Reg. of 7-22-74; Reg. of 9-16-74; Reg. of 11-18-74; Reg. of 12-16-74; Reg. of 1-20-75; Reg. of 2-10-75; Reg. of 3-17-75; Reg. of 4-28-75; Reg. of 8-11-75; Reg. of 10-20-75; Reg. of 11-17-75; Reg. of 1-26-76; Reg. of 2-23-76; Reg. of 3-15-76; Reg. of 3-29-76; Reg. of 4-19-76; Reg. of 6-28-76; Reg. of 9-27-76; Reg. of 10-14-76; Reg. of 11-22-76; Reg. of 5-9-77; Reg. of 6-20-77; Reg. of 7-18-77; Reg. of 8-15-77; Reg. of 9-19-77; Reg. of 10-17-77; Reg. of 11-28-77; Reg. of 1-16-78; Reg. of 2-21-78; Reg. of 5-17-78; Reg. of 7-10-78; Reg. of 12-4-78; Reg. of 2-5-79; Reg. of 4-2-79; Reg. of 6-4-79; Regs. of 8-27-79; Reg. of 11-5-79; Reg. of 12-10-79; Reg. of 10-6-80; Reg. of 11-3-80; Reg. of 12-1-80; Reg. of 5-4-81; Reg. of 6-1-81; Reg. of 9-8-81; Reg. of 10-4-81; Reg. of 11-2-81; Reg. of 11-15-82; Reg. of 4-4-83; Reg. of 5-2-83; Reg. of 6-6-83; Reg. of 7-5-83; Reg. of 11-7-83; Reg. of 12-5-83; Reg. of 1-9-84; Reg. of 3-5-84; Reg. of 6-4-84; Reg. of 7-2-84; Reg. of 8-6-84; Reg. of 10-1-84; Reg. of 11-5-84; Reg. of 12-3-84; Reg. of 4-1-85; Reg. of 6-3-85; Reg. of 9-9-85; Reg. of 10-7-85; Reg. of 11-4-85; Reg. of 12-2-85; Reg. of 2-26-86; Reg. of 3-26-86; Reg. of 4-23-86; Reg. of 5-28-86; Reg. of 6-25-86; Reg. of 7-30-86; Reg. of 8-27-86; Reg. of 10-22-86; Reg. of 12-3-86; Reg. of 2-25-87; Reg. of 3-25-87; Reg. of 4-29-87; Reg. of 5-27-87; Reg. of 6-24-87; Reg. of 8-26-87; Reg. of 9-30-87; Reg. of 10-28-87; Reg. of 1-27-88; Reg. of 2-23-88; Reg. of 2-24-88; Reg. of 4-27-88; Reg. of 5-25-88; Reg. of 6-29-88; Reg. of 7-27-88; Reg. of 8-31-88; Reg. of 11-9-88; Reg. of 12-27-88; Reg. of 1-31-89; Reg. of 2-27-89; Reg. of 5-3-89; Reg. of 6-28-89; Reg. of 7-26-89; Reg. of 9-27-89; Reg. of 10-25-89; Reg. of 2-7-90; Reg. of 4-4-90; Reg. of 5-2-90; Reg. of 5-30-90; Regs. of 7-25-90; Reg. of 8-22-90; Reg. of 11-14-90; Reg. of 1-30-91; Reg. of 2-27-91; Reg. of 3-27-91; Reg. of 5-29-91; Reg. of 6-26-91; Reg. of 7-31-91; Reg. of 9-25-91; Reg. of 11-20-91; Reg. of 1-7-92; Reg. of 2-19-92; Reg. of 4-17-92; Reg. of 6-27-92; Reg. of 9-29-92; Regs. of 2-3-93; Reg. of 6-23-93; Regs. of 8-18-93; Reg. of 9-8-93; Reg. of 12-15-93; Reg. of 5-4-94; Reg. of 5-12-94; Reg. of 5-18-94; Regs. of 6-22-94; Reg. of 8-8-94; Regs. of 9-7-94; Reg. of 4-5-95; Reg. of 5-24-95; Reg. of 6-28-95; Reg. of 11-14-95; Reg. of 11-6-96; Reg. of 12-10-96; Reg. of 9-24-97; Reg. of 10-1-97; Reg. of 12-3-97; Reg. of 2-18-98; Reg. of 3-4-98; Reg. of 7-22-98; Reg. of 10-14-98; Reg. of 12-9-98; Reg. of 5-12-99; Reg. of 7-28-99; Reg. of 9-15-99; Reg. of 10-27-99; Reg. of 12-15-99; Reg. of 3-1-00; Regs. of 5-3-00; Reg. of 5-24-00; Reg. of 7-19-00; Regs. of 10-4-00; Reg. of 5-17-01; Reg. of 6-20-01; Reg. of 7-11-01; Regs. of 8-8-01; Regs. of 1-9-02; Reg. of 2-6-02; Reg. of 7-10-02; Reg. of 9-23-02; Reg. of 12-23-02; Reg. of 12-24-02; Reg. of 1-8-03; Reg. of 2-4-03; Reg. of 3-5-03; Regs. of 3-11-03; Reg. of 4-8-03; Reg. of 5-7-03; Reg. of 6-4-03; Reg. of 7-9-03; Regs. of 10-7-03; Reg. of 2-11-04; Reg. of 5-19-04; Reg. of 6-9-04; Reg. of 9-1-04; Reg. of 10-13-04; Reg. of 12-1-04; Regs. of 4-13-05; Reg. of 6-22-05; Reg. of 9-7-05, eff. 10-12-05; Reg. of 10-5-05/11-9-05; Reg. of 12-7-05/2-1-06; Reg. of 2-1-06/4-19-06; Reg. of 4-12-06/6-14-06; Reg. of 11-14-06, eff. 12-13-06; Regs. of 12-7-06, eff. 1-31-07; Reg. of 1-3-07(3), eff. 2-14-07; Reg. of 2-7-07(4), eff. 3-21-07; Reg. of 4-4-07, eff. 5-2-07; Reg. of 6-5-07, eff. 7-4-07; Reg. of 7-11-07, eff. 8-15-07; Reg. of 11-14-07(2), eff. 12-12-07; Reg. of 4-9-08, eff. 5-7-08; Reg. of 5-14-08(2), eff. 6-18-08; Reg. of 7-9-08(1), eff. 8-20-08; Reg. of 9-10-08(1), eff. 10-15-08; Reg. of 11-12-08(1), eff. 12-17-08; Reg. of 3-11-09(6), eff. 5-27-09; Reg. of 6-10-09(1), eff. 7-8-09; Reg. of 9-9-09(2), eff. 2-3-10; Reg. of 9-9-09(3), eff. 2-3-10; Reg. of 2-18-10(1), eff. 4-7-10; Reg. of 12-9-09, eff. 2-3-10; Reg. of 4-14-10(1), eff. 5-12-10; Reg. of 4-14-10(3), eff. 9-22-10; Reg. of 5-12-10, eff. 6-23-10; Reg. of 7-14-10, eff. 8-18-10; Reg. of 10-20-10(2), eff. 11-24-10; Reg. of 11-17-10(2), eff. 12-15-10; Reg. of 1-12-11(1), eff. 2-9-11; Reg. of 3-16-11(1), eff. 4-13-11; Reg. of 4-20-11(3), eff. 5-25-11; Reg. of 4-20-11(4), eff. 5-25-11; Reg. of 4-20-11(5), eff. 5-25-11; Reg. of 4-20-11(6), eff. 5-25-11; Reg. of 5-18-11(2), eff. 6-15-11; Reg. of 6-15-11(2), eff. 7-20-11; Reg. of 6-15-11(3), eff. 7-20-11; Reg. of 7-20-11(1), eff. 8-31-11; Reg. of 10-16-11(2), eff. 1-4-12; Reg. of 10-16-11(3), eff. 12-28-11; Reg. of 10-19-11(1), eff. 11-30-11; Reg. of 11-16-11(1), eff. 12-21-11; Reg. of 11-16-11(2), eff. 12-21-11; Reg. of 12-21-11(1), eff. 2-1-12; Reg. of 2-10-12, eff. 3-14-12; Reg. of 3-29-12, eff. 4-25-12; Reg. of 4-18-12(1), eff. 5-23-12; Reg. of 6-20-12(1), eff. 8-8-12; Reg. of 7-11-12(1), eff. 8-29-12; Reg. of 9-19-12(1), eff. 10-31-12; Reg. of 1-16-13(1), eff. 2-27-13; Reg. of 2-20-13(2), eff. 3-27-13; Reg. of 3-20-13(1), eff. 5-8-13; Reg. of 5-15-13, eff. 6-12-13; Reg. of 9-18-13(3), eff. 10-23-13; Reg. of 9-18-13(4), eff. 10-23-13; Reg. of 9-18-13(10), eff. 6-10-15; Reg. of 10-30-13(1), eff. 12-4-13; Reg. of 11-20-

13(2), eff. 1-1-14; Reg. of 12-4-13(1), eff. 1-8-14; Reg. of 12-18-13(1), eff. 2-5-14; Reg. of 2-19-14(2), eff. 4-16-14; Reg. of 3-19-14(1), eff. 4-23-14; Reg. of 4-16-14(3), eff. 5-14-14; Reg. of 5-22-14(1), eff. 7-2-14; Reg. of 6-17-15(3), eff. 8-12-15; Reg. of 7-15-15(2), eff. 8-19-15; Reg. of 9-16-15(1), eff. 10-14-15; Reg. of 10-21-15, eff. 11-25-15; Reg. of 11-18-15(2), eff. 1-13-16; Reg. of 1-20-16, eff. 3-16-16; Reg. of 2-17-16(1), eff. 6-8-16; Reg. of 2-17-16(1a), eff. 1-31-18; Reg. of 4-20-16(2), eff. 6-8-16; Reg. of 4-20-16(3), eff. 6-1-16; Reg. of 7-20-16(a), eff. 6-27-18; Reg. of 7-20-16(1), eff. 8-24-16; Reg. of 9-21-16(1), eff. 10-19-16; Reg. of 2-15-17(1), eff. 4-5-17; Reg. of 4-19-17(1), eff. 5-24-17; Reg. of 4-19-17(2), eff. 5-24-17; Reg. of 6-21-17(1), eff. 8-2-17; Reg. of 6-21-17(1a), eff. 6-27-18; Reg. of 7-13-17(3), eff. 10-11-17; Reg. of 7-13-17(4), eff. 10-11-17; Reg. of 7-13-17(4a), eff. 5-15-19; Reg. of 9-20-17(1), eff. 11-29-17; Reg. of 10-18-17(1), eff. 1-31-18; Reg. of 12-20-17(1), eff. 6-27-18; Reg. of 2-21-18(1), eff. 4-25-18; Reg. of 2-21-18(1a), eff. 6-27-18; Reg. of 3-21-18(1), eff. 5-9-18; Reg. of 3-21-18(4), eff. 1-30-19; Reg. of 5-16-18(1), eff. 6-27-18; Reg. of 6-20-18(2), eff. 8-1-18; Reg. of 9-19-18(1), eff. 10-17-18; Reg. of 10-18-18(1), eff. 11-21-18; Reg. of 10-18-18(1a), eff. 2-5-20; Reg. of 10-18-18(2), eff. 11-21-18; Reg. of 11-28-18(1), eff. 1-9-19; Reg. of 1-16-19, eff. 2-20-19; Reg. of 2-20-19, eff. 4-3-19; Reg. of 3-20-19(1), eff. 4-24-19; Reg. of 4-16-19(1), eff. 5-22-19; Reg. of 4-16-19(1a), eff. 9-11-19; Reg. of 4-16-19(2), eff. 5-29-19; Reg. of 5-15-19(1), eff. 9-11-19; Reg. of 5-15-19(2), eff. 6-19-19; Reg. of 6-19-19(1), eff. 7-24-19; Reg. of 6-19-19(2), eff. 7-24-19; Reg. of 6-19-19(3), eff. 7-24-19; Reg. of 7-17-19(2), eff. 10-30-19; Reg. of 9-18-19(1), eff. 10-30-19; Reg. of 9-18-19(2), eff. 10-30-19; Reg. of 9-18-19(3), eff. 10-30-19; Reg. of 9-18-19(4), eff. 10-30-19; Reg. of 9-18-19(5), eff. 10-30-19; Reg. of 11-20-19(1), eff. 1-1-20; Reg. of 9-15-20, eff. 10-14-20; Reg. of 1-20-21, eff. 8-25-21; Reg. of 2-17-21(2), eff. 3-17-21; Reg. of 4-21-21, eff. 9-8-21; Reg. of 5-19-21(1), eff. 6-23-21; Reg. of 5-19-21(2), eff. 6-23-21; Reg. of 7-21-21, eff. 8-18-21; Reg. of 11-17-21(2), eff. 12-22-21; Reg. of 11-17-21(3), eff. 12-22-21; Reg. of 1-19-22, eff. 2-16-22; Reg. of 3-16-22(3), eff. 5-4-22; Reg. of 12-15-21(1), eff. 6-8-22; Reg. of 12-15-21(2), eff. 10-26-22; Reg. of 2-16-22, eff. 8-31-22; Reg. of 8-24-22(2), eff. 9-21-22; Reg. of 8-24-22(3), eff. 9-21-22; Reg. of 8-24-22(4), eff. 9-21-22; Reg. of 8-24-22(5), eff. 9-21-22; Reg. of 11-16-22(3), eff. 12-14-22; Reg. of 3-31-23, eff. 5-3-23; Reg. of 4-19-23(2), eff. 5-24-23; Reg. of 2-15-23(b), eff. 6-14-23; Reg. of 5-17-23(2), eff. 7-12-23; Reg. of 5-17-23(3), eff. 7-12-23; Reg. of 5-17-23(3a), eff. 8-16-23; Reg. of 6-21-23(1), eff. 7-19-23; Reg. of 7-26-23(1), eff. 9-6-23; Reg. of 7-26-23(2), eff. 9-6-23; Reg. of 7-26-23(3), eff. 9-6-23; Reg. of 7-26-23(4), eff. 9-6-23; Reg. of 9-20-23(1), eff. 11-1-23; Reg. of 11-16-22(4), eff. 11-29-23)

Editor's note—Traffic regulations adopted Aug. 18, 1993 (published Oct. 7 and effective Oct. 28, 1993), contained provisions designated as App. C, § 7(444); traffic regulations also adopted Aug. 18, 1993 (published Sept. 16 and effective Oct. 7, 1993) added provisions designated as App. C, § 7(446); and traffic regulations adopted Sept. 8, 1993, added provisions designated as App. C, § 7(445). Inasmuch as App. C, § 7 already contained provisions designated as (445), the editor has redesignated the above provisions as (446)—(448) respectively.

Cross reference—Authority to prohibit parking, § 20-53; general prohibitions against parking, § 20-55; extended parking prohibited, § 20-61; parking on premises of another prohibited, § 20-62.

7A Accessible spaces designated.

No person shall park any vehicle at any time in the following locations, except automobiles displaying special handicapped license plates issued pursuant to 18 V.S.A. § 1325, or any amendment or renumbering thereof:

- (1) The first space north of Pearl Street on the west side of Elmwood Avenue.
- (2) The first two (2) spaces west of Pine Street on the north side of College Street.
- (3) The third space west of Church Street on the south side of College Street.
- (4) The designated 2 spaces in the College Street municipal parking lot.
- (5) On the north side of College Street in the space between the driveways of 164 College Street.

- (6) On the north side of Cherry Street, in the first space west of Church Street.
- (7) On the north side of Main Street, in the first two spaces west of Church Street.
- (8) On the north side of Pearl Street, 1 space in front of 56 Pearl Street.
- (9) On the west side of Pine Street, in the first space north of College Street.
- (10) The fifth space north of Main Street on the west side of South Union Street.
- (11) On the north side of College Street, in the space in front of 244 College Street.
- (12) In the space in front of 125 College Street.
- (13) On the east side of Church Street, in the first space northerly of King Street.
- (14) In the space in front of 2 Franklin Square.
- (15) In the first space south of College Street on the west side of South Union Street.
- (16) In the first space south of College Street on the west side of St. Paul Street.
- (17) In the space in front of 65 Monroe Street.
- (18) In the space in front of 138 North Winooski Avenue.
- (19) In the designated space in the South Winooski Avenue lot.
- (20) In the space in front of 25 Front Street.
- (21) On the south side of Sherman Street, west of the entrance to Battery Park.
- (22) On the north side of Cherry Street in the first metered space west of McAuliffe's entrance.
- (23) On the east side of South Prospect Street across from 393 South Prospect Street.
- (24) In front of 156 Battery Street.
- (25) In the space in front of 91 North Winooski Avenue.
- (26) On the east side of St. Paul Street, in the fourth space north of Maple Street.
- (27) In front of 112 Pine Street.

- (28) Up to two spaces on Pine Street between Bank Street and College Street for the extents of SRF construction.
- (29) In front of 376 College Street.
- (30) In the space in front of 25 Monroe Street.
- (31) The sixth space south of the intersection of Buell Street and Orchard Terrace on the west side of Orchard Terrace.
- (32) In front of 116 Morse Place.
- (33) Reserved.
- (34) Handicapped space in front of 79 Peru Street.
- (35) On the west side of Battery Street in the third space north of King Street.
- (36) On the south side of Bank Street in the first space west of Church Street.
- (37) On the east side of Drew Street in front of 30 Drew Street.
- (38) On the west side of Battery Street in the two (2) northern most spaces in front of 209
- (39) Space in front of 59 Cedar Street on the south side of Cedar Street.
- (40) First space east of North Avenue on the north side of North Street.
- (41) On the west side of Russell Street in front of number 21 from March 2 to December 31.
- (42) On the east side of Pine Street, in the first space north of College Street.
- (43) On the south side of Pearl Street beginning two hundred seventy-five (275) feet east of St. Paul Street extending twenty (20) feet east.
- (44) On the north side of Cherry Street in the first space east of St. Paul Street (van accessible).
- (45) On the south side of Cherry Street just west of St. Paul Street.
- (46) On the north side of Berry Street in the second space west of North Avenue.
- (47) In front of 19 Booth Street.

- (48) Two (2) spaces designated on the west side of Hungerford Terrace in front of 61 Hungerford Terrace and 65 Hungerford Terrace and extending forty (40) feet north.
- (49) On the east side of Blodgett Street, in front of 90 Blodgett Street.
- (50) On the west side of North Winooski Avenue in the first space north of the driveway at 45 North Winooski Avenue.
- (51) In the 2 spaces in front of 260 College Street between the hours of 8:30 a.m. to 10:30 a.m. and between the hours of 2:00 p.m. to 4:00 p.m., on Monday, Wednesday and Friday.
- (52) In the space in front of 15 Hayward Street.
- (53) In the space in front of 10 Rose Street.
- (54) In front of 24 Clark Street.
- (55) On the west side of Pine Street, thirty-two (32) feet south of Bank Street.
- (56) On the west side of South Willard Street, in the first space southerly of Pearl Street.
- (57) In the space in front of 12 North Street.
- (58) On the west side of South Willard Street, in the first space southerly of Pearl Street, on Monday through Friday from 9:00 a.m. until 5:00 p.m.
- (59) In any metered parking space so designated by the city traffic engineer, or his/her representative; such designation being the placement of a blue meter hood displaying the handicap access symbol; provided such hood is in place 4 hours prior to any special event or the metered parking space is vacant.
- (60) In the 4 spaces adjacent the State Office Building at 1193 North Avenue.
- (61) In the 2 spaces adjacent the Grand Union on North Avenue.
- (62) In the 2 spaces adjacent Hunt School on North Avenue.
- (63) In the 2 spaces adjacent the P&C Store on North Avenue.
- (64) In the 2 spaces adjacent the Elks Club on North Avenue.
- (65) In the 2 spaces adjacent Burlington High School.

- (66) In the space adjacent Yankee Medical on North Avenue.
- (67) In the space adjacent Burlington College.
- (68) In the space adjacent O'Brien Water Treatment Facility.
- (69) In the 2 spaces adjacent the Burlington Electric Department at 585 Pine Street.
- (70) In the space adjacent the Burlington Health Center at 789 Pine Street.
- (71) In the space adjacent Champlain School on Pine Street.
- (72) In the 2 spaces adjacent Chutes Restaurant on Shelburne Street.
- (73) In the 2 spaces adjacent Hamrick Hall at Champlain College.
- (74) In the 2 spaces adjacent Freeman Hall at Champlain College.
- (75) On the west side of Intervale Avenue in the first space north of Spring Street.
- (76) In the 5 spaces in the parking area at Northgate-Greenfield housing complex.
- (77) On the north side of Flynn Avenue, in the first space east of the train tracks.
- (78) In the space in front of 177 South Winooski Avenue.
- (79) In the space in front of 178 Pine Street.
- (80) In the first parking space east of the driveway for 135 Manhattan Drive.
- (81) Reserved.
- (82) On the south side of Main Street in the second space west of Church Street.
- (83) Reserved.
- (84) In the first space west of St. Paul Street, on the north side of College Street.
- (85) In the space in front of 63 Pearl Street.
- (86) In the space in front of 83 North Avenue, approximately 100 feet south of the entrance to the Burlington College parking lot.
- (87) On the south side of Marble Avenue in front of number 81.

- (88) On the south side of College Street in the space in front of the Fletcher Free Library.
- (89) On the north side of King Street, in the first and second spaces east of St. Paul Street.
- (90) In the space in front of 412 North Street.
- (91) In the fifth space north of Pearl Street on the west side of Elmwood Avenue.
- (92) In the space in front of 122 North Street.
- (93) On the south side of College Street, in the first 2 spaces adjacent the Community Boathouse.
- (94) On the north side of College Street in front of 206 College Street.
- (95) On the north side of North Street in the first space east of Lafountain Street.
- (96) On the west side of Elmwood Avenue in the first space north of Pearl Street.
- (97) In the third space north of King Street, on the west side of Church Street.
- (98) In the space in front of 120 North Champlain Street.
- (99) In the space in front of 279 North Winooski Avenue.
- (100) On the south side of Bank Street in the first space east of Church Street.
- (101) In front of 85 Peru Street.
- (102) The space in front of 102 Hyde Street.
- (103) The space in front of 168 North Champlain Street.
- (104) The southernmost space in front of 192 Pine Street.
- (105) Three spaces in front of 31 South Prospect Street.
- (106) First two (2) spaces at the westernmost end of Sherman Street on the south side.
- (107) Two (2) spaces internal to 1 North Avenue.
- (108) The first space south of Haswell Street on the east side of Lakeview Terrace.

- (109) Space in front of 176 Battery Street.
- (110) On the north side of College Street, in the first space east of South Willard Street.
- (111) First two (2) spaces just north of Sherman Street on the west side of North Avenue.
- (112) First space on the south side of Main Street just west of Battery Street.
- (113) The space in front of 88 East Avenue.
- (114) The space in front of 33 North Avenue.
- (115) The space in front of 511 South Union Street.
- (116) In the space in front of 25 South Willard Street.
- (117) On the west side of Convent Square in the second space north of Washington Street.
- (118) In the space in front of 338 Pearl Street.
- (119) On the west side of St. Paul Street, in the fifth space south of King Street.
- (120) In the space in front of 47 Maple Street.
- (121) In the space in front of 47 Central Avenue.
- (122) In the space in front of 300 Flynn Avenue.
- (123) On the east side of Church Street, in the space in front of 243 Church Street.
- (124) The space in front of 30 Main Street.
- (125) On the west side of South Union Street in the first parking space north of King Street.
- (126) In the space in front of 205 North Winooski Avenue.
- (127) The space in front of 189 Battery Street.
- (128) The space in front of 64 North Street.
- (129) The space in front of 45 Kilburn Street.

- (130) Reserved.
- (131) The space in front of 20 Allen Street.
- (132) In the space in front of 16 Luck Street.
- (133) On the south side of Pearl Street, beginning 70 feet west of One Church/Pearl Street extending west for 40 feet.
- (134) On the north side of Main Street, beginning 100 feet west of St. Paul Street for 20 feet.
- (135) The space in front of 407 South Winooski Avenue.
- (136) On the east side of Lakeview Terrace beginning two hundred thirty-four (234) feet north of Canfield Street and extending north for a distance of twenty (20) feet.
- (137) Reserved.
- (138) On the east side of St. Paul Street in the first space north of the bump-out.
- (139) Reserved.
- (140) On the north side of College Street in the first space west of South Union Street.
- (141) On the west side of Orchard Terrace in the space directly across from the driveway to number 16.
- (142) The space in front of 132 North Street.
- (143) In the space in front of 31 Spring Street.
- (144) Reserved.
- (145) In the space in front of 19 Mills Street.
- (146) Reserved.
- (147) In front of 41 Bright Street.
- (148) On the west side of North Winooski Avenue in the first space south of the driveway at 321 North Winooski Avenue.
- (149) In the space in front of 217 Church Street.

- (150) On the west side of Lafountain Street in the first space south of Manhattan Drive.
- (151) In the space in front of 32 Rose Street.
- (152) On the east side of Church Street in the first space north of King Street.
- (153) On the south side of Main Street in the fourth space east of Church Street.
- (154) In the first space south of the driveway to 11 Fletcher Place.
- (155) On the east side of Battery Street in the second space south of King Street.
- (156) The space in front of 240 North Willard Street.
- (157) On the north side of Main Street in the fifth space west of South Winooski Avenue.
- (158) Reserved.
- (159) On the west side of Fletcher Place in the first parking space south of the driveway for 43 Fletcher Place.
- (160) In the first space west of North Union Street on the north side of Grant Street.
- (161) On the north side of Birch Court Extension across from 111 Birch Court Extension.
- (162) On the south side of Archibald Street in front of 79 Archibald Street.
- (163) On the east side of Blodgett Street in front of 80 Blodgett Street.
- (164) On the east side of Lake Street in the first parking space north of College Street.
- (165) On the south side of Lyman Avenue in front of 57 Lyman Avenue.
- (166) On the south side of Maple Street directly across from Harrington Terrace.
- (167) In the space in front of 1 Johnson Street.
- (168) On the north side of Pearl Street in the first space west of the driveway to 10 North Champlain Street.
- (169) On the north side of Cherry Street in the sixth space east of St. Paul Street.

- (170) On the south side of Adams Court beginning three hundred forty-seven (347) feet east of Shelburne Street and extending east for a distance of twenty (20) feet.
- (171) On the east side of Russell Street in front of number 20 from January 1 to March 1.
- (172) On the north side of King Street in the first parking space east of Battery Street.
- (173) On the north side of King Street in the second parking space east of Battery Street.

(Reg. of 5-24-95; Reg. of 6-28-95; Reg. of 8-9-95; Reg. of 11-14-95; Reg. of 12-10-96; Regs. of 11-6-96; Reg. of 12-11-96; Regs. of 9-24-97; Regs. of 12-3-97; Reg. of 3-4-98; Regs. of 7-22-98; Reg. of 10-14-98; Reg. of 10-28-98; Reg. of 4-8-99; Reg. of 8-25-99; Regs. of 10-27-99; Reg. of 1-5-00; Reg. of 3-22-00; Reg. of 4-5-00; Regs. 5-3-00; Reg. of 7-19-00; Regs. of 10-4-00; Regs. of 12-20-00; Reg. of 12-6-01; Reg. of 3-6-02; Regs. of 6-12-02; Regs. of 7-10-02; Reg. of 3-11-03; Reg. of 4-8-03; Reg. of 5-7-03; Reg. of 6-4-03; Reg. of 7-9-03; Reg. of 8-13-03; Regs. of 10-7-03; Reg. of 1-7-04; Reg. of 4-7-04; Regs. of 5-19-04; Reg. of 7-7-04; Reg. of 8-4-04; Reg. of 9-1-04; Reg. of 10-13-04; Reg. of 12-1-04; Reg. of 4-13-05; Reg. of 5-18-05; Reg. of 6-22-05; Reg. of 10-5-05/11-9-05; Reg. of 3-1-06/4-5-06; Reg. of 6-7-06/7-12-06; Reg. of 7-5-06, eff. 8-9-06; Reg. of 10-3-06, eff. 11-22-06; Reg. of 1-3-07(4), eff. 2-14-07; Reg. of 2-7-07(5), eff. 3-21-07; Reg. of 4-4-07, eff. 5-2-07; Reg. of 6-5-07, eff. 7-4-07; Reg. of 8-5-07, eff. 10-3-07; Reg. of 10-10-07(2), eff. 11-14-07; Reg. of 11-12-08(3), eff. 12-17-08; Reg. of 6-10-09(2), eff. 7-8-09; Reg. of 1-13-10, eff. 3-24-10; Reg. of 11-17-10(3), eff. 12-15-10; Reg. of 12-15-10, eff. 1-12-11; Reg. of 1-12-11(2), eff. 2-9-11; Reg. of 2-16-11(1), eff. 3-23-11; Reg. of 2-16-11(2), eff. 3-23-11; Reg. of 6-15-11(4), eff. 7-20-11; Reg. of 7-20-11(2), eff. 8-31-11; Reg. of 9-6-11, eff. 10-5-11; Reg. of 1-18-12(2), eff. 2-15-12; Reg. of 2-15-12, eff. 3-14-12; Reg. of 5-16-12, eff. 6-27-12; Reg. of 6-20-12(2), eff. 8-8-12; Reg. of 7-11-12(2), eff. 8-29-12; Reg. of 9-6-12, eff. 10-31-12; Reg. of 11-28-12(2), eff. 1-2-13; Reg. of 12-19-12(2), eff. 1-30-13; Reg. of 6-19-13(2), eff. 7-24-13; Reg. of 7-11-13, eff. 8-7-13; Reg. of 9-18-13(5), eff. 10-23-13; Reg. of 10-30-13(2), eff. 12-4-13; Reg. of 12-4-13(2), eff. 1-8-14; Reg. of 2-19-14(3), eff. 4-16-14; Reg. of 7-16-14(3), eff. 9-17-14; Reg. of 10-15-14(1), eff. 11-19-14; Reg. of 10-15-14(2), eff. 11-19-14; Reg. of 10-15-14(5), eff. 1-28-15; Reg. of 12-17-14(2), eff. 2-25-15; Reg. of 2-18-15(1), eff. 3-25-15; Reg. of 4-15-15(2), eff. 6-10-15; Reg. of 4-15-15(1), eff. 6-17-15; Reg. of 5-20-15, eff. 9-9-15; Reg. of 9-16-15(2), eff. 10-14-15; Reg. of 11-18-15(3), eff. 12-30-15; Reg. of 2-17-16(2), eff. 6-8-16; Reg. of 6-15-16(1), eff. 7-27-16; Reg. of 6-15-16(2), eff. 7-27-16; Reg. of 7-20-16(1a), eff. 6-27-18; Reg. of 9-21-16(1a), eff. 10-19-16; Reg. of 10-19-16(1), eff. 6-7-17; Reg. of 9-20-17(2), eff. 11-29-17; Reg. of 10-18-17(2), eff. 11-29-17; Reg. of 1-17-18(2), eff. 2-21-18; Reg. of 4-18-18(1), eff. 5-16-18; Reg. of 5-16-18(2), eff. 6-27-18; Reg. of 6-20-18(3), eff. 8-1-18; Reg. of 6-20-18(4), eff. 8-1-18; Reg. of 7-18-18(1), eff. 8-29-18; Reg. of 11-28-18(2), eff. 1-9-19; Reg. of 9-18-19 (5), eff. 10-30-19; Reg. of 10-23-19, eff. 12-11-19; Reg. of 11-20-19(2), eff. 1-29-20; Reg. of 12-18-19, eff. 1-29-20; Reg. of 1-15-20(1), eff. 2-19-20; Reg. of 2-19-20(1), eff. 3-25-20; Reg. of 7-15-20(1), eff. 9-9-20; Reg. of 11-18-20(1), eff. 2-3-21; Reg. of 2-17-21(3), eff. 3-17-21; Reg. of 3-17-21(1), eff. 5-12-21; Reg. of 5-19-21(3), eff. 6-23-21; Reg. of 6-16-21, eff. 7-14-21; Reg. of 3-16-22(4), eff. 5-4-22; Reg. of 2-16-22, eff. 8-31-22; Reg. of 8-24-22(6), eff. 9-21-22; Reg. of 9-21-22(1), eff. 10-26-22; Reg. of 12-21-22, eff. 2-1-23; Reg. of 2-15-23(b), eff. 6-14-23; Reg. of 5-17-23(3), eff. 7-12-23; Reg. of 6-21-23(2), eff. 7-19-23; Reg. of 7-26-23(5), eff. 9-6-23; Reg. of 9-20-23(2), eff. 11-1-23)

7B No stopping, standing or parking for certain purposes.

Stopping, standing or parking is prohibited:

- (1) On the west side of North Avenue, north of Institute Road for a distance of four hundred twenty (420) feet, for the purpose of loading or unloading passengers.
- (2) On the south side of Main Street beginning one hundred twenty (120) feet west of Church Street and extending west for twenty-four (24) feet, except temporarily for the purpose of dropping off or picking up passengers.

(Reg. of 2-20-73; Reg. of 4-4-07, eff. 5-2-07; Reg. of 7-18-07(1), eff. 8-15-07)

Editor's note—Although Reg. of Feb. 20, 1973, expressly amended Rev. Ords. 1962, § 5258 by adding (8), which section is codified as § 20-55 in the Code, at the editor's discretion this item has been added as § 7-1 of this appendix.

8 No parking 7:30 a.m. to 4:30 p.m. weekdays.

No person shall park any vehicle between the hours of 7:30 a.m. and 4:30 p.m., Mondays through Fridays inclusive, in any of the following locations:

- (1) On the north side of Allen Street.
- (2) Repealed.
- (3) On the north side of Colchester Avenue for three hundred (300) feet west of the west driveway to Trinity College.
- (4) On the north side of Ferguson Avenue for two hundred seventy (270) feet west of Pine Street.
- (5) Reserved.
- (6) Reserved.
- (7) On the south side of Main Street for the distance of one hundred seventy-three (173) feet between the driveway at 601 Main Street.
- (8) Reserved.
- (9) On the south side of North Street for two hundred sixty-eight (268) feet west of Murray Street.
- (10) Repealed.
- (11) On the west side of North Avenue Extension for five hundred (500) feet north of Starr Farm Road.
- (12) On the south side of Pearl Street for two hundred ten (210) feet west of St. Paul Street.
- (13) Repealed.

- (14) On the west side of Pine Street for two hundred (200) feet north from the south boundary of the Champlain School Property.
- (15) On the west side of Pine Street between Flynn Avenue and Ferguson Avenue.
- (16) On the west side of Shelburne Street for two hundred eighty (280) feet north of Locust Street.
- (17) Repealed.
- (18) Repealed.
- (19) On the east side of St. Paul Street for 70 feet south of the northerly driveway of 44 Pine Street.

(Rev. Ords. 1962, § 5309; 1969 Cum. Supp., § 5309; Reg. of 4-16-71; Reg. of 1-15-73; Reg. of 2-5-79; Reg. of 11-3-80; Reg. of 9-1-04; Reg. of 5-15-19(1), eff. 9-11-19; Reg. of 12-15-21(2), eff. 10-26-22)

Cross reference—Authority to prohibit parking, § 20-53; general prohibitions against parking, § 20-55; extended parking prohibited, § 20-61; parking on premises of another prohibited, § 20-62.

9 Fifteen-minute parking.

- (a) No person shall park a vehicle longer than fifteen (15) minutes, between the hours of 8:00 a.m. and 10:00 p.m., Sundays and holidays excepted, in the following areas:
 - (1) In the parking space in front of 50 Archibald Street.
 - (2) On the west side of Battery Street between the driveways leading to Herberg's Auto Service.
 - (3) In the parking space in front of 5 Cherry Street.
 - (4) In the parking space in front of the entrance to the premises at 35 Cherry Street.
 - (5) In the parking space on the west side of Cherry Street next westerly of South Champlain Street.
 - (6) On the west side of Church Street in the single space beginning forty (40) feet south of King Street.
 - (7) Parking space on the west side of Church Street next northerly of Maple Street, and the space in front of 211 Church Street.

- (8) In the two designated parking spaces in front of 221 Colchester Avenue.
- (9) On the south side of Cherry Street for a distance of three hundred (300) feet west of Pine Street.
- (10) On the west side of Elmwood Avenue in the two spaces in front of 85 Elmwood Avenue.
- (11) Up to two spaces in the first two metered spaces on Bank Street just east of Pine Street for the extents of SRF construction.
- (12) A space on the north side of Grant Street, beginning fifty (50) feet west of North Winooski Avenue and running twenty (20) feet west.
- (13) On the north side of North Street in the first space east to the driveway for 134 North Street.
- (14) In the parking space in front of 179 Intervale Avenue.
- (15) In the space in front of 78 North Street.
- (16) On the west side of St. Paul Street in the first space south of Maple Street.
- (17) On the north side of North Street in the second space east of Park Street.
- (18) Reserved.
- (19) In the parking space in front of 35 Lafountain Street.
- (20) In the parking space in front of 43 Lafountain Street.
- (21) Reserved.
- (22) In the three (3) parking spaces in front of the entrance to the premises at 30 Main Street.
- (23) Reserved.
- (24) In the parking space in front of the premises at 565 Main Street.
- (25) Reserved.
- (26) Reserved.

- (27) On the north side of Maple Street opposite the parking space in front of 109 Maple Street.
- (28) In the parking space in front of the premises at 121 Maple Street.
- (29) In the parking space on the north side of Maple Street opposite 141 Maple Street.
- (30) Reserved.
- (31) On the east side of North Avenue in the space in front of 38 North Avenue.
- (32) Reserved.
- (33) Reserved.
- (34) In the parking space in front of 393 North Street.
- (35) On the east side of North Winooski Avenue in the first space north of North Street.
- (36) In the parking space in front of 64 North Winooski Avenue.
- (37) In the parking space in front of 74 North Winooski Avenue.
- (38) Reserved.
- (39) In the parking space in front of 207 North Winooski Avenue.
- (40) In the parking space in front of the premises at 211 North Winooski Avenue.
- (41) In the parking space in front of 279 North Winooski Avenue.
- (42) Reserved.
- (43) Reserved.
- (44) Reserved.
- (45) In the parking space in front of 349 Pearl Street.
- (46) In the parking space in front of 56 Peru Street.
- (47) In the parking space in front of 120 Pine Street.
- (48) In the parking space on the easterly side of Pine Street next northerly of Flynn Avenue.

- (49) In the parking space opposite 689 Riverside Avenue.
- (50) In the 3 parking spaces on the east side of Rose Street in front of 82 Rose Street.
- (51) In the parking space in front of 219 St. Paul Street.
- (52) Reserved.
- (53) In the first space south of Maple Street, on the west side of St. Paul Street.
- (54) In the parking space in front of 11 Henry Street.
- (55) In the parking space in front of 53 Howard Street.
- (56) In the parking space in front of 31 North Champlain Street.
- (57) In the parking space in front of 90 North Winooski Avenue.
- (58) In the parking space in front of 300 South Winooski Avenue.
- (59) In the parking space in front of 166 North Street.
- (60) In the parking space in front of 52 Colchester Avenue.
- (61) Reserved.
- (62) In the parking space in front of 205 Manhattan Drive.
- (63) In the parking space in front of 155 Battery Street.
- (64) In the parking space in front of 303 Colchester Avenue.
- (65) Reserved.
- (66) Reserved.
- (67) In the parking space in front of 880 Pine Street.
- (68) In the parking space in front of 254 North Street.
- (69) In the parking space in front of 179 North Union Street.
- (70) Reserved.
- (71) Reserved.

- (72) In the parking space southerly to King Street on the west side of South Winooski Avenue.
- (73) Two spaces in front of 47 Maple Street.
- (74) In the parking space in front of 57—59 North Avenue.
- (75) In the parking space in front of 18 Ward Street.
- (76) Reserved.
- (77) Conger Avenue, No. 37, two spaces on the west side between Wright Avenue and Avenue, north of recreation field.
- (78) In the parking space northerly to Monroe Street on the east side of North Champlain Street.
- (79) In the parking space westerly to Park Street on the north side of North Street.
- (80) Reserved.
- (81) In the parking space in front of 50 Barrett Street.
- (82) On the east side of North Champlain Street in the single space beginning 300 feet north of Peru Street.
- (83) On the east side of Bright Street between Archibald Street and North Winooski Avenue.
- (84) In the parking space opposite 203 North Champlain Street.
- (85) On the east side of Mansfield Avenue from the fire station to Loomis Street.
- (86) In the parking space in front of 203 North Avenue.
- (87) In the parking space in front of 97 North Street.
- (88) In the parking space southerly to Peru Street on the west side of North Champlain Street.
- (89) In the parking space in front of 50 Bright Street.
- (90) Reserved.

- (91) In the parking space on the easterly side of South Champlain Street next southerly of Main Street.
- (92) Reserved.
- (93) In the parking space in front of 77 Ferguson Avenue.
- (94) Reserved.
- (95) Reserved.
- (96) Reserved.
- (97) Reserved.
- (98) In the parking space on the east side of Walnut Street, next northerly of Archibald Street.
- (99) In the 2 spaces in front of 424 Pine Street.
- (100) In the 2 spaces in front of 422 Pine Street.
- (101) For a distance of 65 feet in front of 118 Pine Street.
- (102) In the parking space in front of 376 College Street.
- (103) In the 3 spaces in front of 194 North Street.
- (104) Reserved.
- (105) In the space in front of 184 North Street.
- (106) Reserved.
- (107) Reserved.
- (108) Reserved.
- (109) In the first 2 spaces on the north side of North Street, next westerly of Park Street, being in front of 74 North Street.
- (110) Reserved.
- (111) Reserved.

- (112) In the parking space in front of 14 Germaine Street.
- (113) In the first space west of Pitkin Street, on the north side of North Street.
- (114) On the east side of George Street across from #23.
- (115) In the designated space in front of 361 St. Paul Street.
- (116) Reserved.
- (117) Reserved.
- (118) On the east side of East Avenue, in the spaces in front of 12 and 14 East Avenue.
- (119) Reserved.

Editor's note—An ordinance adopted Nov. 4, 1985, amended App. C, § 9 by adding new provisions designated as subsection (115). Inasmuch as § 9(a) already contained provisions designated as subsection (115), the editor has included the new provisions of the Nov. 4 ordinance as subsection (119).

- (120) On the north of the access drive to the main entrance to the Fletcher Free Library.

Editor's note—Traffic regulations adopted Feb. 26, 1986, amended App. C, § 9 by adding new provisions designated as subsection(119). Inasmuch as regulations adopted Nov. 4, 1985, have already been included as subsection (119), the editor, at his discretion, has included the provisions of the Feb. 26 regulations as subsection (120).

- (121) On the south side of Bank Street, in the space next easterly of the driveway to Henry's Diner.
- (122) Reserved.
- (123) Reserved.
- (124) In the designated space in front of 186 South Winooski Avenue.
- (125) The spaces in front of number 114 North Street.
- (126) Reserved.

(b) No person shall park any vehicle, at any time, longer than fifteen (15) minutes at the following locations:

- (1) In the space in front of 65 Intervale Avenue, being the first space north of Spring Street on the west side of Intervale Avenue.

- (2) In the space in front of 44 North Champlain Street.
- (3) On the east side of North Willard Street in the first two parking spaces south of North Street.
- (4) On the west side of North Willard Street, in the first space south of North Street.
- (5) Reserved.
- (6) On the west side of Ethan Allen Parkway for 200 feet in front of C.P. Smith School.
- (7) In the parking space in front of 117 North Street.
- (8) In the parking space in front of 194 North Street.
- (9) In front of 92 North Street.
- (10) In the first space north of King Street on the west side of Battery Street.
- (11) In the space in front of 197 North Winooski Avenue.
- (12) On the west side of Murray Street in the 3 spaces adjacent to Lawrence Barnes School.
- (13) Reserved.
- (14) On the east side of Pine Street in the spaces in front of Champlain School, to be effective Monday through Friday between the hours of 7:00 a.m. to 9:00 a.m. and 1:30 p.m. to 4:00 p.m., holidays excepted.
- (15) In the first space east of Pitkin Street, on the north side of North Street.
- (16) In the space in front of 217 Church Street.
- (17) In the space in front of 233 St. Paul Street.
- (17.1) In the space in front of 184 North Street. To be effective between the hours of 8:00 a.m. and 5:00 p.m.
- (18) On the south side of Colchester Avenue, in the first space west of Latham Court, and only between the hours of 9:00 a.m. and 3:20 p.m.
- (19) In the space in front of 74 King Street.

- (20) On the west side of North Winooski Avenue in the sixth and seventh spaces north of the driveway at 321 North Winooski Avenue from noon to 9:00 p.m.
- (21) In the 4 spaces in front of St. Joseph's School on the north side of Allen Street.
- (22) On the south side of Sherman Street in the third and fourth parking spaces west of North Avenue, to be effective between the hours of 7:00 a.m. to 9:00 p.m., beginning May 1st and ending October 1st.
- (23) In the space in front of 198 College Street.
- (24) In the space in front of 160 Bank Street.
- (25) In the second space west of South Winooski Avenue on the south side of Main Street.
- (26) Reserved.
- (27) On the north side of North Street in the first space east of Rose Street between the hours of 12:00 p.m. and 10:00 p.m.
- (28) Reserved.
- (29) On the east side of North Champlain Street in the first two (2) spaces north of Peru Street between the hours of 8:00 a.m. and 8:00 p.m.
- (30) On the south side of Henry Street in the first two (2) spaces west of the driveway to 17 Henry Street between the hours of 7:00 a.m. and 6:00 p.m.
- (31) On the south side of Henry Street in the first space west of the driveway to 114 North Willard Street between the hours of 7:00 a.m. and 6:00 p.m.
- (32) On the south side of Henry Street in the first space east of the driveway to 114 North Willard Street extending thirty-five (35) feet east between the hours of 7:00 a.m. and 6:00 p.m.
- (33) In the three (3) designated spaces on the south side of Colchester Avenue in front of 273 Colchester Avenue, between the hours of 6:00 a.m. and 9:00 p.m., holidays excepted.
- (34) In the two (2) designated spaces on the south side of Colchester Avenue in front of 291 and 297 Colchester Avenue, between the hours of 9:00 a.m. and 6:00 p.m., Sundays and holidays excepted.

(c) No person shall park a vehicle longer than fifteen (15) minutes, between the hours of 8:00 a.m. and 6:00 p.m., Sundays and holidays excepted, in the following areas:

- (1) On the north side of North Street starting forty (40) feet west of North Champlain Street extending twenty (20) feet.
- (2) On the north side of North Street starting sixty (60) feet west of North Champlain Street extending twenty (20) feet.
- (3) On the north side of North Street starting thirty (30) feet east of North Champlain Street extending twenty (20) feet.
- (4) On the north side of North Street starting fifty (50) feet east of North Champlain Street extending twenty (20) feet.
- (5) On the east side of North Champlain Street starting thirty (30) feet north of North Street extending twenty (20) feet.
- (6) On the east side of North Champlain Street starting fifty (50) feet north of North Street extending twenty (20) feet.
- (7) On the east side of North Champlain Street starting twenty-eight (28) feet south of North Street extending twenty (20) feet.
- (8) On the east side of North Champlain Street starting forty-five (45) feet south of North Street extending twenty (20) feet.
- (9) On the south side of King Street between Pine Street and St. Paul Street starting one hundred thirty (130) feet east of Pine Street and extending sixty (60) feet east.
- (10) In the parking space in front of 83 North Winooski Avenue.

(d) No person shall park any vehicle longer than fifteen (15) minutes from 7:00 a.m. to 9:00 a.m. and from 2:00 p.m. to 5:00 p.m., Monday through Friday in the areas designated below. Parking shall be prohibited at all other times in these locations:

- (1) On the south side of Main Street starting one hundred (100) feet east of South Union Street extending two hundred (200) feet east.
- (2) On the south side of Main Street starting one hundred fifty-four (154) feet west of South Willard Street extending two hundred forty (240) feet west.
- (3) Reserved.

(Rev. Ords. 1962, § 5310; 1969 Cum. Supp., § 5310, Reg. of 12-22-70; Reg. of 5-18-71; Reg. of 6-15-71; Reg. of 9-21-71; Reg. of 11-19-71; Reg. of 1-17-72; Reg. of 5-15-72; Reg. of 1-15-73; Reg. of 9-17-73; Reg. of 11-19-73; Reg. of 6-17-74; Reg. of 8-19-74; Reg. of 2-10-75; Reg. of 4-28-75; Reg. of 10-20-75; Reg. of 11-17-75; Reg. of 5-3-76; Reg. of 9-13-76; Reg. of 11-22-76; Reg. of 2-14-77; Reg. of 4-11-77; Reg. of 7-18-77; Reg. of 9-19-77; Reg. of 4-2-79; Reg. of 7-9-79; Reg. of 12-3-79; Reg. of 5-5-80; Reg. of 9-8-90; Reg. of 12-1-80; Reg. of 9-8-81; Reg. of 1-11-82; Reg. of 6-7-82; Reg. of 7-12-82; Reg. of 8-1-83; Reg. of 4-2-84; Reg. of 5-7-84; Reg. of 8-6-84; Reg. of 1-7-85; Reg. of 3-4-85; Reg. of 7-8-5; Reg. of 10-6-85; Reg. of 11-4-85; Reg. of 2-26-86; Reg. of 11-18-87; Reg. of 1-27-88; Reg. of 2-23-88; Reg. of 5-25-88; Reg. of 7-27-88; Reg. of 10-5-88; Reg. of 2-27-89; Reg. of 7-26-89; Reg. of 5-30-90; Reg. of 8-22-90; Reg. of 1-30-91; Reg. of 6-26-91; Reg. of 2-19-92; Reg. of 4-17-92; Reg. of 5-5-93; Reg. of 8-8-94; Reg. of 12-10-96; Regs. of 12-3-97; Regs. of 7-22-98; Regs. of 10-14-98; Reg. of 9-15-99; Reg. of 1-5-00; Reg. of 5-3-00; Reg. of 12-26-00; Reg. of 7-19-00; Reg. of 12-6-01; Reg. of 4-3-02; Reg. of 12-23-02; Regs. of 7-9-03; Reg. of 8-8-03; Reg. of 10-7-03; Reg. of 1-7-04; Reg. of 12-1-04; Reg. of 6-22-05; Reg. of 7-6-05, eff. 8-3-05; Reg. of 10-5-05/11-9-05; Reg. of 7-25-06, eff. 8-23-06; Reg. of 10-3-06, eff. 11-22-06; Reg. of 11-14-07(3), eff. 12-12-07; Reg. of 2-13-08(1), eff. 3-19-08; Reg. of 3-11-09(7), eff. 5-27-09; Reg. of 9-9-09(4), eff. 11-25-09; Reg. of 9-9-09(5), eff. 2-3-10; Reg. of 2-18-10(2), eff. 4-7-10; Reg. of 7-20-11(3), eff. 8-31-11; Reg. of 10-16-11(2), eff. 1-4-12; Reg. 12-19-12(3), eff. 1-30-13; Reg. of 1-16-13(2), eff. 2-27-13; Reg. of 11-20-13(3), eff. 1-1-14; Reg. of 3-19-14(2), eff. 4-23-14; Reg. of 4-16-14(1), eff. 5-14-14; Reg. of 10-15-14(3), eff. 11-19-14; Reg. of 10-15-14(6), eff. 7-15-15; Reg. of 4-15-15(3), eff. 7-15-15; Reg. of 5-18-16(1), eff. 6-15-16; Reg. of 10-19-16(1), eff. 6-7-17; Reg. of 5-17-17(1), eff. 6-28-17; Reg. of 4-18-18(2), eff. 5-16-18; Reg. of 4-16-19(3), eff. 5-29-19; Reg. of 6-19-19(4), eff. 7-24-19; Reg. of 6-19-19(5), eff. 7-24-19; Reg. of 9-18-19(6), eff. 10-30-19; Reg. of 11-20-19(3), eff. 1-1-20; Reg. of 1-15-20(2), eff. 2-19-20; Reg. of 11-18-20(2), eff. 2-3-21; Reg. of 6-22-22, eff. 7-20-22; Reg. of 8-24-22(5), eff. 9-21-22; Reg. of 8-24-22(7), eff. 9-21-22; Reg. of 8-24-22(8), eff. 9-21-22; Reg. of 4-19-23(3), eff. 5-24-23; Reg. of 2-15-23(b), eff. 6-14-23; Reg. of 5-17-23(3), eff. 7-12-23; Reg. of 5-17-23(3a), eff. 8-16-23; Reg. of 5-17-23(4), eff. 7-12-23; Reg. of 6-21-23(2), eff. 7-19-23; Reg. of 6-21-23(3), eff. 7-19-23)

Cross reference—Authority to prohibit parking, § 20-53; general prohibitions against parking, § 20-55; extended parking prohibited, § 10-61; parking on premises of another prohibited, § 20-62.

9-1 Three-hour parking.

No person shall park a vehicle for a period longer than three (3) hours, between the hours of 9:00 a.m. and 6:00 p.m., Sundays and holidays excepted, in the following locations:

- (1) On either side of St. Paul Street between Main Street and Maple Street.

(Reg. of 12-19-18(1), eff. 1-30-19)

9-2 Four-hour parking.

No person shall park any vehicle, at any time, longer than four (4) hours at the following locations:

- (1) The west side of Overlake Park. The restriction is in effect Monday through Friday 8:00 a.m. to 4:00 p.m.

- (2) The north side of Allen Street for one hundred thirty-six (136) feet east of Murray Street. The restriction is in effect Monday through Friday 8:00 a.m. to 4:00 p.m.

- (3) The north side of Allen Street for two hundred sixty-nine (269) feet west of Elmwood Avenue. The restriction is in effect Monday through Friday 8:00 a.m. to 4:00 p.m.

(Reg. of Ord. 7-13-17(5), eff. 10-11-17; Reg. of 9-20-17(3), eff. 11-29-17; Reg. of 9-20-17(4), eff. 5-30-18)

10 Two-hour parking.

No person shall park a vehicle for a period longer than two (2) hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and holidays excepted, in the following locations:

- (1) On either side of Elmwood Avenue between Allen Street and North Street.
- (2) Reserved.
- (3) In the space on the west side of South Union Street from a point 50 feet north of Maple Street to a point 221 feet north of Maple Street.
- (4) The first three spaces south of North Winooski Avenue on the west side of North Union Street.
- (5) Reserved.
- (6) On the north side of North Street between North Avenue and Elmwood Avenue.
- (7) On the west side of Hungerford Terrace from Pearl Street to Buell Street.
- (8) On the west side of South Union Street from King Street extending 100 feet northerly.
- (9) On the south side of Main Street, from Battery Street to Lake Street.
- (10) First 2 spaces south of Pearl Street on the east side of South Willard Street.
- (11) The south side of Sherman Street, starting 20 feet west of North Avenue, extending west to its terminus.
- (12) On the west side of South Champlain Street beginning at the southernmost edge of the driveway accessing the parking area for 237 South Champlain Street and extending south for a distance of 240 feet.
- (13) On the east side of Pine Street starting 132 feet south of the parking lot on the north side of 412 Pine Street extending 60 feet south.
- (14) On the North side of Howard Street starting 70 feet east of Pine Street extending 55 feet east.
- (15) On the east side of East Avenue in the first two (2) spaces south of Colchester Avenue.

- (16) On the north side of Maple Street starting one hundred fifty-three (153) feet east of South Champlain Street extending sixty (60) feet east, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.
- (17) On the east side of Pine Street starting fifty (50) feet south of Marble Avenue extending one hundred thirty-three (133) feet south.
- (18) On the east side of Pine Street starting one hundred five (105) feet south of Howard Street extending one hundred forty-seven (147) feet south.
- (19) On the west side of North Winooski Avenue in the first three (3) spaces south of Riverside Avenue.
- (20) On the west side of Hyde Street, beginning sixty-five (65) feet south of Riverside Avenue and extending south for a distance of forty (40) feet.

(Rev. Ords. 1962, § 5311; 1969 Cum. Supp., § 5311, Reg. of 12-22-70; Reg. of 9-19-77; Reg. of 9-29-92; Reg. of 11-14-95; Regs. (two) of 10-14-98; Reg. of 2-17-99; Reg. of 5-12-99; Reg. of 8-8-01; Reg. of 11-14-06, eff. 12-13-06; Reg. of 11-14-07(4), eff. 12-12-07; Reg. of 2-13-08(2), eff. 3-19-08; Reg. of 6-15-11(5), eff. 7-20-11; Reg. of 6-20-12(3), eff. 8-8-12; Reg. of 9-18-13(6), eff. 10-23-13; Reg. of 2-21-18(2), eff. 4-25-18; Reg. of 2-19-20(2), eff. 3-25-20; Reg. of 12-16-20, eff. 2-3-21; Reg. of 5-19-21(4), eff. 6-23-21; Reg. of 2-15-23(b), eff. 6-14-23; Reg. of 5-17-23(3), eff. 7-12-23; Reg. of 6-21-23(4), eff. 7-19-23)

Cross reference—Authority to prohibit parking, § 20-53; general prohibitions against parking, § 20-55; extended parking prohibited, § 20-61; parking on premises of another prohibited, § 20-62.

10-1 Time limits; two-hour parking.

No person shall park a vehicle for a period longer than two (2) hours in the following locations:

- (1) On the west side of North Winooski Avenue in the first four (4) spaces north of the driveway at 321 North Winooski Avenue from noon to 9:00 p.m.
- (2) On the south side of Archibald Street in the first three (3) spaces west of North Winooski Avenue from 3:00 p.m. to 9:00 p.m.
- (3) On the west side of North Winooski Avenue in the first four (4) spaces north of the driveway at 241 North Winooski Avenue from 3:00 p.m. to 9:00 p.m.
- (4) On the west side of North Winooski Avenue in the first two (2) spaces north of Decatur Street from 5:00 p.m. to 9:00 p.m.
- (5) On the north side of Decatur Street in the first two (2) spaces west of North Winooski Avenue from 5:00 p.m. to 9:00 p.m.

11 One-hour parking.

(a) No person shall park a vehicle for a period longer than one (1) hour between the hours of 8:00 a.m. and 6:00 p.m., Sundays and holidays excepted, in the following locations:

- (1) On the north side of Howard Street starting at the corner of Pine Street and extending 70 feet.
- (2) In the four (4) spaces on the south side of Brookes Avenue west of North Prospect Street.
- (3) In the two (2) spaces on the north side of Maple Street east of Church Street.
- (4) In the first space on the west side of St. Paul Street, next southerly of Howard Street.
- (5) In the zone in front of 97 Elmwood Avenue.
- (6) On the east side of Pine Street starting 50 feet north of Howard Street extending 95 feet north.
- (7) Reserved.
- (8) On the west side of Latham Court in the four (4) designated spaces east of the loading zone.
- (9) In the second and third spaces south of Maple Street on the east side of South Champlain Street.
- (10) On the south side of Kilburn Street beginning approximately 117 feet west of St. Paul Street and extending west for a distance of 20 feet.
- (11) On the east side of Pine Street starting 20 feet south of the parking lot on the North side of 412 Pine Street extending 112 feet.
- (12) Reserved.
- (13) On the west side of Intervale Avenue in the first eight (8) spaces north of North Street.

(b) No person shall park a vehicle for a period longer than one (1) hour between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, holidays excepted, in the following locations:

- (1) In the two (2) designated spaces in front of 297 Colchester Avenue.
- (2) On the north side of Maple Street, beginning 80 feet west of South Champlain Street and extending west for a distance of 20 feet.

(c) No person shall park a vehicle for a period longer than one (1) hour between the hours of 8:00 a.m. to 3:00 p.m., Monday through Friday, in the following locations:

- (1) All spaces located in front of 145—147 Elmwood Avenue.

(d) No person shall park a vehicle for a period longer than one (1) hour, Sundays and holidays excepted, in the following locations:

- (1) On the north side of Berry Street, beginning thirty-five (35) feet from the corner of North Avenue and extending thirty-five (35) feet to the west between the hours of 7:00 a.m. and 9:00 p.m.

(e) No person shall park a vehicle for a period longer than one (1) hour between the hours of 10:00 a.m. and 6:00 p.m., Monday through Friday, holidays excepted, in the following locations:

- (1) On the south side of Marble Avenue in the first space east of Pine Street.

(f) No person shall park a vehicle for a period longer than one (1) hour between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted, in the following locations:

- (1) On the north side of Lakeside Avenue, beginning twenty (20) feet east of the westernmost driveway to 128 Lakeside Avenue and continuing east for sixty (60) feet.

(Rev. Ords. 1962, § 5311a; 1969 Cum. Supp., § 5311a; Reg. of 1-15-73; Reg. of 2-23-76; Reg. of 8-9-76; Reg. of 3-4-80; Reg. of 11-3-80; Reg. of 6-3-85; Reg. of 7-8-85; Reg. of 6-27-92; Reg. of 12-3-97; Reg. of 5-17-01; Reg. of 6-20-01; Reg. of 12-6-01; Reg. of 4-13-05; Reg. of 6-15-11(6), eff. 7-20-11; Reg. of 9-19-12(2), eff. 10-31-12; Reg. of 11-28-12(3), eff. 1-2-13; Reg. of 5-22-14(2), eff. 7-2-14; Reg. of 11-20-19(4), eff. 1-1-20; Reg. of 2-19-20(3), eff. 3-25-20; Reg. of 8-24-22(8), eff. 9-21-22; Reg. of 2-15-23(b), eff. 6-14-23; Reg. of 5-17-23(3), eff. 7-12-23)

Cross reference—Authority to prohibit parking, § 20-53; general prohibitions against parking, § 20-55; extended parking prohibited, § 20-61; parking on premises of another prohibited, § 20-62.

11-1 Thirty-minute parking.

No person shall park any vehicle, at any time, longer than thirty (30) minutes at the following locations:

- (1) On the south side of Maple Street in the space east of 109 Maple Street.
- (2) In the space in front of 339 St. Paul Street.
- (3) First two (2) spaces on the north side of King Street, just east of Battery Street.
- (4) On the east side of South Champlain Street in the first space north of the driveway for 74 Maple Street.
- (5) On the east side of South Champlain Street in first seven spaces south of Maple Street. The restriction is in effect from 8:00 a.m. to 6:00 p.m. Sundays and Holidays excepted.
- (6) The first two (2) spaces on the west side of North Willard Street just north of Loomis Street. The restriction is in effect Monday through Friday 8:00 a.m. to 5:00 p.m.
- (7) On the north side of Maple Street, in the first two spaces west of South Champlain Street. The restriction is in effect Monday through Friday 8:00 a.m. to 4:00 p.m., holidays excepted.
- (8) On Gosse Court in the first two (2) spaces east of the driveway to 1304 North Avenue. The restriction is in effect from 8:00 a.m. to 5:00 p.m. Sundays and Holidays excepted.
- (9) On the west side of North Winooski Avenue, in the first space north of North Street.
- (10) Reserved.
- (11) On the north side of Maple Street in the first four spaces east of South Champlain Street. The restriction is in effect Monday through Friday 8:00 a.m. to 4:00 p.m., holidays excepted.
- (12) On the west side of North Avenue beginning fifty (50) feet north of Berry Street and extending forty (40) feet to the north between the hours of 7:00 a.m. and 9:00 p.m.
- (13) On the east side of Colchester Avenue starting thirty-three (33) feet from the corner of Colchester Avenue and Barrett Street and extending north sixty (60) feet.
- (14) Reserved.

(15) On the north side of Pearl Street beginning one hundred thirty-two (132) feet west of Pine Street and continuing west for fifty-eight (58) feet, effective from 2:00 p.m. to 7:00 a.m.

(16) On the south side of Riverside Avenue in the first three (3) spaces west of North Winooski Avenue. The restriction is in effect Monday through Friday, 9:00 a.m. to 4:00 p.m., holidays excepted.

(17) On the north side of North Street in the first space west of Elmwood Avenue. The restriction is in effect from 8:00 a.m. to 6:00 p.m., Sundays and holidays excepted.

(Ord. of 11-18-87; Reg. of 5-2-90; Reg. of 9-25-91; Reg. of 11-14-95; Regs. (two) of 10-14-98; Reg. of 5-17-01; Reg. of 3-23-05; Reg. of 4-13-05; Reg. of 4-27-05; Reg. of 6-7-07-12-06; Reg. of 11-14-06, eff. 12-13-06; Reg. of 1-3-07(5), eff. 2-14-07; Reg. of 11-14-07(5), eff. 12-12-07; Reg. of 2-13-08(3), eff. 3-19-08; Reg. of 3-21-12(2), eff. 4-25-12; Reg. of 9-18-13(7), eff. 10-23-13; Reg. of 5-22-14(3), eff. 7-2-14; Reg. of 5-21-14(1), eff. 4-8-15; Reg. of 5-21-14(2), eff. 4-29-15; Reg. of 10-19-16(2), eff. 4-5-17; Reg. of 10-18-17(3), eff. 11-29-17; Reg. of 3-21-18(2), eff. 5-9-18; Reg. of 12-19-18(2), eff. 1-30-19; Reg. of 1-15-20(3), eff. 2-19-20; Reg. of 2-19-20(4), eff. 3-25-20; Reg. of 9-21-22(2), eff. 10-26-22; Reg. of 2-15-23(b), eff. 6-14-23; Reg. of 5-17-23(5), eff. 6-28-23)

12 No parking daytime or weekdays except by trucks loading or unloading.

(a) No vehicle other than a truck actually engaged in loading or unloading shall, between the hours of 8:00 a.m. and 5:00 p.m., except Sunday, and for no more than thirty (30) minutes, use the following parking spaces:

(1) Reserved.

(2) On the east side of Battery Street starting one hundred fifteen (115) feet south of King Street.

(3) Reserved.

(4) Reserved.

(5) Reserved.

(6) Reserved.

(7) Reserved.

(8) Reserved.

(9) Reserved.

(10) Reserved.

- (11) Reserved.
- (12) Reserved.
- (13) Reserved.
- (14) Repealed.
- (15) Reserved.
- (16) Reserved.
- (17) Reserved.
- (18) Reserved.
- (19) Reserved.
- (20) Reserved.
- (21) Repealed.
- (22) The parking space on the east side of Park Street immediately north of North Street.
- (23) Reserved.
- (24) Reserved.
- (25) Reserved.
- (26) Repealed.
- (27) Reserved.
- (28) Reserved.
- (29) In the parking space on the north side of Bank Street in the second space east of Church Street.
- (30) Reserved.
- (31) Reserved.
- (32) Reserved.

- (33) Reserved.
- (34) Reserved.
- (35) Reserved.
- (36) North side of Bank Street east of St. Paul Street near 150 Bank Street.
- (37) Reserved.
- (38) South side of College Street west of Church Street.
- (39) Reserved.
- (40) North side of Cherry Street east of Church Street near 148 Cherry Street.
- (41) Reserved.
- (42) The space on the south side of College Street immediately east of Church Street.
- (43) Reserved.
- (44) Reserved.
- (45) Reserved.
- (46) The space on the south side of Cherry Street immediately east of Church Street for a distance of thirty (30) feet.
- (47) Reserved.
- (48) On the north side of College Street, in the third space west of St. Paul Street.
- (49) Reserved.
- (50) Reserved.
- (51) Reserved.
- (52) On the south side of Pearl Street in the first space east of Church Street.
- (53) East side of Church Street in the first space south of Main Street for a distance of 60 feet.

(54) One hundred twenty (120) feet from Church Street extending forty (40) feet on the north side of Bank Street in front of number 160.

(55) Reserved.

(56) Reserved.

(b) No vehicle other than a truck actually engaged in loading or unloading shall use, for no more than thirty (30) minutes, the following parking spaces:

(1) Reserved.

(2) Reserved.

(3) The parking space on the north side of North Street beginning fifty (50) feet west of Willard Street and extending west to the driveway of 382 North Street, between the hours of 7:00 a.m. and 2:00 p.m., Monday through Friday.

(Rev. Ords. 1962, § 5312; 1969 Cum. Supp. § 5312; Reg. of 10-6-69; Reg. of 12-22-70; Reg. of 5-18-71; Reg. of 6-15-71; Reg. of 9-21-71; Reg. of 11-19-71; Reg. of 1-17-72; Reg. of 5-15-72; Reg. of 2-10-75; Reg. of 12-15-75; Reg. of 3-15-76; Reg. of 7-19-76; Reg. of 11-1-76; Reg. of 2-14-77; Reg. of 4-11-77; Reg. of 5-16-77; Reg. of 6-2-80; Reg. of 5-4-81; Reg. of 5-7-84; Reg. of 6-4-84; Reg. of 10-25-89; Reg. of 11-29-89; Reg. of 1-30-91; Reg. of 6-26-91; Reg. of 8-18-93; Reg. of 6-28-95; Reg. of 8-14-96; Regs. (two) of 12-10-96; Reg. of 10-14-98; Reg. of 10-27-99; Reg. of 12-15-99; Reg. of 1-5-00; Regs. (two) of 1-19-00; Reg. of 5-2-01; Reg. of 12-6-01; Reg. of 6-2-04; Reg. of 5-18-05; Reg. of 11-14-07(6), eff. 12-12-07; Reg. of 3-11-09(8), eff. 5-27-09; Reg. of 11-16-11(3), eff. 12-21-11; Reg. of 3-21-12(3), eff. 5-23-12; Reg. of 11-28-12(4), eff. 1-2-13; Reg. of 9-18-13(8), eff. 10-23-13; Reg. of 4-16-14(2), eff. 5-14-14; Reg. of 7-15-15(3), eff. 8-19-15; Reg. of 4-18-18(3), eff. 5-16-18; Reg. of 11-20-19(3), eff. 1-1-20; Reg. of 11-18-20(3), eff. 2-3-21; Reg. of 5-17-23(3), eff. 7-12-23; Reg. of 5-17-23(3a), eff. 8-16-23)

Editor's note—Traffic regulations adopted Oct. 14, 1998, amended App. C, § 12-1 by adding provisions designated as subsection (46). Since there already existed a subsection (46), the editor has included these new provisions as a new subsection (50).

12-1 No parking except vehicles loading or unloading.

No person shall park a vehicle at the following locations unless engaged in loading or unloading the vehicle:

(1) On the east side of Lake Street beginning three hundred seventy (370) feet north of College Street and extending north for a distance of forty (40) feet, effective between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, for a maximum time limit of thirty (30) minutes.

(2) In the first space east of Colchester Avenue on the north side Barrett Street extending for eighty (80) feet for a maximum time limit of thirty (30) minutes.

- (3) In the space on the west side of La Fountain Street, immediately north of North Street, from 8:00 a.m. to 6:00 p.m. daily.
- (4) On the south side of Cherry Street beginning approximately 100 feet east of Battery Street and extending east for forty (40) feet, effective between the hours of 5:00 a.m. and 5:00 p.m. Monday through Friday, for a maximum time limit of thirty (30) minutes.
- (5) In the space in front of 47 Maple Street, thirty (30)-minute limit.
- (6) On the west side of Latham Court in the first space south of Colchester Avenue for a maximum time limit of thirty (30) minutes.
- (7) On the north side of Allen Street beginning two hundred fifteen (215) feet east of Murray Street and extending east for a distance of forty (40) feet, effective between the hours of 8:00 a.m. and 2:00 p.m. Monday through Friday, for a maximum time limit of thirty (30) minutes.
- (8) The parking space of the easterly side of South Champlain Street next northerly of Maple Street.
- (9) On the east side of Intervale Avenue in the first two (2) parking spaces north of Oak Street.
- (10) Reserved.
- (11) On the south side of College Street, west of South Winooski Avenue near 209 College Street.
- (12) On the south side of Bilodeau Court in the space in front of 69 Bilodeau Court.
- (13) In the second space south of Main Street on the east side of St. Paul Street extending for forty (40) feet, between the hours of 7:00 a.m. and 11:00 a.m., for a maximum time limit of thirty (30) minutes.
- (14) Reserved.
- (15) A loading and unloading zone designated with a thirty (30)-minute limit, located on the south side of Main Street seventy (70) feet west of Church Street for a distance of fifty (50) feet.
- (16) In the first space east of Church Street on the north side of Main Street for a maximum time limit of thirty (30) minutes.

- (17) In the first space west of North Winooski Avenue, on the north side of Grant Street between 8:00 a.m. and 5:00 p.m.
- (18) On the north side of Bank Street for approximately forty (40) feet east of Pine Street between the hours of 8:00 a.m. and 5:00 p.m., for a maximum time limit of thirty (30) minutes.
- (19) On the east side of Center Street in the first space south of Bank Street extending forty (40) feet south, for a maximum time limit of thirty (30) minutes.
- (20) On the west side of Hyde Street beginning forty-five (45) feet north of Archibald Street and extending north for a distance of twenty-three (23) feet.
- (21) On the south side of College Street, in the second space west of Pine Street, between the hours of 7:00 a.m. and 5:00 p.m., for a maximum time limit of thirty (30) minutes.
- (22) In the first space south of King Street on the west side of St. Paul Street extending for twenty (20) feet, between the hours of 7:00 a.m. and 5:00 p.m., for a maximum time limit of thirty (30) minutes.
- (23) In the first space south of Main Street on the east side of St. Paul Street extending for twenty (20) feet, between the hours of 7:00 a.m. and 5:00 p.m., for a maximum time limit of thirty (30) minutes.
- (24) In the first space on the east side of Rose Street north of North Street.
- (25) On the west side of St. Paul Street in the 30-foot space in front of 227 St. Paul Street between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, for a maximum time limit of thirty (30) minutes.
- (26) In the first space southerly of King Street, on the west side of St. Paul Street.
- (27) On the north side of Cherry Street beginning three (3) feet west of the existing fire hydrant directly east of the alleyway between 108 and 110 Cherry Street and extending west twenty (20) feet from 6:00 a.m. to 6:00 p.m., Sundays and holidays excepted.
- (28) In the space in front of 266 Pine Street, and for no more than thirty (30) minutes.
- (29) On the west side of North Winooski Avenue in the fifth, sixth, and seventh space north of the driveway at 321 North Winooski Avenue from 7:00 a.m. to noon.

- (30) On the west side of North Winooski Avenue in the first two (2) spaces south of the driveway at 237 North Winooski Avenue from 7:00 a.m. to 2:00 p.m.
- (31) In the two (2) spaces in front of 79 College Street between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, for a maximum time limit of thirty (30) minutes.
- (32) In the space in front of 128 North Street between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, for a maximum time limit of thirty (30) minutes.
- (33) Reserved.
- (34) In the first space west of South Winooski Avenue on the south side of Main Street extending for thirty-five (35) feet, during the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday for a maximum time limit of thirty (30) minutes.
- (35) On the west side of Walnut Street for one hundred (100) feet, during the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday, for school related purposes only.
- (36) In the first space on the north side of Main Street east of Pine Street from 6:00 a.m. to 6:00 p.m. for no more than fifteen (15) minutes.
- (37) In the space of the south side of Poirier Place in front of 1200 North Avenue.
- (38) In the space in front of 83 Pearl Street.
- (39) In the fifty (50) foot space in front of the entrances to the premises at 1 Main Street.
- (40) In the forty (40) foot pull-off space on the south side of College Street just west of Lake Street.
- (41) In the first two (2) spaces north of Main Street on the west side of St. Paul Street from 6:00 a.m. to 6:00 p.m. for no more than fifteen (15) minutes.
- (42) The first space north of Pearl Street on the east side of North Winooski Avenue, designated sixty (60) feet in length and thirty (30) minutes in duration.
- (43) Reserved.
- (44) Reserved.
- (45) On the north side of Cherry Street, in the first three (3) spaces west of Pine Street, effective between the hours of 7:00 a.m. to 10:00 a.m. and 2:00 p.m. to 4:00 p.m.

Monday through Friday, from August 20 of any year to June 20 of the succeeding year.

(46) Reserved.

(47) On the south side of Cherry Street, in the first three (3) spaces east of the mid-block crossing at 41 Cherry Street, effective between the hours of 7:00 a.m. to 10:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday through Friday, from August 20 of any year to June 20 of the succeeding year.

(48) On the north side of Cherry Street beginning twenty (20) feet west of the crosswalk at 67 Cherry Street and extending west sixty (60) feet, effective between the hours of 7:00 a.m. to 10:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday through Friday, from August 20 of any year to June 20 of the succeeding year.

(49) On the south side of Cherry Street beginning twenty (20) feet west of the crosswalk at 67 Cherry Street and extending west forty (40) feet, effective between the hours of 7:00 a.m. to 10:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday through Friday, from August 20 of any year to June 20 of the succeeding year.

(50) On the east side of Pine Street in the first two (2) spaces south of Bank Street, effective between the hours of 7:00 a.m. to 10:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday through Friday, from August 20 of any year to June 20 of the succeeding year.

(51) On the north side of Bank Street beginning directly east of the vehicle loading zone and extending east four (4) parking spaces, effective between the hours of 7:00 a.m. to 10:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday through Friday, from August 20 of any year to June 20 of the succeeding year.

(52) On the south side of Maple Street in the pull-off beginning one hundred eighteen (118) feet east of South Willard Street and extending twenty-five (25) feet east.

(53) In the first space west of South Winooski Avenue on the north side of Main Street, from 6:00 a.m. to 6:00 p.m. for no more than fifteen (15) minutes.

(54) On the west side of South Champlain Street in the first two (2) spaces south of Main Street, for a maximum time limit of thirty (30) minutes.

(Reg. of 3-19-73; Reg. of 6-17-74; Reg. of 8-19-74; Reg. of 1-26-76; Reg. of 3-15-76; Reg. of 5-3-76; Reg. of 7-19-76; Reg. of 11-1-76; Reg. of 11-22-76; Reg. of 5-16-77; Reg. of 12-3-79; Reg. of 7-7-80; Reg. of 7-6-81; Reg. of 2-8-82; Reg. of 5-3-82; Reg. of 7-12-82; Reg. of 5-2-83; Reg. of 8-1-83; Reg. of 9-12-83; Reg. of 10-3-83; Reg. of 5-7-84; Reg. of 10-1-84; Reg. of 5-6-85; Reg. of 6-3-85; Reg. of 7-8-85; Reg. of 2-26-86; Reg. of 6-25-86; Reg. of 7-30-86; Reg. of 12-3-86; Reg. of 2-25-87; Reg. of 7-27-88; Reg. of 11-9-88; Reg. of 12-27-88; Reg. of 5-3-89; Reg. of 7-25-90; Reg. of 6-26-91; Reg. of 11-20-91; Reg. of 1-7-92; Reg. of 4-17-92; Reg. of 7-29-92; Regs. of 9-29-92; Reg. of 5-5-93; Reg. of 8-18-93; Reg. of 8-14-96; Reg. of 11-6-96; Reg. of 12-10-96; Reg. of 11-6-96; Reg. of 12-11-96; Reg. of 10-14-98; Reg. of 11-17-99; Reg. of 2-7-01; Reg. of 5-2-01; Reg. of 6-20-01; Reg. of 8-8-01; Regs. of 12-6-01; Regs. of 8-8-01; Regs. of 6-12-02; Reg. of 4-8-03; Reg. of 8-13-03; Reg. of 9-10-03; Reg. of 2-11-04; Reg. of 6-2-04; Reg. of 9-1-04; Reg. of 5-18-05; Reg. of 7-20-

05; Reg. of 9-7-05, eff. 10-12-05; Reg. of 10-5-05/11-9-05; Reg. of 2-1-06/4-19-06; Reg. of 1-3-07(6), eff. 2-14-07; Reg. of 4-4-07, eff. 5-2-07; Reg. of 11-14-07(7), eff. 12-12-07; Reg. of 11-14-07(8), eff. 12-12-07; Reg. of 3-11-09(3), eff. 4-29-09; Reg. of 4-14-10(2), eff. 5-12-10; Reg. of 3-16-11(2), eff. 4-13-11; Reg. of 3-16-11(4), eff. 5-18-11; Reg. of 11-16-11(4), eff. 12-21-11; Reg. of 6-19-13(3), eff. 7-24-13; Reg. of 9-18-13(8), eff. 10-23-13; Reg. of 10-30-13(3), eff. 12-4-13; Reg. of 11-20-13(4), eff. 1-1-14; Reg. of 5-22-14(4), eff. 7-2-14; Reg. of 12-19-14, eff. 2-25-15; Reg. of 4-15-15(4), eff. 7-15-15; Reg. of 5-18-16(2), eff. 6-15-16; Reg. of 6-15-16(3), eff. 7-27-16; Reg. of 7-20-16(2), eff. 8-24-16; Reg. of 2-21-18(3), eff. 4-25-18; Reg. of 5-16-18(3), eff. 6-27-18; Reg. of 1-15-20(4), eff. 2-19-20; Reg. of 2-19-20(5), eff. 3-25-20; Reg. of 11-18-20(3), eff. 2-3-21; Reg. of 12-16-20, eff. 2-3-21; Reg. of 2-17-21(4), eff. 3-17-21; Reg. of 6-22-22, eff. 7-20-22; Reg. of 8-24-22(5), eff. 9-21-22; Reg. of 8-24-22(9), eff. 9-21-22; Reg. of 11-16-22(3), eff. 12-14-22; Reg. of 4-19-23(3), eff. 5-24-23; Reg. of 2-15-23(b), eff. 6-14-23; Reg. of 5-17-23(3), eff. 7-12-23; Reg. of 5-17-23(3a), eff. 8-16-23; Reg. of 5-17-23(4), eff. 7-12-23; Reg. of 6-21-23(3), eff. 7-19-23; Reg. of 7-26-23(1), eff. 9-6-23; Reg. of 7-26-23(6), eff. 9-6-23)

Editor's note—The traffic regulations enacted Nov. 9, 1988, amended App. C, § 12-1 by adding a new subsection (34). Inasmuch as the traffic regulations enacted July 27, 1988, added subsection (31)—(34) to § 12-1, the editor has included these new provisions as a new subsection (35).

13 No parking any time except trucks loading or unloading.

No person shall park a vehicle at any time on the following streets, unless the same is a truck actually engaged in loading or unloading, and for no more than thirty (30) minutes:

- (1) On the south side of Cherry Street starting three hundred (300) feet west of Pine Street and continuing west for forty (40) feet, effective from 8:00 a.m. to 5:00 p.m., except Sunday.
- (2) On the north side of College Street, in the first four (4) spaces east of Saint Paul Street, Monday through Friday, from 7:00 a.m. to 10:00 a.m.
- (3) Reserved.
- (4) Reserved.
- (5) Reserved.
- (6) Reserved.
- (7) Reserved.

(Rev. Ords. 1962, § 5313; Reg. of 8-11-75; Reg. of 11-3-80; Reg. of 5-4-81; Reg. of 9-12-83; Reg. of 5-6-85; Reg. of 7-25-90; Reg. of 6-22-94; Reg. of 5-18-05; Reg. of 7-8-09, eff. 9-16-09; Reg. of 1-12-11(3), eff. 2-9-11; Reg. of 7-13-17(6), eff. 10-11-17; Reg. of 7-18-18(2), eff. 8-29-18; Reg. of 7-18-18(2a), eff. 10-17-18; Reg. of 7-18-18(3), eff. 8-29-18; Reg. of 7-18-18(3a), eff. 2-19-20; Reg. of 1-15-20(5), eff. 2-19-20; Reg. of 12-16-20, eff. 2-3-21)

Cross reference—Authority to designate loading zones, § 20-54.

14 Sunday parking restrictions.

(a) No person shall park any vehicle on Sunday between the hours of 8:00 a.m. and 12:00 noon within a space of thirty (30) feet on either side of the main entrances of the following churches:

- (1) The Baptist Church on St. Paul Street.
 - (2) The First Congregational Church on South Winooski Avenue.
 - (3) The First Methodist Church on South Winooski Avenue.
 - (4) The College Street Congregational Church on College Street.
 - (5) St. Paul's Episcopal Church on St. Paul Street.
- (b) No person shall park a vehicle between the hours of 4:00 p.m. and 7:00 p.m., Saturdays excepted, in the following locations:
- (1) In the parking space on the west side of North Prospect Street, opposite the main entrance to the Ohavi Zedak Synagogue.
- (c) No person shall park any vehicle on Sundays between the hours of 7:00 a.m. and 1:00 p.m. in the following locations:
- (1) On the south side of Shore Road between North Avenue and Dodd's Court.

(Rev. Ords. 1962, § 5315)

15 Designated school zones.

The following streets are hereby designated as school zones. No person shall operate a vehicle at a rate of speed greater than twenty-five (25) miles per hour on the following streets:

- (1) Institute Road.
- (2) North Avenue beginning eight hundred (800) feet north of Institute Road and extending south for one thousand eight hundred (1,800) feet.
- (3) Ethan Allen Parkway from Farrington Parkway to James Avenue.
- (4) North Avenue beginning at Pennington Drive and extending southeast for one thousand one hundred (1,100) feet.

- (5) Starr Farm Road beginning at North Avenue and extending west for nine hundred fifty (950) feet.
- (6) North Avenue from Woodlawn Road to Staniford Road.
- (7) Gosse Court from North Avenue to Marshall Drive.
- (8) South Union Street beginning at King Street and extending north for five hundred fifty (550) feet.
- (9) Main Street beginning two hundred fifty (250) feet east of South Union Street and extending east for nine hundred (900) feet.
- (10) Maple Street from South Union Street to South Willard Street.
- (11) Mansfield Avenue beginning at Wilson Street and extending south for one thousand one hundred (1,100) feet.
- (12) Shelburne Street beginning three hundred (300) feet north of Prospect Parkway and extending south for five hundred (500) feet.
- (13) Pine Street beginning at Sears Lane and extending south for eight hundred (800) feet when lights located above signs are flashing.
- (14) North Street from North Champlain Street to Elmwood Avenue.
- (15) North Champlain Street beginning three hundred (300) feet north of Peru Street and extending north for two hundred (200) feet.
- (16) South Willard Street from Shelburne Street extending north for two hundred fifty (250) feet.
- (17) Shelburne Street beginning three hundred (300) feet south of Locust Street and extending north for six hundred (600) feet when lights located above signs are flashing.
- (18) Locust Street from Caroline Street to Shelburne Street.
- (19) Ledge Road from Shelburne Street extending east for two hundred (200) feet.
- (20) Manhattan Drive from Lafountain Street to a point located four hundred (400) feet north of Spring Street.
- (21) Walnut Street beginning at Archibald Street and extending north for three hundred (300) feet.

- (22) Archibald Street from St. Louis Street to Spring Street.
- (23) Spring Street beginning at Manhattan Drive and extending southeast for six hundred (600) feet.
- (24) Elmwood Avenue beginning at Spring Street and extending south for two hundred (200) feet.
- (25) Allen Street.
- (26) Cherry Street beginning at Battery Street and extending east to Church Street.
- (27) Bank Street beginning at Pine Street and extending east to Saint Paul Street.
- (28) Pine Street beginning at Bank Street and extending south to College Street.

(Reg. of 3-1-06/4-5-06; Reg. of 4-4-07, eff. 5-2-07; Reg. of 2-17-21(5), eff. 3-17-21; Reg. of 2-15-23(1), eff. 3-15-23)

16 Bus stops.

- (a) The following spaces are hereby designated as bus stops:
 - (1) Reserved.
 - (2) On the north side of Cherry Street beginning thirty (30) feet west of St. Paul Street and continuing west for one hundred twenty (120) feet, effective from 5:00 a.m. to 6:00 p.m. Monday through Friday.
 - (3) On the east side of Mansfield Avenue, for a distance of ninety (90) feet in front of the Mater Christi Grade School.
 - (4) On the south side of Bank Street, for fifty (50) feet east of Pine Street.
 - (5) On the north side of College Street, for sixty (60) feet east of Pine Street.
 - (6) On the north side of College Street, for one hundred (100) feet east of Church Street.
 - (7) On the north side of College Street, for sixty (60) feet east of South Winooski Avenue.
 - (8) On the south side of Cherry Street, from Church Street to St. Paul Street.

- (9) On the south side of Cherry Street for eighty (80) feet west of the entrance to Burlington Square Parking Garage.
- (10) On the west side of South Winooski Avenue, for fifty (50) feet south of Main Street.
- (11) On the west side of St. Paul Street beginning thirty (30) feet north of Cherry Street and continuing north for two hundred five (205) feet, effective from 5:00 a.m. to 6:00 p.m. Monday through Friday.
- (12) For a distance of seventy-five (75) feet in front of the Billings Center on the east side of University Place.
- (13) On the east side of University Place approximately three hundred sixty (360) feet north of Main Street for a distance of fifty (50) feet south.
- (14) On the south of Cherry Street for eighty (80) feet west of St. Paul Street.
- (15) On the east side of University Place beginning eighty-two (82) feet south of Colchester Avenue and extending southerly for a distance of sixty (60) feet.
- (16) In front of #280 North Winooski Avenue.
- (17) On the south side of Maple Street, beginning one hundred thirty (130) feet west of the intersection of Harrington Terrace and continuing sixty-five (65) feet west down Maple Street.
- (18) A fifty (50)-foot space on the west side of Lake Street between Main Street and College Street. The space is to be designated approximately seventy (70)—one hundred twenty (120) feet north of the south side of Main Street.
- (19) On the west side of Pine Street beginning three hundred (300) feet north of College Street for a distance of fifty (50) feet north.
- (20) On the south side of College Street beginning three hundred (300) feet west of South Prospect Street and extending forty (40) feet west.
- (21) On the north side of Pearl Street beginning one hundred thirty-two (132) feet west of Pine Street and continuing west for fifty-eight (58) feet, effective from 7:00 a.m. to 2:00 p.m.
- (22) On the east side of Pine Street starting twenty (20) feet south of the crosswalk in front of Champlain Elementary School and extending south one hundred sixty (160) feet,

to be effective Monday through Friday between the hours of 7:00 a.m. to 9:00 a.m. and 1:30 p.m. to 4:00 p.m., holidays excepted.

(23) On the south side of Cherry Street beginning sixty (60) feet east of the crosswalk at 67 Cherry Street and extending east eighty (80) feet effective between the hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday through Friday, from August 20 of any year to June 20 of the succeeding year.

(24) In the ninety (90) foot space next westerly of South Union Street, on the north side of College Street, for a maximum time limit of three (3) hours between the hours of 8:00 a.m. and 6:00 p.m.

(25) In the ninety (90) foot space in front of 26 Pearl Street, on the north side of Pearl Street, for a maximum time limit of three (3) hours between the hours of 8:00 a.m. and 6:00 p.m.

(b) The following areas are designated for the parking of tour buses only.

(1) Reserved.

(2) Reserved.

(3) On the south side of Cherry Street beginning twenty (20) feet east of Pine Street and continuing for a distance of fifty (50) feet east, for a maximum time limit of fifteen (15) minutes.

(4) Reserved.

(c) The following areas are hereby designated as special transit stops:

(1) On the east side of South Winooski Avenue beginning one hundred ninety (190) feet south of the Bank Street intersection and continuing for a distance of twenty-five (25) feet south.

(Reg. of 6-2-80; Reg. of 12-1-80; Reg. of 10-5-81; Reg. of 1-11-82; Reg. of 1-27-88; Reg. of 1-30-91; Reg. of 2-3-93; Reg. of 12-15-93; Reg. of 12-11-96; Reg. of 10-28-98; Reg. of 3-22-00; Reg. of 5-19-04; Reg. of 12-1-04; Reg. of 11-14-07(9), eff. 12-12-07; Reg. of 2-18-10(3), eff. 4-7-10; Reg. of 11-17-10(4), eff. 12-22-10; Reg. of 3-16-11(3), eff. 4-13-11; Reg. of 8-15-11, eff. 9-21-11; Reg. of 4-18-12(2), eff. 5-23-12; Reg. of 9-18-13(9), eff. 10-23-13; Reg. of 7-16-14(4), eff. 9-17-14; Reg. of 10-15-14(4), eff. 11-19-14; Reg. of 2-18-15(2), eff. 3-25-15; Reg. of 7-15-15(4), eff. 8-19-15; Reg. of 12-16-15(4), eff. 1-13-16; Reg. of 9-21-16(2), eff. 10-19-16; Reg. of 10-18-17(4), eff. 11-29-17; Reg. of 6-19-19(6), eff. 7-24-19; Reg. of 2-17-21(6), eff. 3-17-21; Reg. of 10-20-21(2), eff. 11-24-21, Reg. of 8-24-22(3), eff. 9-21-22; Reg. of 5-17-23(4), eff. 7-12-23)

Editor's note—Prior to amendment by a regulation of June 2, 1980, § 16 consisted of subsections (1)—(12), relative to space designated as bus stops, the same being eight feet in width, and derived from Rev. Ords. 1962, § 5318; Reg. of Oct. 17, 1977; Reg. of Dec. 19, 1977; Reg. of Jan. 16, 1978 and Reg. of Jan. 8, 1979.

A later regulation of Dec. 11, 1980, added a subsection (13) to § 16 above. However, in order to maintain numerical order, the editor has renumbered the provisions as (11).

17 Designation of parking meter zones.

- (a) Reserved.
- (b) *Thirty (30) minute zones.* The following streets or portions of streets are hereby designated as thirty (30) minute parking meter zones:
 - (1) On the west side of South Willard Street in the second and third space south of Pearl Street.
 - (2) On the east side of South Willard Street in the first and second space south of Pearl Street.
 - (3) Reserved.
 - (4) Six (6) spaces adjoining 1 North Avenue.
 - (5) On the west side of St. Paul Street in the third space south of College Street.
 - (6) On the north side of King Street in the first and second space east of Battery Street.
 - (7) On the west side of Battery Street in the first space just north of Maple Street.
 - (8) On St. Paul Street between Bank Street and College Street on the west side in front of 95 St. Paul Street.
 - (9) Two (2) spaces on the south side of Pearl Street between Clark Street and South Winooski Avenue in front of 163 Pearl Street.
 - (10) In the second space west of North Winooski Avenue on the north side of Grant Street.
 - (11) On the north side of Pearl Street in front of 86 Pearl Street.
 - (12) On the east side of Pine Street, in the two (2) most southern spaces in front of 84 Pine Street.
 - (13) First space east of St. Paul Street on the south side of Bank Street.
 - (14) On the north side of Main Street, in the third, fourth, fifth and sixth spaces west of Church Street.

- (15) On the north side of College Street in front of 230 College Street.
 - (16) In front of No. 126 College Street.
 - (17) Second space north of Maple Street on the east side of Church Street.
 - (18) Reserved.
 - (19) In the space in front of 101 College Street.
 - (20) On the north side of Main Street between Church Street and North Winooski Avenue, in the parking spaces in front of 176, 188, and 206 Main Street.
 - (21) On the north side of Cherry Street in the second space east of Church Street.
 - (22) In the first two (2) spaces south of King Street on the east side of Church Street.
 - (23) Reserved.
 - (24) On the south side of King Street in the second space west of South Champlain Street.
 - (25) On the north side of King Street starting one hundred twenty-five (125) feet west of St. Paul Street and extending forty (40) feet west.
 - (26) On the south side of Main Street in the first space west of South Champlain Street.
 - (27) On the south side of Cherry Street in the first space east of the driveway to 37 Church Street.
 - (28) On the west side of Pine Street, in the first space south of Bank Street.
 - (29) On the north side of Bank Street in the first space east of Church Street.
 - (30) On the south side of Bank Street in the second space east of Church Street.
- (c) *One (1) hour zones.* The following streets or portions of streets are hereby designated as one-hour parking meter zones:
- (1) Two (2) spaces on the south side of Pearl Street between Church Street and Clark Street.
 - (2) Buell Street from South Winooski Avenue to South Union Street.
 - (3) Reserved.

- (4) Reserved.
 - (5) Reserved.
 - (6) Reserved.
 - (7) Reserved.
 - (8) Pearl Street from South Winooski Avenue to South Union Street.
 - (9) Reserved.
 - (10) In the 6 spaces in the College Street lot adjacent to the Fletcher Free Library.
 - (11) On the west side of North Winooski Avenue, in the first metered space north of Pearl Street.
 - (12) On the east side of North Winooski Avenue, in the third through sixth metered space north of Pearl Street.
 - (13) Reserved.
 - (14) Reserved.
 - (15) Reserved.
 - (16) Reserved.
- (d) Reserved.
- (e) *Three (3) hour zones.* The following streets or portions of streets are hereby designated as three (3) hour parking:
- (1) The north side of Cherry Street, from McAuliffe's westerly to the Cathedral Square driveway.
 - (2) The south side of Cherry Street, from Pine Street westerly to a point opposite the Cathedral Square driveway.
 - (3) On the north side of Cherry Street from the Cathedral Square driveway westerly to Battery Street.
 - (4) On the south side of Cherry Street from a point opposite the Cathedral Square driveway westerly to Battery Street.

- (5) On the east side of George Street starting forty (40) feet south of the driveway to 40 George Street and extending to Pearl Street.
- (6) On College Street between South Champlain Street and Battery Street.
- (7) On Main Street between South Champlain Street and Battery Street, except the first two (2) spaces west of South Champlain Street on the south side of Main Street.
- (8) On the south side of King Street, the first five (5) spaces west of Battery Street, between South Champlain Street and Battery Street.
- (9) On the north side of Pearl Street from Union Street to Green Street.
- (10) On the north side of College Street from South Union Street to South Willard Street.
- (11) The first 6 metered spaces on the west side of Lake Street from College Street south towards Main Street.
- (12) Both sides of College Street from Battery Street west to Lake Street.
- (13) Thirty (30) metered spaces on the east side of Lake Street from College Street north towards its terminus.
- (14) Reserved.
- (15) North side of Pearl Street between North Winooski Avenue and Battery Street.
- (16) The north side of King Street between Pine Street and St. Paul Street from 8:00 a.m. to 6:00 p.m. Monday through Saturday.
- (17) On the north side of King Street, the third, fourth, fifth, and sixth spaces west of Battery Street.
- (18) Buell Street from South Winooski Avenue to Orchard Terrace.
- (19) On the west side of St. Paul Street from King to Maple Streets.
- (20) Church Street from Main Street to King Street.
- (21) The east side of Clarke Street.
- (22) St. Paul Street from Main to King Streets.
- (23) College Street from South Winooski Avenue to South Union Street.

- (24) Elmwood Avenue from Pearl Street to Grant Street.
- (25) Main Street from South Winooski Avenue to South Union Street.
- (26) North Winooski Avenue from Pearl Street to Grant Street.
- (27) Reserved.
- (28) Pearl Street from St. Paul Street to Battery Street.
- (29) Reserved.
- (30) Winooski Avenue from Pearl Street to King Street.
- (31) Reserved.
- (32) College Street from Pine Street to South Champlain Street.
- (33) Reserved.
- (34) Repealed.
- (35) Reserved.
- (36) On the east side of Pine Street from Cherry Street to Pearl Street.
- (37) On the south side of College Street in the 5 spaces in front of 59 College Street, being the Follet House, so-called.
- (38) The third, fourth and fifth parking spaces west of St. Paul Street on the north side of King Street.
- (39) On the west side of South Union Street, in the 7 spaces south of College Street.
- (40) On the north side of Main Street, from Pine Street to South Champlain Street.
- (41) On the west side of South Union Street, adjacent to the YMCA.
- (42) On the north side of Pearl Street from St. Paul Street to George Street.
- (43) On the south side of Cherry Street, from St. Paul Street to a point opposite McAuliffe's driveway.
- (44) On the east side of South Champlain Street from College Street to King Street.

- (45) On the east side of Pine Street from Main Street to King Street.
- (46) On Battery Street from Main Street to Maple Street.
- (47) Reserved.
- (48) Reserved.
- (49) Reserved.
- (50) Reserved.
- (51) Reserved.
- (52) Reserved.
- (53) On the south side of Main Street from Pine Street to South Champlain Street.
- (54) Reserved.
- (55) On the south side of Pearl Street from Clark Street to St. Paul Street.
- (56) On the north side of Pearl Street from Elmwood Avenue to St. Paul Street.
- (57) Reserved.
- (58) Reserved.
- (59) Reserved.
- (60) First and second space west of Willard Street on the north side of Pearl Street.
- (61) First space north of Maple Street on the east side of Church Street.
- (62) Reserved.
- (63) South side of Main Street from Battery Street west to Lake Street.
- (64) The first 5 metered spaces on the west side of Lake Street from Main Street north towards College Street.
- (65) On the north side of Main Street starting 30 feet east of South Union Street extending 10 spaces east.
- (66) Reserved.

(67) On the North side of Main Street starting 415 feet east of South Union Street for one space.

(68) On the North side of Main Street starting 427 feet east of South Union Street extending 3 spaces east.

(69) On the North side of Main Street starting 230 feet west of South Willard Street extending 2 spaces west.

(70) The first four spaces on the north side of Main Street beginning 64 feet west of South Willard Street.

(71) On the south side of King Street, the first two (2) spaces east of St. Paul Street between St. Paul and Church Street.

(72) On the west side of South Champlain Street, between College Street and Main Street for one hundred fifty (150) feet.

(73) On the east side of Battery Street, north of Main Street, for one hundred fifty (150) feet.

(f) *Ten (10) hour zones.* The following streets or portions of streets are hereby designated as ten (10) hour parking meter zones:

(1) The north side of College Street, from South Champlain Street to Battery Street.

(2) The north side of Main Street, from South Champlain Street to Battery Street.

(3) North Winooski Avenue from Pearl Street to Grant Street.

(4) The east side of South Champlain Street from King Street to College Street.

(5) Reserved.

(6) On the north side of Main Street from South Union Street to South Willard Street.

(7) On the north side of College Street, from South Willard Street to a point 80 feet east of South Union Street.

(8) First 7 spaces on South Union Street just south of Pearl Street.

(9) East side of St. Paul Street from King to Maple streets.

(10) On the north side of King Street between Church Street and St. Paul Street.

- (11) On the north side of Pearl Street from Willard Street to Green Street.
 - (12) On the south side of Pearl Street from South Union Street to Hungerford Terrace.
 - (13) On the north side of Maple Street, the first two (2) spaces west of Church Street, between Church Street and St. Paul Street.
 - (14) On the south side of King Street, the first nine (9) spaces west of Church Street between Church Street and St. Paul Street.
 - (15) On the east side on Church Street, the fourth meter south of King Street between King Street and Maple Street.
 - (16) On the north side of King Street, the first two (2) spaces west of St. Paul, between St. Paul Street and Pine Street.
 - (17) On the north side of King Street, in the first five spaces west of South Champlain Street, between South Champlain Street and Battery Street.
 - (18) On the south side of King Street, in the first and third through fifth spaces west of South Champlain Street, between South Champlain Street and Battery Street.
 - (19) On the west side of St. Paul Street from King to Maple Streets.
 - (20) On the east side of Church Street beginning one hundred twenty (120) feet north of Maple Street to a point seventy-one (71) feet south of King Street.
 - (21) On the north side of Pearl Street between South Union Street and the first driveway east of South Union Street.
- (g) Designated streets with no time limit metered parking: The following streets or portions of streets are hereby designated as no time restriction metered parking zones:
- (1) On the south side of College Street, the first metered space east of Pine Street.
 - (2) On the east side of Venter Street beginning approximately twenty (20) feet north of College Street and extending north for a distance of forty (40) feet.
 - (3) College Street from St. Paul Street and Pine Street.
 - (4) Pine Street, from College Street to Bank Street, except on the west side of Pine Street, in the first space south of Bank Street.
 - (5) The east side of Pine Street from College Street to Main Street.

- (6) On the west side of Pine Street from Main Street to College Street.
- (7) Bank Street from St. Paul Street to Winooski Avenue, except the two (2) spaces on the south side of Bank Street in front of 185 and 189 Bank Street.
- (8) Cherry Street from St. Paul Street to Winooski Avenue.
- (9) College Street from St. Paul Street to Winooski Avenue, except the first space on the south side of College Street east of Church Street.
- (10) Main Street from St. Paul Street to South Winooski Avenue.
- (11) On the south side of Cherry Street beginning in the first parking space west of Church Street and extending one hundred eighty (180) feet west.
- (12) On the south side of Cherry Street beginning sixty (60) feet west of St. Paul Street and extending one hundred (100) feet west.

(Rev. Ords. 1962, § 5351; 1969 Cum. Supp., § 5351; Reg. of 6-15-71; Reg. of 1-17-72; Reg. of 9-17-73; Reg. of 5-6-74; Reg. of 9-16-74; Reg. of 2-14-77; Reg. of 11-5-79; Reg. of 12-10-79; Reg. of 7-7-80; Reg. of 8-4-80; Reg. of 10-6-80; Reg. of 11-3-80; Reg. of 6-7-82; Reg. of 2-6-84; Reg. of 5-7-84; Reg. of 11-5-84; Reg. of 5-6-85; Reg. of 6-25-86; Reg. of 5-12-87; Reg. of 8-26-87; Reg. of 9-30-87; Reg. of 1-27-88; Reg. of 5-1-91; Reg. of 9-25-91; Reg. of 2-19-92; Reg. of 4-17-92; Reg. of 6-27-92; Two Regs. of 7-29-92; Reg. of 9-29-92; Reg. of 5-5-93; Reg. of 12-15-93; Reg. of 6-22-94; Reg. of 8-8-94; Reg. of 9-7-94; Reg. of 11-14-95; Regs. (two) of 12-11-96; Reg. of 4-16-97; Reg. of 10-14-98; Reg. of 10-28-98; Reg. of 11-18-98; Reg. (two) of 7-19-00; Reg. of 1-9-02; Reg. of 2-6-02; Reg. of 12-23-02; Reg. of 2-5-03; Reg. of 6-9-04; Reg. of 10-13-04; Reg. of 6-11-08(5), eff. 3-23-11; Reg. of 6-11-08(6), eff. 3-23-11; Reg. of 9-10-08(2), eff. 10-15-08; Reg. of 3-11-09(9), eff. 5-27-09; Reg. of 2-16-11(3), eff. 3-23-11; Reg. of 10-16-11(4), eff. 12-28-11; Reg. of 1-6-12, eff. 3-14-12; Reg. of 3-20-13(2), eff. 5-8-13; Reg. of 6-19-13(4), eff. 7-24-13; Reg. of 1-13-14, eff. 2-12-14; Reg. of 5-22-14(5), eff. 7-2-14; Reg. of 7-16-14(5), eff. 9-17-14; Reg. of 4-15-15(6), eff. 6-10-15; Reg. of 4-15-15(5), eff. 7-15-15; Reg. of 7-20-16(2.1), eff. 6-27-18; Reg. of 7-20-16(2a), eff. 8-24-16; Reg. of 9-21-16(3), eff. 10-19-16; Reg. of 1-18-17(1), eff. 2-15-17; Reg. of 1-18-17(2), eff. 2-15-17; Reg. of 2-15-17(2), eff. 4-5-17; Reg. of 11-15-17(2), eff. 1-31-18; Reg. of 1-17-18(3), eff. 4-25-18; Reg. of 2-21-18(4), eff. 6-27-18; Reg. of 4-18-18(4), eff. 5-16-18; Reg. of 4-18-18(5), eff. 5-16-18; Reg. of 7-18-18(4), eff. 8-29-18; Reg. of 3-20-19(1a), eff. 5-22-19; Reg. of 6-19-19(7), eff. 7-24-19; Reg. of 9-16-21, eff. 10-20-21; Reg. of 1-18-23(2), eff. 2-15-23; Reg. of 2-15-23(2), eff. 3-15-23; Reg. of 5-17-23(6), eff. 6-28-23; Reg. of 5-17-23(2), eff. 7-12-23; Reg. of 5-17-23(3), eff. 7-12-23; Reg. of 5-17-23(4), eff. 7-12-23)

Cross reference—Authority to establish meter zones, § 20-83.

18 Parking facility designations.

(a) *Metered lot locations:*

- (1) The city-owned lot on the northeast corner of Main Street and South Winooski Avenue, known as the Jail Lot.
- (2) The city-owned lot on the south side of College Street, east of the Fletcher Library, known as the College Street Lot.

- (3) The city-owned lot on the north side of Pearl Street, near the intersection of Pine Street, known as the Pearl Street Lot.
- (4) The city-owned lot on the west side of South Union Street, north of the YMCA, known as the South Union Street Lot.
- (5) The city-owned lot more commonly understood to be Lake Street Extension located north of Penny Lane.
- (6) The city-owned and department of public works managed lot more commonly understood to be the Northern Waterfront Lot located north of Penny Lane.
- (7) The city-owned and public works managed lot more commonly understood to be the Oakledge Park Lot.
- (8) The city-owned and public works managed lot more commonly understood to be the Perkin's Pier Lot.
- (9) The city-owned and public works managed lot more commonly understood to be the Pease Lot.
- (10) The city-owned and public works managed lot more commonly understood to be the Coast Guard Ramp Lot.
- (11) The city-owned and public works managed lot more commonly understood to be the North Beach Lot.
- (12) The city-owned and public works managed lot more commonly understood to be the Leddy Park Lot.
- (13) The city-leased and public works managed lot more commonly understood to be the 194 St. Paul Street Lot.
- (14)—(18) Reserved.

(b) *Permit lot locations:*

- (1) The city-owned lot on the west side of Elmwood Avenue near the intersection of Grant Street, known as the Elmwood Avenue Lot.²
- (2) The city-owned lot located on Main Street that is adjacent to the metered lot on the northeast corner of Main and Winooski.

- (3) The city-owned lot at the intersection of College Street and Lake Street on the northwest corner, known as the Pease Grain lot.
- (4) The city-leased and managed lot located on St. Paul Street between King Street and Maple Street known as 194 St. Paul Street lot.
- (5) The city-leased and managed lot located on Pearl Street between Hungerford Terrace and North Union Street known as 247 Pearl Street.
- (6) The city-owned lot on the north side of Pearl Street, near the intersection of Pine Street, known as the Pearl Street Lot, limited to fifteen (15) spaces.
- (7) The city-owned and public works managed lot more commonly understood to be the Oakledge Park Lot.
- (8) The city-owned and public works managed lot more commonly understood to be the Perkin's Pier Lot.
- (9) The city-owned and public works managed lot more commonly understood to be the Coast Guard Ramp Lot.
- (10) The city-owned and public works managed lot more commonly understood to be the North Beach Lot.
- (11) The city-owned and public works managed lot more commonly understood to be the Leddy Park Lot.

(c) *Parking structure locations:*

- (1) The city-owned parking garage located near the corner of South Winooski Avenue and Bank Street, known as Marketplace Parking Garage.
- (2) The city-owned parking garage located north of College Street and east of Battery Street Hilton Hotel, known as College Street Parking Garage.
- (3) The city-owned parking garage located at 45 Cherry Street, known as Lakeview Parking Garage.³

(d) *Rules for parking structures:*

- (1) *Marketplace Parking Garage:* The Marketplace Parking Garage is limited to short term parking of forty-eight (48) hours or less and the parking of vehicles whose owners have entered into a monthly parking agreement. Monthly parkers shall only park in the designated monthly parking area with its dedicated entry and exit from and to Bank

Street. No daily parker shall park in the designated monthly parking area. Vehicles may only be parked in designated parking spaces. Vehicles shall not remain in the same parking space within the limits of the Marketplace Garage for a period longer than forty-eight (48) hours except for those allowed within the monthly parking area. The forty-eight (48) hour period shall begin when an official of the city, including parking attendants, parking enforcement officers, or police officers, observes a vehicle in a space or by any other evidence indicating that a vehicle has parked in the garage. The vehicle must be moved from the space within forty-eight (48) hours of that start time. For the purposes of this section, the term "moved from the space" means that the vehicle must leave the parking space, exit the garage, and if it returns to the garage must not park any nearer to three (3) parking spaces on either side of the parking space in which it was originally located. For the purposes of this section the term "daily parker" is defined as a parking customer whose license to park in the facility is granted on a day to day basis and is not the result of a longer term, prepaid agreement.

(2) *Lakeview and College Street Parking Garages:* The Lakeview and College Street Garages are limited for parking for up to two (2) weeks. Vehicles may not be parked in the same space longer than two (2) weeks. The two (2) week period shall begin when an official of the city, including parking attendants, parking enforcement officers or police officers, observes a vehicle in a space or by other evidence indicating that a vehicle has parked in the garage. The vehicle must be moved from the space within two (2) weeks of that start time. For the purposes of this section, the term "moved from this space" means that the vehicle must leave the parking space, exit the garage, and if it returns to the garage must not park any nearer to three (3) parking spaces on either side of the parking space in which it was originally located.

(Rev. Ords. 1962, § 5401; 1969 Cum. Supp., 5401; Reg. of 9-21-71; Reg. of 8-11-75; Reg. of 9-29-92; Reg. of 2-24-93; Reg. of 11-8-95; Reg. of 7-20-05; Reg. of 3-8-07, eff. 4-4-07; Reg. of 7-16-14(6), eff. 9-17-14; Reg. of 12-21-16(1), eff. 4-26-17; Reg. of 6-21-17(1b), eff. 1-29-20; Reg. of 5-16-18(4), eff. 6-27-18; Reg. of 9-19-18(2), eff. 10-17-18; Reg. of 7-18-18(4a), eff. 7-24-19; Reg. of 7-18-18(4b), eff. 7-24-19; Reg. of 9-18-19(7), eff. 10-30-19; Reg. of 3-16-22(5), eff. 5-4-22; Reg. of 4-27-22(2), eff. 6-1-22; Reg. of 9-21-22(3), eff. 10-26-22; Reg. of 3-15-23(1), eff. 5-3-23)

19 Parking rates.

(a) Parking meter spaces may be occupied for periods indicated by depositing the following sums:

- (1) For all one-hour meters: Five cents (\$0.05) for three (3) minutes; ten cents (\$0.10) for six (6) minutes; twenty-five cents (\$0.25) for fifteen (15) minutes; fifty cents (\$0.50) for thirty (30) minutes; one dollar (\$1.00) for one (1) hour.
- (2) Reserved.

(3) For all thirty-minute meters: Five cents (\$0.05) for three (3) minutes; ten cents (\$0.10) for six (6) minutes; twenty-five cents (\$0.25) for fifteen (15) minutes; fifty cents (\$0.50) for thirty (30) minutes.

(4) For all fifteen-minute meters: Five cents (\$0.05) for three (3) minutes; ten cents (\$0.10) for six (6) minutes; twenty-five cents (\$0.25) for fifteen (15) minutes.

(5) For all three-hour meters: Five cents (\$0.05) for three (3) minutes; ten cents (\$0.10) for six (6) minutes; twenty-five cents (\$0.25) for fifteen (15) minutes; one dollar (\$1.00) for one (1) hour; three dollars (\$3.00) for three (3) hours.

(6) For all ten-hour meters: Ten cents (\$0.10) for fifteen (15) minutes, twenty-five cents (\$0.25) for thirty-seven and a half (37.5) minutes, one dollar (\$1.00) for two and a half (2.5) hours, four dollars (\$4.00) for ten (10) hours.

(b) The rate of charge for parking in metered city lots shall be as follows:

Location Rate per Hour

(1) Main Street and South
Winooski Avenue \$1.50

(2) College Street (Library):
One-hour meters 1.00
Ten-hour meters 0.40

(3) Pearl Street and Pine
Street
Three-hour meters 1.00
Ten-hour meters 0.40

(4) Lake Street Extension Lot: One dollar (\$1.00) per hour for a maximum of three (3) hours from May 1 through October 31 and forty cents (\$0.40) per hour for up to ten (10) hours from November 1 through April 30.

(5) Northern Waterfront Lot: One dollar (\$1.00) per hour with a maximum daily rate of eight dollars (\$8.00) from May 1 through October 31 and forty cents (\$0.40) per hour from November 1 through April 30 with the exception of spaces designated as marina parking. From October 16 to May 14, marina employees shall have exclusive rights to park in any of the four (4) parking spaces designated for use of the marina, and located in the Northern Waterfront Lot, at no additional charge to the marina. From May 15 to October 15, marina guests shall have exclusive rights to park in any of the twenty-three (23) parking spaces designated for use of the marina, and located in the western section of the Northern Waterfront Lot (the "marina parking spaces"), at no additional charge to

the marina. The general public shall be prohibited from parking in the marina parking spaces from May 15 to October 15. In addition, nineteen (19) of the remaining forty-five (45) spaces in the Northern Waterfront Lot shall be reserved for exclusive use by the marina on weekends and city holidays during the period from May 15 to October 15. A weekend period shall be deemed to commence at 6:00 p.m. on each Friday and terminate at 8:00 a.m. on each following Monday morning. A holiday shall be deemed to commence at 6:00 p.m. the day before the holiday, and terminate at 8:00 a.m. on the day following the holiday. In the event a holiday falls adjacent to a weekend the periods shall run sequentially as one (1) period. The Burlington Harbor Marina will pay the city for the use of the marina weekend spaces. The rate for the marina weekend spaces shall be established by calculation of the number of weekend days and holidays applicable annually multiplied by the Burlington department of public works daily parking rate as established for the applicable year multiplied by nineteen (19). The daily parking rate shall not exceed the rate charges at the Perkins Pier Lot. Burlington Harbor Marina may elect to reduce its number of weekend/holiday spaces upon delivery of thirty (30) days' written notice to the city.

(6) Reserved.

(7) Reserved.

(8) College Street/Lakeview/Westlake Parking Garage Facility.

a. Hourly, Maximum Daily Rates. One dollar (\$1.00) per hour; first two (2) hours free; maximum daily rate of twelve dollars (\$12.00).

b. Parking is free on Sundays.

c. Monthly Permit Rates. Eighty-four dollars (\$84.00) for a five (5) day per week monthly permit; the five (5) days per week shall be Monday through Friday ("standard workweek permit"). One hundred dollars (\$100.00) for a seven (7) day per week monthly permit ("standard calendar-week permit"). Twenty dollars (\$20.00) for a five (5) day per week monthly permit for city employees when paid for by a City of Burlington department. Zero dollars (\$0.00) for a restaurant/retail/service worker seven (7) day per week monthly permit with eligibility determined by the department of public works within policy approved by the public works commission. Fifty-five dollars (\$55.00) for a five (5) day per week monthly permit for individuals who held valid monthly parking permits at the Elmwood lot as of April 30, 2022, for the period inclusive of May 1, 2022, through April 30, 2025, after which such rate will increase to the standard workweek permit rate. The director of the department of public works or his or her designee may prorate monthly parking permit fees at times of sale and termination.

(9) Marketplace Parking Garage.

a. Hourly, Maximum Daily Rates. One dollar (\$1.00) up to one (1) hour, two dollars (\$2.00) up to two (2) hours; three dollars (\$3.00) up to two and one-half (2 1/2) hours; four dollars (\$4.00) up to three (3) hours; five dollars (\$5.00) up to three and one half hours (3 1/2) hours; six dollars (\$6.00) up to four (4) hours; seven dollars (\$7.00) up to five (5) hours; eight dollars (\$8.00) up to six (6) hours; nine dollars (\$9.00) up to seven (7) hours; eleven dollars (\$11.00) up to eight (8) hours; thirteen dollars (\$13.00) up to nine (9) hours; maximum day rate of fourteen dollars (\$14.00) after nine (9) hours.

b. Parking is free on Sundays.

c. Monthly Permit Rates: One hundred and twenty dollars (\$120.00) for a seven (7) day per week monthly permit in the Marketplace lower garage. No monthly permits available in the Marketplace upper garage, except maintenance of those in existence at the time of adoption of this language. The director of the department of public works or his or her designee may pro-rate monthly parking permit fees at times of sale and termination.

(10) Reserved.

(11) Reserved.

(12) Reserved.

(13) Reserved.

(14) Repealed.

(15) Reserved.

(16) Reserved.

(c) The rate of charge for parking in monthly permit lots shall be as follows, and those vehicles without a vehicle tag displayed in the proper position will be removed by wrecker at the owners' expense:

Location Rates

(1) Elmwood Avenue and Grant Street:

Per month	\$55.00*
-----------	----------

Location Rates

- (2) Main Street adjacent to the metered parking lot located on the N.E. corner Main and Winooski:

Per month	\$60.00
-----------	---------

- (3) Pearl Street lot monthly rate

\$55.00

*This rate shall be suspended and not chargeable for the period inclusive of May 1, 2022, through April 30, 2025.

(d) Special Rates for City-Owned or Managed Garages:

- (1) Holidays: Hourly transient parking rates shall be suspended on city-recognized holidays, including: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Town Meeting Day, Memorial Day, Independence Day, Bennington Battle Day, Labor Day, Indigenous Peoples' Day, Veterans Day, Thanksgiving Day, and Christmas Day.

- a. The director of the department of public works may adjust the garage rates for parking on July 3rd to a flat rate(s) for the purpose of supporting the safe and efficient ingress and egress of vehicles from the garages.

- (2) Special Events: The director of the department of public works may set temporary rates for special events or promotions for periods of up to one (1) month after providing the public works commission two (2) weeks' notice, but then will bring the rate change to the next public works commission meeting.

- (3) Bulk-rate Parking Product Packages: The director of the department of public works may create special bulk-rate parking product packages, subject to approval of the public works commission.

- (4) Lost Ticket Rate: The "lost ticket" rate is twenty dollars (\$20.00). Garage staff may apply this fee on a case-by-case basis.

- (5) Parking Garage Fee Refunds, Rebates, and Waivers: Garage staff may refund, rebate, or otherwise waive parking fees on a case-by-case basis for purposes of public safety and/or good customer service. Garage staff shall provide adequate documentation of any refund, rebate, or waiver of parking fee, and the justification for doing so.

- (6) Citywide Parking Restrictions, Fees: Overnight parking in city garages during declared citywide or zone-based parking restrictions (such as parking bans for snow removal and "Operation Clean Sweep"), as declared by the director of the department of public works or their designee, will be free for each night of the event and at the

discretion of the director of the department of public works, if a citywide event occurs over multiple overnights, for each day between.

(e) Rates for designated metered lots identified in Section 18(a), Metered lot locations, subsections (7)—(13), shall be established by the parks commission and city council.

(f) In the Downtown Core, which is bounded by South Winooski Avenue on the East, Pine Street on the West, Cherry Street on the North and Main Street on the South, and includes both sides of each of these boundary streets within the core:

(1) For all fifteen (15) minute meters: five cents (\$0.05) for three (3) minutes; ten cents (\$0.10) for six (6) minutes; twenty-five cents (\$0.25) for fifteen (15) minutes.

(2) For all designated no time limit parking meters: five cents (\$0.05) for two (2) minutes; ten cents (\$0.10) for four (4) minutes; twenty-five cents (\$0.25) for ten (10) minutes; one dollar (\$1.00) for 40 minutes; and one dollar and fifty cents (\$1.50) for one (1) hour.

(Rev. Ords. 1962, §§ 5353, 5403; 1969 Cum. Supp., §§ 5353, 5403; Reg. of 1-19-70; Reg. of 1-18-71; Reg. of 5-18-71; Reg. of 9-21-71; Reg. of 1-17-72; Reg. of 6-17-74; Reg. of 7-22-74; Reg. of 8-11-75; Reg. of 12-15-75; Reg. of 4-19-76; Reg. of 2-14-77; Reg. of 4-7-78; Reg. of 10-16-78; Reg. of 12-3-79; Reg. of 12-3-79; Reg. of 10-6-80; Reg. of 11-3-80; Reg. of 3-9-81; Reg. of 1-11-82; Reg. of 2-8-82; Reg. of 5-3-82; Reg. of 7-12-82; Reg. of 10-4-82; Reg. of 1-3-83; Reg. of 2-6-84; Reg. of 2-4-85; Reg. of 5-6-85; Reg. of 7-8-85; Reg. of 9-9-85; Reg. of 8-26-87; Reg. of 4-27-88; Reg. of 6-29-88; Reg. of 7-27-88; Reg. of 10-10-90; Reg. of 9-29-92; Reg. of 2-24-93; Reg. 7-20-94; Reg. of 7-20-05; Reg. of 4-12-06/5-17-06; Reg. of 6-11-08(2); Reg. of 7-16-14(7), eff. 9-17-14; Reg. of 5-16-18(5), eff. 6-27-18; Reg. of 9-18-19(8), eff. 10-30-19; Reg. of 7-15-20(2), eff. 9-9-20; Reg. of 3-17-21(2), eff. 5-12-21; Reg. of 3-16-22(6), eff. 5-4-22; Reg. of 4-27-22(2), eff. 6-1-22; Reg. of 2-15-23(3), eff. 3-15-23; Reg. of 3-15-23(2), eff. 5-3-23; Reg. of 12-20-23, eff. 1-31-24)

Cross reference—Deposit of coin in meters required, § 20-87; deposit of coin required in parking meter lots, § 20-102.

20 Prohibition of turns on red signal.

Notwithstanding any general authorization otherwise contained in the statutes of the State of Vermont, the ordinances of the City of Burlington or the regulations of the board of traffic commissioners, it shall be unlawful at the following intersections within the City of Burlington for an operator of a motor vehicle to make a right-hand turn against a traffic signal which is indicating red:

(a) At all times at the following locations:

(1) Institute Road and North Avenue, eastbound.

(2) North Avenue and North Street, northbound.

(3) North Street and Park Street, eastbound.

- (4) North Street and North Champlain Street, westbound.
- (5) Pearl Street and Winooski Avenue, eastbound.
- (6) Pearl Street and Winooski Avenue, southbound.
- (7) Church Street and Pearl Street, northbound.
- (8) Manhattan Drive and Park Street, eastbound.
- (9) Union Street and Pearl Street, northbound.
- (10) Reserved.
- (11) Reserved.
- (12) Main Street and South Union Street, eastbound.
- (13) Main Street and South Union Street, westbound.
- (14) Main Street and South Union Street, northbound.
- (15) Flynn Avenue and Pine Street, eastbound.
- (16) Flynn Avenue and Pine Street, westbound.
- (17) Flynn Avenue and Pine Street, northbound.
- (18) Flynn Avenue and Pine Street, southbound.
- (19) Main Street and South Prospect Street, westbound.
- (20) Main Street and South Prospect Street, northbound.
- (21) Main Street and South Prospect Street, eastbound.
- (22) Main Street and South Prospect Street, southbound.
- (23) Battery Street, Park Street and Pearl Street, northbound.
- (24) North Avenue and Plattsburg Avenue, northbound.
- (25) Pearl Street and Prospect Street, northbound.
- (26) Pearl Street and Prospect Street, southbound.

- (27) Pearl Street and Prospect Street, eastbound.
 - (28) Pearl Street and Prospect Street, westbound.
 - (29) Colchester Avenue and East Avenue, northbound.
 - (30) Colchester Avenue and East Avenue, eastbound.
 - (31) Pearl Street and Willard Street, northbound.
 - (32) Pearl Street and Willard Street, eastbound.
 - (33) Pearl Street and Willard Street, westbound.
 - (34) Pearl Street and Willard Street, southbound.
 - (35) Archibald Street and North Winooski Avenue, northbound.
 - (36) Archibald Street and North Winooski Avenue, eastbound.
 - (37) Archibald Street and North Winooski Avenue, southbound.
 - (38) Archibald Street and North Winooski Avenue, westbound.
 - (39) South Willard Street and College Street, southbound.
 - (40) North Avenue and North Street, southbound.
 - (41) Pearl Street and Battery Street, westbound.
 - (42) Pearl Street and North Champlain Street, westbound.
 - (43) Shelbourne Road and Prospect Parkway, southbound.
 - (44) North Street, Elmwood Avenue and Intervale Avenue, westbound.
 - (45) All right turns at Park Street, Pearl Street and Battery Street.
 - (46) North Champlain Street and Pearl Street, westbound.
 - (47) All right turns at Pine Street and Pearl Street.
- (b) At times when an illuminated sign indicating "No Turn On Red" is displayed to drivers at the following locations:
- (1) Main Street and Church Street, westbound.

- (2) Main Street and Church Street, northbound.
- (3) South Winooski Avenue and College Street, southbound.
- (4) South Winooski Avenue and College Street, northbound.
- (5) South Winooski Avenue and College Street, eastbound
- (6) South Winooski Avenue and College Street, westbound.
- (7) South Winooski Avenue and Bank Street, southbound.
- (8) South Winooski Avenue and Bank Street, eastbound.
- (9) South Winooski Avenue and Pearl Street, northbound.
- (10) Main Street and South Winooski Avenue, westbound.
- (11) Main Street and South Winooski Avenue, southbound.

(Reg. of 6-20-77; Reg. of 7-18-77; Reg. of 9-19-77; Reg. of 10-17-77; Reg. of 11-28-77; Reg. of 10-16-78; Reg. of 1-5-81; Reg. of 11-2-81; Reg. of 8-2-82; Reg. of 11-1-82; Reg. of 2-6-84; Reg. of 2-7-90; Reg. of 1-30-91; Reg. of 4-7-97; Reg. of 5-17-17(2), eff. 6-28-17; Reg. of 4-18-18(6), eff. 5-16-18)

21 School crossing guards.

Motor vehicles shall be operated in conformance with directions given by adult school crossing guards, who are hereby given the authority to direct vehicular traffic at the following locations:

- (1) Colchester Avenue and Mansfield Avenue.
- (2) Plattsburg Avenue and Sunset Drive.
- (3) North Avenue and Barley Road.
- (4) North Avenue and Starr Farm Road.
- (5) North Avenue and Woodbury Road.
- (6) North Avenue and North Street.
- (7) Archibald Street and Walnut Street.
- (8) Archibald Street and Intervale Avenue.

- (9) James Street and Hope Street.
- (10) North Street and Park Street.
- (11) North Street and North Champlain Street.
- (12) North Street and Elmwood Avenue.
- (13) Pearl Street and Willard Street.
- (14) College Street and South Willard Street.
- (15) Main Street and South Willard Street.
- (16) Main Street and South Union Street.
- (17) Pearl Street and Union Street.
- (18) Shelburne Street and South Willard Street.
- (19) Shelburne Street and Prospect Parkway.
- (20) Pine Street at Champlain School.
- (21) Pine Street and Flynn Avenue.
- (22) North Champlain Street at Lawrence Barnes School.
- (23) Pine Street and Home Avenue.
- (24) North Street at Lawrence Barnes School.
- (25) Elmwood Avenue and Spring Street.
- (26) Riverside Avenue and Intervale Avenue and Oak Street.
- (27) Archibald Street and North Winooski Avenue.
- (28) Plattsburg Avenue and North Avenue.
- (29) Farrington Parkway and Ethan Allen Parkway.
- (30) North Avenue and Ethan Allen Parkway.
- (31) Shore Road and North Avenue.

(32) Maple Street and South Union Street.

(33) Maple Street and South Willard Street.

(Reg. of 8-3-81; Reg. of 2-7-90; Reg. of 8-6-98; Reg. of 3-5-03; Reg. of 11-26-03; Reg. of 3-21-12(4), eff. 4-25-12)

22 Closing of streets.

The following streets are hereby closed to vehicular traffic, except service and supply vehicles, for pedestrian convenience:

(1) Church Street, from Main Street to Pearl Street.

(2) Depot Street, from Lake Street to North Avenue.

(Reg. of 4-2-84; Reg. of 3-3-86; Reg. of 6-9-04)

23 Designation of fire lanes.

The following locations are hereby designated as fire lanes in which vehicles are prohibited from parking or obstructing:

(1) Both sides of Cloarec Court.

(2) North side Thorsen Way.

(3) West side Markhams Lane.

(4) Northgate access road.

(5) At 288 Flynn Avenue specifically in front of the easternmost driveway extending ten (10) feet on both sides of the driveway.

(6) On the east side of Battery Street in the pull off area in front of 60 Battery Street.

(7) On either side of Penny Lane starting at its western terminus and going east to the northeast corner of the Francis J. O'Brien Water Treatment Facility.

(Reg. of 1-27-88; Reg. of 8-18-93; Reg. of 7-18-07(2), eff. 8-15-07; Reg. of 3-11-09(4), eff. 4-29-09; Reg. of 7-17-19(3), eff. 10-30-19; Reg. of 9-18-19(9), eff. 10-30-19)

24 Half-hour parking.

- (a) No person shall park a vehicle for a period longer than one-half hour at the following locations:

- (1) Reserved.

(Reg. of 4-27-88; Reg. of 2-17-99)

25 Taxicab stands.

The following locations are designated as taxicab stands:

- (1) On the north side of Main Street, in the second space easterly of St. Paul Street.
- (2) First two (2) parking spaces north of Main Street, on the west side of St. Paul Street, between the hours of 10:00 p.m. and 6:00 a.m.
- (3) On the south side of College Street immediately east of Church Street extending twenty (20) feet east from 10:00 p.m. to 6:00 a.m.
- (4) The space on the north side of Main Street immediately west of South Winooski Avenue from midnight to 6:00 a.m.
- (5) On the north side of Bank Street eighty-five (85) feet east of Church Street extending forty (40) feet east from 10:00 p.m. to 6:00 a.m.
- (6) On the south side of Cherry Street immediately east of Church Street extending thirty (30) feet east from 10:00 p.m. to 6:00 a.m.
- (7) On the north side of Cherry Street immediately east of Church Street extending thirty (30) feet east from 10:00 p.m. to 6:00 a.m.
- (8) On the north side of Pearl Street ninety-five (95) feet east of George Street extending twenty (20) feet east from 10:00 p.m. to 6:00 a.m.
- (9) On the south side of Main Street seventy (70) feet west of Church Street extending 50 feet west from midnight to 6:00 a.m.
- (10) On the east side of Church Street beginning fifty (50) feet south of Main Street and extending south for a distance of one hundred thirty (130) feet between the hours of midnight and 6:00 a.m.

(Regs. of 10-5-88; Reg. of 6-26-91; Reg. of 7-31-91; Reg. of 1-7-92; Reg. of 4-5-00; Reg. of 2-7-01; Reg. of 5-2-01; Reg. of 4-7-04; Reg. of 9-7-05, eff. 10-12-05; Reg. of 4-18-12(3), eff. 5-23-12; Reg. of 5-21-14(1), eff. 4-8-15; Reg. of 3-21-18(3), eff. 5-9-18; Reg. of 4-18-18(7), eff. 5-16-18)

Editor's note—A traffic regulation enacted Oct. 5, 1988, as amended by another traffic regulation enacted the same date, amended App. C by adding new §§ 24 and 25. Since regulations adopted April 27, 1988, were already included herein as a § 24, the editor, at his discretion, has included these new provisions as §§ 25 and 26.

26 Motorcycle parking.

The following locations are designated for the parking of motorcycles only:

- (1) In the space in front of 118 Pine Street.
- (2) On the north side of Pearl Street, in the space next westerly of George Street.
- (3) On the east side of St. Paul Street, in the area next northerly of Cherry Street.
- (4) On the east side of St. Paul Street, in the area next northerly of Main Street.
- (5) Northeast corner of College Street at Union Street.
- (6) Northwest corner of College Street and Hungerford Terrace.
- (7) On the south side of King Street in the space between 51 and 59 King Street.
- (8) On the south side of Main Street, in the first space east of Church Street.
- (9) Southwest corner of Main Street and St. Paul Street.
- (10) On the south side of Catherine Street between the driveways of 77 and 83 Catherine Street.
- (11) On the west side of Lafayette Street in the space between No. 210 Pearl Street and No. 21 Lafayette Street.
- (12) On the east side of South Champlain Street beginning thirty (30) feet south of College Street and extending for ten (10) feet.
- (13) Reserved.
- (14) On the south side of Strong Street in between the driveways of 35 Strong Street and 56 Drew Street.
- (15) On the east side of Battery Street starting one hundred eighty (180) feet south of King Street extending ten (10) feet south.

- (16) On the east side of South Willard Street in the first parking space north of Maple Street.
- (17) Reserved.
- (18) On the east side of North Willard Street in the first parking space north of Brookes Avenue.
- (19) On the south side of Pearl Street between the driveways of 177 and 175 Pearl Street.
- (20) On the south side of Pearl Street starting twenty (20) feet west of the crosswalk at the intersection with George Street and extending eight (8) feet west.
- (21) On the east side of Elmwood Avenue beginning at the driveway for 36 Elmwood Avenue and extending south eleven (11) feet.
- (22) On the east side of Clarke Street beginning at the driveway for 40 Clarke Street and extending fifteen (15) feet south.
- (23) On the east side of Clarke Street beginning at the driveway for 48 Clarke Street and extending thirteen (13) feet south.

(Regs. of 10-5-88; Reg. of 10-25-89; Reg. of 12-2-98; Reg. of 1-8-03; Reg. of 11-10-04; Reg. of 6-11-08(3); Reg. of 1-12-11(4), eff. 2-9-11; Reg. of 10-16-11(5), eff. 12-28-11; Reg. of 10-19-11(2), eff. 11-30-11; Reg. of 12-21-11(2), eff. 2-1-12; Reg. of 10-17-12(2), eff. 11-14-12; Reg. of 4-17-13, eff. 5-15-13; Reg. of 7-20-16(3), eff. 8-24-16; Reg. of 12-20-17(2), eff. 6-27-18; Reg. of 5-16-18(6), eff. 6-27-18; Reg. of 6-20-18(5), eff. 8-1-18; Reg. of 11-16-22(2), eff. 12-14-22; Reg. of 4-19-23(2), eff. 5-24-23; Reg. of 5-17-23(3), eff. 7-12-23; Reg. of 9-20-23(3), eff. 11-1-23; Reg. of 10-8-23, eff. 11-15-23)

27 No parking except with resident parking permit.

No person shall park any vehicle except (1) a vehicle with a valid residential street sticker or valid license plate number via a digital permitting program; (2) a vehicle with a valid transferable residential hanging tag; (3) a clearly identifiable delivery vehicle while conducting a delivery; (4) a clearly identifiable car share vehicle; or (5) a vehicle displaying a valid state-issued special registration plate or placard for an individual with a disability on any street, or portion thereof, designated as "residential parking."

- (a) Streets designated for residential parking at all times include:
 - (1) Bilodeau Court and Bilodeau Parkway. A permit issued for either Bilodeau Court or Bilodeau Parkway is valid on both streets.
 - (2) Reserved.

- (3) Case Parkway.
- (4) On the south side of Colchester Avenue from Latham Court to a point located one hundred (100) feet west of the Greenmount Cemetery entrance. Residents from 207 Colchester Avenue through and including 380 Colchester Avenue shall be eligible for resident parking permits.
- (5) East Avenue.
- (6) Fletcher Place.
- (7) Residents from Latham Court shall be eligible for resident parking permits on Nash Place, Thibault Parkway, or Case Parkway.
- (8) Nash Place.
- (9) Thibault Parkway.
- (10) Harrington Terrace.
- (11) Summit Street from Maple Street to Cliff Street.
- (12) North Street from North Prospect Street to Mansfield Avenue.
- (13) Brookes Avenue from North Williams Street to North Prospect Street.
- (14) On the north side of Maple Street for the first five (5) spaces west of Pine Street. Residents from 74 Maple Street through and including 106 Maple Street shall be eligible for resident parking permits.
- (15) Reserved.
- (16) The entire length of Henderson Terrace.
- (17) North Prospect Street from North Street to Pearl Street.
- (18) Juniper Terrace.
- (19) Robinson Parkway.
- (20) All nondefined spaces on the south side of King Street from Pine Street to St. Paul Street.
- (21) On Church Street from Maple Street extending south to 272 Church Street's southernmost driveway.

- (22) The west side of Mansfield Avenue from North Street to Colchester Avenue.
- (23) Summit Ridge.
- (24) On the north side of Cliff Street from Prospect Street west to Summit Street.
- (25) Gove Court.
- (26) Union Street from Buell Street north to Pearl Street.
- (27) Brown's Court.
- (28) University Terrace.
- (29) West side of Booth Street from Loomis Street to Pomeroy Park.
- (30) East side of South Prospect Street from the northernmost intersection of Robinson Parkway to Henderson Terrace.
- (31) South side of Cliff Street between South Union Street and South Willard Street.
- (32) Lafayette Place.
- (33) Deforest Road.
- (34) Elm Terrace.
- (35) Spaces in front of 331, 325, 321 and 309 South Willard Street.
- (36) Three (3) spaces in front of # 436 Maple Street, one (1) space just east of the driveway and the two (2) remaining spaces just west of the driveway.
- (37) North Street from High Grove Court to North Prospect Street.
- (38) On the north side of Grant Street from North Union Street to North Winooski Avenue.
- (39) On the west side of Colchester Avenue between 406 Colchester Avenue and Chase Street.
- (40) Three (3) spaces within the vehicle pull-off on the south side of Cliff Street between South Union Street and Summit Ridge.

- (41) On the east side of South Prospect Street beginning forty-six (46) feet north of Cliff Street extending north one hundred sixty (160) feet.
 - (42) On the east side of South Prospect Street beginning three hundred ninety-eight (398) feet north of Cliff Street and extending three hundred thirteen (313) feet north.
- (b) Streets designated for residential parking at all times for the period beginning May 1st and ending October 1st:
- (1) On the west side of Oakbeach Drive.
 - (2) On the west side of Southwind Drive.
- (c) Streets designated for residential parking from 12:00 a.m. to 6:00 a.m. include:
- (1) South Willard Street from Cliff Street to Howard Street.
 - (2) South Prospect Street from Cliff Street to Henderson Terrace.
- (d) Streets designated for residential parking from 6:00 a.m. to 6:00 p.m., Monday through Friday, include:
- (1) Reserved.
 - (2) Henry Street from Weston Street to Prospect Street.
 - (3) Reserved.
 - (4) Reserved.
 - (5) Wilson Street.
 - (6) Loomis Street from Mansfield Avenue to North Willard Street.
 - (7) Monroe Street.
 - (8) Johnson Street.
 - (9) George Street.
 - (10) Peru Street.
 - (11) Hungerford Terrace from Bradley Street to College Street.

- (12) North Champlain Street from Pearl Street to Monroe Street.
- (13) On the north side of Spruce Street from South Willard Street to South Winooski Avenue.
- (14) South Union Street from Adams Street to Cliff Street.
- (15) Prospect Hill.

(e) Reserved.

(f) *Permits.* Parking services shall issue resident parking permits only to residents of streets, or portions thereof, that are designated "resident parking only" for parking on that street pursuant to subsection (i) of this section.

(1) Residents may apply for up to four (4) permits if their property has one (1) dwelling unit, and up to three (3) permits per unit if the property has more than one (1) dwelling unit. The number of dwelling units at a property is the number of units authorized by the city zoning department. Of the permits issued per dwelling unit, up to two (2) may be in the form of a transferable residential hanging tag or valid license plate number via a digital permitting program and the remaining permits shall be residential street stickers that must be affixed to a permitted vehicle or valid license plate number via a digital permitting program. A resident may also be eligible for a thirty (30) day temporary resident permit in order to secure and produce proof of residency in accordance with subsection (g)(1) of this section subject to compliance with the applicable rules. Permits shall be valid for up to two (2) years, effective the date of issuance.

(2) The cost of a one (1) year permit shall be ten dollars (\$10.00) for each permit.

(3) The cost of a two (2) year permit shall be twenty dollars (\$20.00) for each permit.

(4) Residential parking permits shall be available at no cost to residents located on a street which provides a minimum of four (4) hour public parking during daytime hours in accordance with these regulations.

(5) Replacement permits will be available at a cost of five dollars (\$5.00) per permit if the old permit is returned at the time a replacement permit is issued. Otherwise, the permit holder will be charged seventy-five dollars (\$75.00) for a replacement permit.

(6) A contractor providing services to a resident located on a street with resident-only parking may request a permit valid for any and all designated resident parking streets throughout the city. The cost shall be five dollars (\$5.00) for a one (1) month permit, thirty dollars (\$30.00) for a six (6) month permit, or fifty dollars (\$50.00) for a one (1) year permit. The permit shall only be used when the contractor is providing service to a residence on a street with resident-only parking.

(7) Parking services may, with twenty-four (24) hour advance notice, grant a resident an exception to the limitation of spaces for a special activity.

(8) Parking services may, with twenty-four (24) hour advance notice, grant a nonresident an exception to the limitation of spaces for a special activity in exchange for payment of an established administrative fee.

(9) A dwelling unit whose resident(s) receive three (3) or more lawn parking violations per year shall automatically lose all residential parking permits (transferable residential hanging tags, residential street stickers, or digital permits) for the remainder of the year.

(10) A property which abuts one (1) or more streets designated as residential parking only may apply for a resident parking permit for only one (1) of the resident parking only streets abutting the property.

(g) *Specific conditions.*

(1) *Proof of residency.* In order to receive a residential parking sticker, or transferable residential hanging tag or digital permit, an individual must produce a valid government issued photo identification and proof of residency. Acceptable documents to prove residency on the designated street or section of street are:

- a. Valid government-issued photo identification with the resident parking street address noted on it.
- b. Valid motor vehicle registration identifying the resident or a family member as the registered owner of the vehicle.
- c. Current rental or lease agreement identifying the residence (including an apartment number where applicable) and the resident's name.
- d. City record indicating ownership or residency such as tax bill, assessor's records or code enforcement records.

- e. Copy of a valid bill or bank statement, no more than two (2) months old, identifying residence and name of resident. Valid bills include but are not limited to: gas, electric, cable, internet or credit card.
 - f. Current vehicle insurance policy with the resident parking street address noted on it.
 - g. Any other similarly valid and current document with the name of the resident and the resident street noted on it.
- (2) Upon showing of proof of business occupancy, owners and employees of small businesses on streets with designated "resident parking only" will be considered residents and issued a resident parking permit if sufficient off-street parking or metered long-term parking at the business location is not available. The conditions of the business's zoning permit must be used to determine if a business has sufficient, available off-street parking at its location. The owner or employee(s) will be issued a choice of a residential street sticker, or a transferable residential hanging tag, or digital permit. Customers of these small businesses may legally park on the street under the authority of the permit.
- (3) *Display of stickers.* When used, residential street stickers must be affixed to vehicles on the left-hand side of the rear bumper and must be visible without obstruction at all times. In order to be valid the sticker must have the resident street code designation or neighborhood designation and license plate number affixed to it.
- (4) *Display of transferable residential hanging tags.* When used, transferable residential hanging tags must be hung from the rearview mirror with the side displaying the resident street code designation or neighborhood designation affixed to it and visible without obstruction through the front windshield at all times. If a transferable residential hanging tag cannot be hung from the rearview mirror it must be placed on the front dashboard on the driver's side with the side displaying the residential street code designation or neighborhood designation visible without obstruction through the front windshield at all times.
- (5) *Fraternities and sororities.* Upon showing proof of residency, residents of fraternities and sororities upon properties separate and distinct from institutions and which abut "resident parking only" designated streets will be issued a permit and a residential street sticker for each resident's registered vehicle or equivalent digital permit. Each of these buildings may receive two (2) transferable residential hanging tags or equivalent digital permits. Buildings with more than ten (10) residents may receive one (1) additional transferable residential hanging tag or

equivalent digital permit for every four (4) adult residents beyond the first ten (10) residents, not to exceed five (5) additional transferable residential hanging tags or equivalent digital permits in total. The maximum number of transferable residential hanging tags or equivalent digital permits that any one (1) fraternity or sorority may have is seven (7).

(6) *Designation of area.* Only streets within the following designated areas may be designated for resident-only parking. Those areas are:

- a. Bounded by North Street, Willard Street, Main Street, Union Street, Beech Street, Deforest Road, Deforest Heights and generally the city limits to the east, but not including Willard and Union Streets where these streets define the boundary, except that resident-only parking may be imposed on South Willard Street from Cliff Street to Howard Street and in front of 331, 325, 321 and 309 South Willard Street.
- b. Bounded to the north by Main Street from South Union Street to Battery Street, not including Main Street. Bounded to the east by South Union Street from Main Street south to St. Paul Street, including South Union Street. Bounded to the south by Maple Street from St. Paul Street west to Battery Street, including Maple Street. Bounded to the west by Battery Street from Main Street south to Maple Street, not including Battery Street. Also bounded to the west by St. Paul Street from Maple Street south to South Union Street, not including St. Paul Street.
- c. Bounded to the north by North Street, but not including North Street. Bounded to the east by North Union Street, including North Union Street. Bounded to the south by Pearl Street, but not including Pearl Street. Bounded to the west by North Avenue, but not including North Avenue.
- d. All deadend streets.
- e. Bounded to the north by North Street, but not including North Street. Bounded to the east by South Willard Street, but not including South Willard Street. Bounded to the south by College Street, but not including College Street. Bounded to the west by two streets: North Union Street from North Street south to Pearl Street, but not including that section of North Union Street. Entire length of Orchard Terrace, including Orchard Terrace.
- f. Adoption of car share parking spaces can be extended to all areas of the city and are not restricted to any residential parking zone adoptions.
- g. Bounded to the north by Flynn Avenue, but not including Flynn Avenue. Bounded to the east by Oakbeach Drive, including Oakbeach Drive. Bounded to the

south by Austin Drive, but not including Austin Drive. Bounded to the west by the city limits.

(h) A nonresident property owner who can demonstrate proof of property ownership under subsection (g)(1) of this section may obtain one (1) additional resident parking permit above the four (4) permit limitation set forth in this section.

(i) *Parking voucher.* See Chapter 20, Motor Vehicles and Traffic, Article III. Parking, Stopping, and Standing, Division 1. Generally, Section 20-80, Limited violation forgiveness.

(j) *Prohibited Uses.* No person shall alter, resell, or otherwise engage in the unauthorized use of a residential permit issued under this section.

(k) Streets designated for resident parking at all times, except between the hours of 8:00 a.m. and 5:00 p.m. Between the hours of 8:00 a.m. and 5:00 p.m., nonresidents shall not park a vehicle for a period longer than four (4) hours; this four (4) hour time limit shall not apply to residents with a valid residential parking sticker properly displayed or to visitors at a residence with a valid guest pass properly displayed or digital permit.

(1) On the east side of South Prospect Street beginning three hundred eighteen (318) feet north of Cliff Street extending north eighty (80) feet.

(l) Streets designated for resident parking at all times, except between the hours of 6:00 a.m. and 6:00 p.m. Between the hours of 6:00 a.m. and 6:00 p.m., nonresidents shall not park a vehicle for a period longer than four (4) hours; this four (4) hour time limit shall not apply to residents with a valid residential parking sticker properly displayed or to visitors at a residence with a valid guest pass properly displayed.

(1) The south side of Bradley Street.

(Reg. of 10-10-90; Reg. of 11-28-90; Reg. of 12-12-90; Reg. of 1-30-91; Reg. of 1-7-92; Reg. of 2-19-92; Reg. of 6-27-92; Regs. of 7-29-92; Reg. of 11-4-92; Reg. of 5-5-93; Reg. of 8-18-93; Reg. of 12-15-93; Regs. of 6-22-94; Reg. of 8-10-94; Reg. of 10-19-94; Reg. of 12-14-94; Regs. of 6-28-95; Reg. of 12-10-96; Reg. of 9-15-99; Reg. of 10-27-99; Reg. of 12-15-99; Reg. of 1-19-00; Regs. of 3-22-00; Reg. of 5-3-00; Reg. of 10-4-00; Reg. of 2-7-01; Reg. of 8-8-01; Reg. of 12-6-01; Reg. of 12-17-01; Reg. of 8-13-03; Reg. of 10-7-03; Reg. of 12-10-03; Reg. of 5-19-04; Regs. of 7-7-04; Regs. of 10-13-04; Reg. of 11-17-04; Reg. of 1-12-05; Reg. of 9-7-05/10-12-05; Reg. of 4-12-06/5-17-06; Reg. of 6-11-08(4); Reg. of 7-9-08(2), eff. 8-20-08; Reg. of 9-10-08(3), eff. 10-15-08; Reg. of 10-8-08, eff. 11-5-08; Reg. of 11-12-08(4), eff. 12-17-08; Reg. of 3-11-09(5), eff. 4-29-09; Reg. of 3-11-09(10), eff. 5-27-09; Reg. of 12-14-09, eff. 2-3-10; Reg. of 9-10-10, eff. 10-19-11; Reg. of 4-18-12(4), eff. 5-23-12; Reg. of 6-19-13(5), eff. 7-24-13; Reg. of 12-18-13(2), eff. 2-5-14; Reg. of 7-16-14(8), eff. 9-17-14; Reg. of 5-21-14(3), eff. 6-10-15; Reg. of 4-15-15(7), eff. 6-10-15; Reg. of 11-18-15(4), eff. 12-30-15; Reg. of 4-20-16(4), eff. 6-1-16; Reg. of 5-18-16(3), eff. 6-15-16; Reg. of 9-21-16(5), eff. 11-2-16; Reg. of 9-10-08(4), eff. 6-28-17; Reg. of 9-20-17(5), eff. 11-29-17; Reg. of 11-28-18(3), eff. 1-9-19; Reg. of 3-20-19(2), eff. 4-24-19; Reg. of 4-16-19(4), eff. 5-22-19; Reg. of 9-18-19(6), eff. 10-30-19; Reg. of 1-15-20(6), eff. 2-19-20; Reg. of 11-17-21(4), eff. 12-22-21)

Editor's note—Traffic regulations adopted Aug. 18, 1993, amended App. C, § 27(a) by adding provisions designated as subsection (21). Since § 27(a) already contained a subsection (21), the editor has redesignated these new provisions as (22).

Traffic regulations adopted Oct. 19, 1994, and Dec. 14, 1994, amended § 27(a) by adding provisions designated as subsections (25) and (26), respectively. Inasmuch as there already existed a subsection (25), these new provisions have been redesignated as subsections (26) and (27).

28 Demonstration projects.

(a) *Purpose.* The purpose of this rule is to allow for short-term street design "demonstration projects" to be implemented by the City of Burlington or non-City of Burlington "community partners" upon the city's streets.

(b) *Definitions.*

(1) *Demonstration Project:* A "demonstration project" is a street design project evaluated by the Burlington fire department ("BFD"), Burlington police department ("BPD"), department of public works ("DPW") and/or Green Mountain Transit ("GMT") that is placed in the "street" under a short-term permit issued by the department of public works ("DPW") for a period up to seven (7) days. A demonstration project can be initiated by a department or office of the City of Burlington or a community partner.

(2) *Community Partner:* A "community partner" is a nonmunicipal organization, business, or person who is responsible for the application and implementation of a demonstration project under a permit issued for that purpose.

(3) *Sponsor:* A "sponsor" is a department or office of the City of Burlington or a community partner who is responsible for the application for and implementation of a demonstration project under a permit issued for that purpose.

(4) *Phase 1 Application:* A "Phase 1 application" is the initial application to DPW to assess traffic control requirements, confirm compliance with applicable laws and regulations, and provide advice on Phase 2 permit application.

(5) *Phase 2 Permit Application:* A "Phase 2 permit application" is the final application which is to be submitted to DPW.

(6) *Street.* The word "street" shall have the same meaning as it does in Sections 1-2 and 27-1. A "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. A "street" shall include sidewalks, bikeways, and so-called greenbelts—that area between the curb or gutter and the street line on each side of the street, except that which is used as a sidewalk.

(c) *Permit Application and Approval Process:* The process to obtain a demonstration project permit is as follows:

- (1) The sponsor of a demonstration project must submit a complete Phase 1 application to DPW no less than two (2) months before the desired project start date. DPW staff will review the application within two (2) weeks of the receipt of the application and provide feedback, which may include adjustments to the project components and/or schedule in order to be considered for a permit.
- (2) After receiving DPW feedback on a Phase 1 application, the sponsor must submit a complete Phase 2 permit application no less than forty-five (45) days before the requested project start date. DPW shall distribute the Phase 2 application to CCTA/GMT, BPD, BFD, and/or the public works commission, as needed, in order to obtain these agencies' approvals. This distribution will be no closer than thirty (30) days before the desired project start date, allowing these agencies to report any concerns or provide approvals within thirty (30) days of DPW's distribution.
- (3) DPW shall distribute approved permits and all appropriate attachments to the agencies listed above for informational purposes a minimum of one (1) week before the demonstration project starts.
- (4) A one hundred twenty dollar (\$120.00) deposit shall be required with the application.

(d) *Permit Rejection:* A permit shall be rejected if the director of public works determines that the project is not in the best interest of the city. The director shall provide the sponsor with the reasons why it was rejected. Reasons for refusal may include, but are not limited to, the following:

- (1) The sponsor fails to address the feedback provided by DPW after the Phase 1 application to the satisfaction of the director.
- (2) The demonstration project is requested to take place on a street classified as "arterial" by the City of Burlington (North Avenue, Colchester Avenue, Shelburne Road or Main Street) or on a state highway.
- (3) The demonstration project is located on the public right-of-way on a street with a speed limit greater than twenty-five (25) miles per hour.
- (4) The demonstration project interferes with the normal operation for delivery trucks, public transit routes/stops, and/or trash/recycling pick-up.

- (5) The demonstration project restricts access to public utilities and/or the ability of emergency vehicles to access a road or fire hydrants.
 - (6) The demonstration project fails to preserve normal street/sidewalk access, driveway access, or access for individuals with disabilities.
 - (7) The demonstration project is located near an ongoing nearby construction project.
 - (8) The demonstration project blocks a street or public right-of-way for project installation for more than twenty-four (24) hours.
 - (9) If required, traffic control plans are not adequate and professional on-site supervision is not included.
 - (10) The demonstration project would result in severe traffic congestion.
 - (11) The demonstration project would interfere with the quiet of a neighborhood during normal sleeping hours (10:00 p.m. to 7:00 a.m.).
 - (12) The demonstration project involves charging the public for activities or admission, including but not limited to the sale of food or other items.
- (e) *Permit Required:* No demonstration project shall be allowed except under a permit issued by the public works director, or his/her designee.
- (f) *Permit Conditions:* All permits shall have the following standard conditions attached to them, unless an express exemption or modification is written in the permit:
- (1) The sponsor shall notify all households, businesses, and impacted car-share agencies as directed in the permit.
 - (2) If a permitted demonstration project will temporarily eliminate parking, the sponsor shall post signs in conspicuous locations adjacent to that parking by 6:00 p.m. the day before and the prohibition shall be effective 12:00 a.m. the following day. Such prohibition shall remain in effect until such signs are removed and until the end of the demonstration project. In addition, when metered parking is temporarily eliminated, the sponsor shall obtain a meter obstruction permit ("meter bag") from the department of public works.
 - (3) The sponsor will conspicuously post a project information sign within the project area at least one (1) week in advance of the event that describes the project, details the start and end date, identifies the sponsor's contact name and phone number, identifies DPW as an alternate contact, and instructs use of 911 in case of emergencies.

(4) The sponsor shall require all participants to read the safety guidelines set by the department of public works and complete and sign the release of liability waiver provided. Participants must follow safety rules, laws, and procedures to ensure the work environment is safe, including obtaining and wearing safety equipment when required by the applicable rule, law or procedure. At a minimum, Class 2 or 3 high-visibility safety vests shall be worn by participants within the roadway and/or exposed to traffic or construction equipment.

(5) The sponsor shall notify the DPW within twenty-four (24) hours of any traffic crashes or other incidents resulting in injury to persons or damage to property occurring at the demonstration project site or as a direct result of the demonstration project.

(6) Demonstration project leaders shall hold safety meetings/briefings with any and all participants during any day of installation or removal to discuss potential hazards or other safety concerns, describe any traffic control plan requirements, describe any safety equipment that may be required, describe any age restrictions for any activities, and ensure that all participants sign the release of liability on each day of participation.

(7) The sponsor shall provide, install, maintain, and remove the project materials and elements at no cost to the City of Burlington or its departments.

(8) The project elements, including traffic control devices, shall be installed in accordance with the approved plans.

(9) The sponsor is responsible for removing all elements and features of the demonstration project and restoring the project site to its original conditions by the end of the permit period.

(10) The sponsor agrees to hold the city harmless for damages to project elements caused by the city's removal of project elements.

(11) The sponsor shall work with any affected neighbors, businesses, or visitors to resolve any concerns to the extent feasible without undermining the goals of the demonstration project. If concerns cannot be addressed, the sponsor shall notify DPW through the project recap sheet included in the permit.

(12) The sponsor shall complete a project evaluation/recap worksheet and submit it to DPW within two (2) weeks of the project ending.

(g) *Project Termination or Modification:*

(1) The public works director may, at his or her discretion, immediately terminate a demonstration project if public safety is at risk. The public works director may also, at

his or her discretion, immediately terminate a demonstration project if the project fails to comply with any permit conditions.

(2) The public works director may, at his or her discretion, terminate a demonstration project before its permitted end date or require modifications to the project if the demonstration project no longer meets the intent of the approved demonstration project permit or fails to comply with any permit conditions.

(3) If the project is immediately terminated or terminated early or the sponsor fails to remove the project elements and features within the agreed time frame, the sponsor shall be forfeit the one hundred twenty dollar (\$120.00) deposit in consideration of the administrative and staff time expended by the city on the project and the sponsor shall be considered ineligible to lead future demonstration projects for no less than two (2) years.

(4) If the city has to remove parts of the project, the city will not be held liable for damages to the project elements.

(5) The one hundred twenty dollar (\$120.00) deposit will be refunded if the project terminates in accordance with the permit and its conditions.

(Reg. of 6-21-17(2), eff. 8-16-17)

29 Special parking.

No parking shall occur at the following locations unless by:

(a) *Car share organizations.* Valid car share organizations shall meet the following criteria: Require users to be members of the car share organization. Provide ubiquitous self-service access to all, or most, of a shared fleet of automobiles at locations not staffed by the car share service organization. Encourage short-term, local trips and discourage users from driving more than necessary. Provide its members automobile insurance that exceeds the State-mandated minimum when its members are using car share vehicles and shall assume responsibility for maintaining car share vehicles.

- (1) On the east side of Drew Street in the first space north of North Street.
- (2) On the north side of Main Street in the first space east of St. Paul Street.
- (3) On the south side of Pearl Street in the first space east of Church Street.
- (4) In the Fletcher Free Library parking lot in the northeastern most space.

- (5) On the south side of Locust Street, in the space forty (40) feet east of the intersection of Charlotte Street and Locust Street.
- (6) Two (2) spaces on the gate controlled lower level of the Marketplace Garage.

- (7) On the north side of Main Street in the first space west of Saint Paul Street.
- (8) On the east side of Hyde Street in the first space north of North Street.

(b) *The mayor of the City of Burlington, Vermont.*

- (1) On the east side of St. Paul Street in the first space north of Main Street.

(c) *Electric vehicles.*

- (1) On the south side of Main Street in the second and third spaces east of Church Street.
- (2) On the north side of Main Street in the second space west of Saint Paul Street.

(d) *Police vehicles.*

- (1) On the north side of Main Street at the intersection of Church Street, except for police vehicles.

- (2) On the north side of Sherman Street except twenty-five (25) feet at the westernmost end of the street that is reserved for police parking only.

- (3) On the north side of Pearl Street beginning ten (10) feet from the easterly crosswalk on Pearl Street at North Champlain Street and continuing east for a distance of seventy-five (75) feet, except for police vehicles between 8:00 a.m. and 5:00 p.m.

- (4) On the north and south sides of Cherry Street at the intersection of Church Street, except for police vehicles.

- (5) On the north and south sides of Bank Street at the intersection of Church Street, except for police vehicles.

- (6) On the north side of College Street at the intersection of Church Street, except for police vehicles.

- (7) On the south side of College Street one hundred ten (110) feet west of Church Street, except for police vehicles.

(e) *Bus parking.*

(1) Reserved.

(f) *Food truck parking.* Valid food truck peddlers must meet the criteria outlined in Chapter 23, Peddlers and Solicitors.

(1) On the east side of University Place in the five (5) spaces in front of the Royal Tyler Theater.

(Reg. of 5-18-22, eff. 6-22-22; Reg. of 11-28-18(3), eff. 1-9-19; Reg. of 3-20-19(3), eff. 4-24-19; Reg. of 11-28-18(4), eff. 5-18-19; Reg. of 4-16-19(5), eff. 9-11-19; Reg. of 12-15-21(3), eff. 9-20-23; Reg. of 3-31-23, eff. 5-3-23)

30 Speed limits.

(a) *Speed limit generally.*

(1) 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 twenty-five (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; with the exception of those streets listed in subsection (b) of this section.

(b) *Speed limit on listed streets.*

(1) No motor vehicle shall be operated at a rate of speed greater than twenty (20) miles per hour, and suitable signs stating this speed limit shall be conspicuously placed on such streets:

a. Church Street from King Street north to Main Street.

b. Lake Street.

(2) No motor vehicle shall be operated upon any of the following streets at any time at a rate of speed greater than five (5) miles per hour, and suitable signs stating this speed limit shall be conspicuously placed on such streets:

a. Church Street from Main Street to Pearl Street.

(3) No motor vehicle shall be operated upon any of the following streets at any time at a rate of speed greater than thirty (30) miles per hour, and suitable signs stating this speed limit shall be conspicuously placed on such streets:

- a. Plattsburg Avenue.
- b. North Avenue from Plattsburg Avenue to the southern on-ramp for the Northern Connector.
- c. Shelburne Street from the South Burlington town line north to Adams Court.
- d. On Austin Drive starting at Red Rocks Drive going east.

(4) No motor vehicle shall be driven or operated on the Southern Connector, between Shelburne Street and a point one thousand seven hundred (1,700) feet south of Home Avenue, at a rate of speed greater than forty-five (45) miles per hour.

(5) No motor vehicle shall be driven or operated on the Southern Connector, between a point one thousand seven hundred (1,700) feet south of Home Avenue and Maple Street, at a rate of speed greater than thirty-five (35) miles per hour.

(6) No motor vehicle shall be driven or operated on the Northern Connector at a rate of speed greater than fifty (50) miles per hour, except that northerly from a point five hundred (500) feet south of its intersection with Plattsburg Avenue to the Colchester town line, no motor vehicle shall be driven or operated at a rate of speed greater than thirty-five (35) miles per hour. Also no motor vehicle shall be driven or operated at a rate of speed greater than twenty-five (25) miles per hour for the entire length of the northbound exit ramp at the intersection of North Avenue and the Northern Connector.

(7) No motor vehicle shall be driven or operated on Route 127 at a rate of speed greater than thirty-five (35) miles per hour starting at a point one thousand five hundred eighty-four (1,584) feet north of Manhattan Drive and proceeding south for another one thousand fifty-six (1,056) feet south.

(8) No motor vehicle shall be driven or operated on Route 127 at a rate of speed greater than twenty-five (25) miles per hour starting at a point five hundred twenty-eight (528) feet north of Manhattan Drive and proceeding south for another five hundred twenty-eight (528) feet south.

(c) *Speed limit in school zones.*

(1) Notwithstanding the provisions of subsection (a) of this section, no person shall operate a vehicle at a rate of speed greater than twenty-five (25) miles per hour when children are present in any school zone in the city as designated by the traffic commission.

(d) *Speed limit in cemeteries.*

- (1) The speed limit at Lakeview and Greenmount Cemeteries shall be ten (10) miles per hour.
- (e) *Speed limit in city parks.*
 - (1) No person shall operate a vehicle on any road within any city park at a speed greater than fifteen (15) miles per hour.

(Reg. of 5-20-20(1), eff. 7-29-20; Reg. of 3-16-22(7), eff. 5-4-22)

31 [Reserved].

Editor's note—The provisions of this section, which contained temporary regulations and derived from ordinances of Feb. 17, 2021 and March 17, 2021, expired on July 31, 2021.

¹ **Editor's note**—Section 48(LVIII) of the city charter authorizes the appointment of a traffic commission and further authorizes such commission to adopt regulations pertaining to traffic, which regulations shall have the full force and effect of ordinances. These regulations as adopted and amended are included herein as Appendix C. The editor has added numbers to facilitate usage and indexing.

Charter reference—Appointment and duties of traffic commission, § 48(LVIII).

Cross reference—Motor vehicles and traffic generally, Ch. 20; authority to regulate generally, § 20-23.

² The designated use of the Elmwood lot is hereby suspended until April 30, 2025, at which time such suspension will cease to exist.

³ The designated use of eleven (11) spaces for parking located on the southeast corner of the roof deck, south of the stair tower are suspended until June 30, 2025, at which time such suspension will cease to exist.

APPENDIX D RULES AND REGULATIONS OF THE BURLINGTON PARKS AND RECREATION DEPARTMENT

- 1 Park reservation and special use policy.**
- 2 Perkins Pier Marina, Waterfront Park and Community Boathouse.**
- 3 Harbor and waterways; designated areas.**
- 4 Beaches and waterfront areas.**
- 5 Park closings.**

6 Tennis and basketball courts.**7 Off-leash dog areas.****8 Repeal of prior rules.****1 Park reservation and special use policy.**

(A) *General Statement:* The department of parks and recreation will make park properties and facilities available to the public on a first-come-first-served basis. Certain areas and facilities may be available for special use on a reservable and exclusive-use basis. Special use of areas and facilities must be compatible with the department's overall policy of appropriate and equitable use and wise land management. Specific policies and regulations have been developed as detailed in subsections (C) through (I), which cover many of these special uses. Any request for park use which is not detailed in subsections (C) through (I) must be submitted to the board of parks and recreation commissioners for consideration.

The policies and procedures for park special use and required permits as stated herein are exclusive of contractual agreements in excess of four (4) days which are generally associated with seasonal concessionaires and the operation of the Gordon H. Paquette Municipal Arena and the North Beach Campground.

(B) *Objectives:* The objectives of the park reservation and special use policy as detailed herein is to define the purpose for which park areas and facilities may be used, appropriateness and conditions of use, scheduling requirements and priorities, permit requirements and applicable charges for services and facilities provided by the department.

(C) *Types of Park Special Use Permits:*

- (1) Standard form—Park special use permit;
- (2) Approved schedules submitted by recognized youth or adult sports leagues, Burlington City governmental divisions or recognized annual concert series.
- (3) Contract agreement.
- (4) Park entertainer's license.

(D) *Conditions Requiring Park Special Use Permits:* A park special use permit is required if one or more of the following conditions exist.

- (1) A group of individuals of twenty (20) or more who use a park area or facility.

- (2) Reservation and exclusive use of a park area or facility for a specific time and date or on a continued scheduled basis.
- (3) Use of park area or facility for an event open to the public.
- (4) Use of park area or facility for commercial or fund-raising purposes, including, but not limited to, the sale of goods and services, solicitation of monies, sale of tickets or games of chance, and the use of park areas or properties to conduct an activity where the exchange of money for a product or service does not occur directly in the park, such as mass media advertising or photography.
- (5) The conduction of a sports tournament or event where individuals or teams are charged a fee to participate or spectate.
- (6) Use of park area for park entertainers where donations may or may not be solicited.

(E) *Rules and Regulations Concerning Park Special Use Permits:*

- (1) Park special use permits will be issued to responsible persons eighteen (18) years of age or older.
- (2) Persons representing organizations, institutions or businesses must be an authorized representative and accountable for any personal or property damage arising from the activities of the group and for the conduct of those in the group.
- (3) Payments associated with standard form park special use permits must be made at the time the permit is issued.
- (4) Standard form park special use permits must be picked up at least twenty-four (24) hours before the scheduled use. Permits associated with Saturday and Sunday use must be picked up by 12:00 noon of the preceding Friday. Permits not picked up prior to established deadlines will be voided upon department discretion.
- (5) Park reservations and permits may be canceled by the applicant forty-eight (48) hours prior to scheduled use without liability. The department will issue cancellation notices as far in advance as possible, but reserves the right to cancel at any time as deemed necessary.
- (6) Permits may be canceled by authorized department personnel or the chief and tour commander of the police department at the time of the reservation if the conditions and intent of the permit is violated or if the permit holders violate any park rule or regulation, park or city ordinance, Vermont state or federal law.

(7) Upon cancellation of a permit as a result of a violation of the permit agreement or violation of park regulations, park or city ordinances, Vermont state or federal law, the park area and/or facilities will be vacated by the group as stated on the permit and the area/facility will revert to use on a first-come-first-served basis until such time as a succeeding permit comes into effect.

(8) No tickets are to be sold or admission charged, donations or other money-raising methods conducted except as expressly approved by the board of parks and recreation commissioners or authorized designee.

(9) No group shall conduct any activity causing undue additional work for the department unless a previous agreement has been made for reimbursement.

(10) Permits are not transferrable to another individual or group.

(11) Request for park special use requiring department approval may be made in person, by telephone or in writing. Request for park special use requiring approval by the board of parks and recreation commissioners must be submitted in writing.

(12) Individuals or groups engaging in the sale of items intended for consumption or sponsoring an athletic event where participants are charged a fee must provide proof of a comprehensive liability policy protecting themselves and the City of Burlington, as an additional insured, from loss or liability arising out of their sponsored activities. The limits of such policy shall be no less than three hundred thousand dollars (\$300,000.00) per person and three hundred thousand dollars (\$300,000.00) per occurrence.

(13) Licenses:

Individual license: Each individual applying for a parks entertainer's license shall be granted such a license after paying the appropriate fee and providing the following information to the parks commission: 1) individual's name, address, and telephone number; and 2) a recent picture of the individual showing the head and shoulders in a clear and distinguishable manner. The parks division office will take the photo if necessary for one dollars and twenty-five cents (\$1.25).

If an entertainer is unable (due to special circumstances) to come to the office that person may apply by mail. This license allows a person to perform. It is not an employment contract.

Group license: If two (2) or more street entertainers are performing as a group, one license, listing each member of the group, may be issued after paying the appropriate fee and providing the following information to the parks commission: 1) individual's names, addresses and telephone numbers; and 2) a recent picture of the individuals showing their

heads and shoulders in a clear and distinguishable manner. The parks division office will take the photo, if necessary, for one dollar and twenty-five cents (\$1.25).

If an entertainer is unable (due to special circumstances) to come to the office, that person may apply by mail.

Annual license: An annual license may be issued to an entertainer or group if 1) at least five (5) daily/weekend licenses have been obtained; and 2) no valid complaints have been filed during the five (5) separate performing dates. (A valid complaint is defined as one which relates to violations of the rules and regulations set forth in these guidelines).

Minors: Any person under the age of eighteen (18) must have a parent or guardian present when applying for a license. The parent or guardian must provide a written statement 1) assuming full responsibility for the minor's performance; and 2) agreeing to hold and save harmless the City of Burlington Parks and Recreation Department, its agents, employees, and offices, harmless for any and all liability arising out of or in connection with the minor's performance.

Display of license: Parks entertainers must display their licenses while they are performing. If they do not, it will be assumed that the person is not licensed and the police or staff will ask the person to cease performing.

Signing of license: By signing the license, the licensee acknowledges understanding that:

- 1) They are conversant with these rules and regulations and with any city ordinances that may govern park entertainers.
- 2) Having a parks entertainer's license in no way protects them from the enforcement of any such relevant rule, regulation or ordinance of the city or state;
- 3) The right to act as a park entertainer in the parks is a privilege; and
- 4) His or her activities as a park entertainer must not constitute a nuisance.

Annual license renewal: Licensees are responsible for renewing their licenses. Conditions of renewing the annual licenses are:

- 1) Park entertainers have notified the parks and recreation department of any change of address during the previous year;
- 2) No valid complaints have been filed against the entertainer during the previous season; and

- 3) The entertainer/group has applied in person for the renewal of the annual license.

Park entertainers, who have not met the requirements for renewal of an annual license, may begin the process to receive an annual license which is outlined above.

Fees:

Daily licenses (individual/group)	\$ 5.00
Annual licenses (individual/group)	25.00

Locations: The Burlington City ordinances allow no more than two (2) parks entertainment acts in the following parks at any time. These parks are North Beach, Leddy, City Hall, Perkins Pier, Waterfront and Oakledge. For the purpose of site selection, a group shall be considered as one entertainment act. These licenses shall be granted on a first come first serve basis. Further guidelines established by the parks commission are as follows:

- 1) Entertainers are excluded from performing at the Burlington Community Boathouse and the College Street Pier.

Entertainers must observe a 150-foot buffer from the upper and lower shelters at Oakledge Park.

Entertainers must observe a 150-foot buffer from the North Beach Bathhouse.

Entertainers must observe a 100-foot buffer from the Bandshell at Battery Park.

Entertainers must observe a 50-foot buffer around any buildings at City Hall Park.

Entertainers must observe a 50-foot buffer around any docks or buildings at Perkins Pier.

Entertainers must observe a 50-foot buffer around any tennis courts or buildings at Leddy Park.

- 2) There may be only two (2) park entertainment acts per park. Park entertainers shall be responsible for selecting sites in the parks within the above-noted guidelines. Further restrictions may apply.

3) Park entertainers share responsibility for maintaining clear pathways to adjacent businesses, vending operations and through the pedestrian right-of-way.

4) Park entertainers may not use park benches while performing.

5) Entertainers will be restricted to certain locations during park special events.

Performance time: The park entertainers may perform only from 10:00 a.m. to 9:00 p.m. Sunday through Thursday and 10:00 a.m. to 10:00 p.m. Friday and Saturday.

Maximum performance time per park per day is two (2) contiguous hours, ten (10) minutes may be allowed for set up, if needed.

Entertainers will be restricted to certain times during parks and recreation-sponsored events.

Volume control: Parks entertainers may not use amplified sound. Entertainers using brass instruments and saxophones must mute them. Performers must reduce the level of sound or mute their instruments upon request by authorized personnel or Burlington Police. If they do not comply, their license will be revoked.

Sale of products: Licensed park entertainers may sell tapes or other recordings of their own performance(s). No additional license (e.g., a vendor's license) is required for this activity.

Disciplinary action: A valid complaint is defined as one which relates to violations of the rules and regulations set forth in these guidelines. A complaint must also be received in writing containing the complainants' name, address and phone number. A complaint may be valid if parks and recreation staff document violation of rules set forth herein.

The first valid complaint filed against a license holder will be communicated verbally.

The second valid complaint causes revocation of the license until the entertainer appears before the parks commission to resolve the issue.

Should the parks commission decide to extend the revocation of a license, it may choose to do so for up to thirty (30) days for a first offense, for up to twelve (12) months after a second offense, or for up to twenty-four (24) months after a third offense.

If a licensee is found guilty of violating a City of Burlington ordinance and/or State of Vermont law while performing, the license will be automatically revoked and no new license may be issued for twenty-four (24) months.

Insurance: Acts which may be considered dangerous (e.g. Acts involving knives, fire, other hazardous materials) must provide insurance. The licensee shall maintain a policy which limits liability for bodily injury and property damage in the amount of at least one hundred thousand dollars (\$100,000.00)* for bodily injury to any one person, and for damages to property in the amount of at least twenty-five thousand dollars (\$25,000.00) resulting from any one accident. The licensee must provide proof of such insurance to the parks and recreation department upon request.

Note—Insurance amounts may be changed subject to checking with the city's insurance administrator.

(F) *Park User Classifications:* Park areas and facilities will be available for special use on a first-come-first-served reservation system. However, upon the discretion of the department, to best serve the recreational needs of the public, and in order to give priority to the various groups making application for special use, the user classifications will preclude the first-come-first-served reservation system. Appeals for park special use allocations may be made in writing to the board of parks and recreation commissioners for consideration.

(1) Class I Recreational—Open to the public:

- (a) Department-sponsored events and activities.
- (b) Department-cosponsored events and activities.
- (c) Nonprofit youth and adult sports leagues.
- (d) Governmental divisions/agencies, quasi-public agencies, nonprofit agencies.
- (e) Individuals, groups, organizations, businesses.

(2) Class II Recreational—Closed membership, not open to the public.

- (3) Class III Nonrecreation—Nonprofit.
- (4) Class IV Commercial.
- (5) Class V—Park Entertainers.

(G) *Park Special Use Approval Authorization:*

(1) The department of parks and recreation is authorized to process and approve all requests for park special use in compliance with the policies as set forth in the park special use policy, including the exposure and sale of goods and services in connection with an event when such sales are conducted by the sponsor of the event and intended to defray cost of the event. Proceeds from such sales may also be used to defray operating expenses of governmental divisions, quasi-public or nonprofit organizations or agencies.

(2) Request for park use, commercial in nature, intended to generate a profit and not affiliated with an activity or event occurring on park property must be submitted in writing and approved by the board of parks and recreation commissioners.

(3) Any request for department cosponsorship of an event or for park special use not in compliance with the park special use policy must be submitted in writing and approved by the board of parks and recreation commissioners.

(H) *Approved Special Use Activities by Park:* Park special use permits will be issued for park areas and facilities under the following guidelines and restrictions:

(1) *Neighborhood parks:* Lakeside, Pomeroy, Roosevelt, Schmanska, Smalley, Appletree, Baird. Neighborhood parks, generally serving an area within a one-quarter-mile radius, are intended for use by neighborhood residents on a first-come-first-served basis. Park special use permits will be issued only to local youth groups and civic organizations for specific events. Approval for continuous scheduled use by youth sports leagues may also be granted. Stereo, radio or other amplified music shall be prohibited in neighborhood parks from 10:00 p.m. until 7:00 a.m.

(2) *Special use areas:* Battery Park, City Hall Park, Perkins Pier, Waterfront Park.

(a) Battery Park—Cultural, performing arts and concerts, public speeches and demonstrations, civic ceremonies, fund raising, shows and exhibits. Permit for entertainment must be approved by the board of parks and recreation commissioners. The amplified sound at events or concerts shall not exceed three (3) consecutive hours in duration. Sound checks or testing shall commence no earlier than one-half hour before the permitted performance schedule. Concerts shall be limited to three (3) per week, not more than one per day, with the week commencing on Saturday at 9:30 a.m. Concerts shall not be scheduled on more than two (2) consecutive days and will commence no earlier than 9:30 a.m. unless specifically authorized by the board of parks and recreation commission, nor shall they conclude later than 9:00 p.m. The volume level of any concert, or any event with amplified sound, shall not exceed seventy-five (75) decibels at any time when measured at any place on the exterior perimeter of the park.

(b) City Hall Park—Cultural, performing arts and concerts, public speeches and demonstrations, civic ceremonies, fund raising, shows and exhibits. Permit for entertainment must be approved by the board of parks and recreation commissioners. Sound checks or testing shall commence no earlier than one-half hour before the permitted performance schedule. Concerts shall be limited to three (3) per week, not more than one per day, with the week commencing on Saturday at 8:00 a.m. Concerts shall conclude no later than 9:00 p.m. The volume level of any concert shall not exceed ninety-five (95) decibels at any time when measured at any place on the exterior perimeter of the park.

- (c) Perkins Pier—Waterfront or aquatic-oriented events. Permit for entertainment must be approved by the board of parks and recreation commissioners. The amplified sound at events or concerts shall not exceed four (4) continuous hours in duration. Sound checks or testing shall commence no earlier than one hour before the permitted event or concert and shall last no longer than one hour. The volume level of any concert, or any event with amplified sound, shall not exceed eighty-five (85) decibels at any time when measured at any place on the exterior perimeter of the park.
- (d) Waterfront Park—As administered by department of water resources.
- (3) *City parks:* Ethan Allen Park, Leddy Park, Oakledge Park, North Beach Park.
- (a) Ethan Allen Park—Limited facilities restrict use to a time period of three (3) hours. Use of the park exceeding three (3) hours requires provisions for restroom facilities.
- (b) Leddy Park—Available for field sports, tennis, picnicking and aquatic events. Permit for entertainment must be approved by the board of parks and recreation commissioners. The amplified sound at events or concerts shall not exceed four (4) continuous hours in duration. Sound checks or testing shall commence no earlier than one hour before the permitted event or concert and shall last no longer than one hour. The volume level of any concert, or any event with amplified sound, shall not exceed eight-five (85) decibels at any time when measured at any place on the exterior perimeter of the park.
- (c) Oakledge Park—Available for field sports and picnicking. Use of amplified recorded or live entertainment must be approved by the board of parks and recreation commissioners. Permit for entertainment must be approved by the board of parks and recreation commissioners. The amplified sound at events or concerts shall not exceed four (4) continuous hours in duration. Sound checks or testing shall commence no earlier than one hour before the permitted event or concert and shall last no longer than one hour. The volume level of any concert, or any event with amplified sound, shall not exceed eight-five (85) decibels at any time when measured at any place on the exterior perimeter of the park.
- (d) North Beach Park—Available for aquatic events. Permit for entertainment must be approved by the board of parks and recreation commissioners. The amplified sound at events or concerts shall not exceed four (4) continuous hours in duration. Sound checks or testing shall commence no earlier than one hour before the permitted event or concert and shall last no longer than one hour. The volume level of any concert, or any event with amplified sound, shall not exceed eight-five (85)

decibels at any time when measured at any place on the exterior perimeter of the park.

(4) *Playfield parks:* North Park, South Park.

(a) North Park—Youth field sports.

(b) South Park—Youth and adult field sports.

(5) *Playground parks:* Champlain St. Park.

(a) Champlain St. Park—Not available for special use.

(6) *District parks:* Arms Property, Intervale Property.

(a) Arms Property—Undeveloped property suitable for passive recreation and educational purposes.

(b) Intervale Property—Same as Arms Property.

(I) *Fees and Charges:* As set annually by the board of parks and recreation commissioners.

(Reg. of 8-4-86; Reg. of 2-23-87; Res. of 6-26-95; Res. of 6-9-97; Res. of 6-22-98; Res. of 9-14-98)

2 Perkins Pier Marina, Waterfront Park and Community Boathouse.

(A) *Safety and Courtesy:*

(1) Motorists shall not operate any motor vehicle within the land area of Perkins Pier or Waterfront Park at a speed in excess of five (5) miles per hour.

(2) Motorists shall park automobiles and boat trailers only in areas designated for that purpose and shall ensure that said vehicles and/or trailers do not block or impede pedestrian and bicycle access along designated pedestrian and bicycle paths. Persons wishing to use launching facilities may do so only after purchase of an appropriate daily vehicle entrance ticket or season's vehicle and trailer vehicle entrance pass.

(B) *Season Docking Permits:*

(1) No person shall tie up overnight to any slip or bulkhead without first having acquired a transient permit signed by the Dock Master or having paid a transient fee. Vessels within the docking areas are presumed to be overnight if they remain after 8:00 p.m. E.D.T.

- (2) Owner must provide adequate line and feeders and maintain them in proper condition and arrangement. In the interest of safety, the Dock Master may require that dock lines and feeders be changed or altered. In an emergency situation threatening damage to the owner's vessel, another vessel or property of the City of Burlington. The Dock Master may cause appropriate lines and feeders to be attached to the owner's vessel and do other necessary work and the cost of so doing shall be charged to the owner.
- (3) The City of Burlington will provide docking assistance and maintain reasonable surveillance during regular hours but will not be held responsible for the security and/or safe-keeping of vessels moored or docked at the facility.
- (4) This agreement is not transferable and the City reserves the right to use accommodations reserved by this agreement during temporary vacancies by owner. Owner shall give the City advance notice of commencement and duration of such vacancies.
- (5) After May 1st no refunds will be given to persons choosing not to use a designated slip or mooring after having previously made payment to reserve said slip or mooring for the season. The only exception would be if the Department is able to refill the space at full value by May 15th of the same year.
- (6) In no case may flame, heating elements, inflammable liquids, explosive gases or other hazardous materials or equipment be used on the vessel while it remains at the City's facilities, but the use of approved galley stoves, lamps, motors and other equipment shall be allowed.
- (7) Owner expressly undertakes and agrees to hold the City harmless with respect to damage or loss to or of the vessel or its outfit, except such damage as may be conclusively attributed to the City's own negligence, and this undertaking is provided to induce the City to enter into this agreement.
- (8) Season's docking permit rates shall be set annually by the Harbor Commission, subject to final approval of the City Council. Persons acquiring a larger or smaller boat during the permit period shall have their fee altered and prorated on the basis of the amount of the season left. Boats shall not tie up prior to May 15th or later than October 15th without written permission from the Harbor Master. Season's slips remaining open after July 1 may, after due notice by the Harbor Commission, be reclaimed and reallocated by the Commission.
- (9) Permit holders failing to remove vessel from assigned slip by October 15 are subject to a late fee and/or towing fee set annually by the Harbor Commission.

- (10) Additionally, rules set annually by the Parks and Recreation Commission are in effect and enforceable by ordinance.

(Reg. of 11-4-85; Reg. of 6-27-88; Reg. of 6-22-92)

3 Harbor and waterways; designated areas.

(A) *Commercial Activities:* These are defined as conduct involving the sale of goods or services for money or other consideration; and also handing out of goods, on land or on water within the Burlington Harbors. No such activities shall be conducted unless by authorization of the Harbor Commission or the Harbor Master.

(B) *The Inner and Outer Harbor:* The harbor of the City of Burlington shall, for the purposes of these rules and regulations, be divided into two (2) areas as follows:

(1) *Inner Harbor.* The Inner Harbor shall include all waters between the shoreline and breakwater of the harbor and such other waters as are included in a line drawn from the beacon on the northerly end of the breakwater following a compass heading of 007 degrees to a point of land commonly referred to as "Texaco Beach" and on the south end of the breakwater from the beacon following a line drawn of compass heading 120 degrees to a point of land commonly referred to as "Barnes Basin" also known as "The Barge Canal." (See Figure 1.)

Details of the Inner Harbor include:

(a) *Special Anchorage Area:* The area located at the southerly and shoreline end of the Inner Harbor.

1. The Harbor Commission shall, after consultation with the Harbor Master, determine the number of moorings that the Parks and Recreation Department will install and maintain for lease in said Special Anchorage Area.
2. The yearly registration period for a mooring permit shall run from May 15 through October 15. Any prior year moorings not registered with the Parks and Recreation Department by this time shall be cancelled and the mooring space allocated to those granted permits on a waiting list maintained by the Parks and Recreation Department.
3. A mooring location is not transferable. No mooring location or mooring may be rented.

4. A mooring permit does not give the permit holder any right of claim to any particular location. It does give the permit holder a location in the Special Anchorage Area at a mooring designated on the permit or as designated by the Harbor Master.
5. Permit holders are prohibited from boat or yacht chartering, selling or brokering, or carrying on any such businesses which involve the commercial or business use of the mooring in any way. This provision shall not prohibit the casual private sale between private persons not normally engaged in the selling, chartering or brokering of boats.
6. The fee for registering or re-registering a mooring shall be set by the Harbor Commission and approved by the City Council each year. All checks are to be made payable to the Parks and Recreation Department.

7. Permit holders failing to remove vessels from the Special Anchorage Area by October 15 are subject to a late and/or towing fee set annually by the Harbor Commission.

(b) *Anchorage Area:* Located easterly of the southern end of the breakwater, the Anchorage Area shall be marked with buoys.

1. Except in cases of emergency, special events or diving expeditions, no vessel shall anchor anywhere within the Inner Harbor except in the designated Anchorage Area.
2. No transient or visiting vessel shall anchor in the Anchorage Area without obtaining an anchorage permit from the Harbor Master, except that a vessel when first arriving in port may anchor in the Anchorage Area or make fast to any available mooring or pier for the period of time necessary to secure an anchorage permit.
3. A vessel arriving in port after 8:00 p.m. may anchor in the Anchorage Area until a permit is secured not later than 10:00 a.m. the following morning.
4. No permit shall be granted to any vessel to anchor in the Anchorage Area in excess of three consecutive days.
5. Owners of vessels anchored in the Anchorage Area shall be responsible for the security and/or safe keeping of such vessels, and shall hold the City of Burlington harmless for any damages caused to or by such vessel while in the Anchorage Area.
6. No fees for permits in the Anchorage Area shall be charged until such time as moorings are installed and the area is approved as a designated anchorage area.

(c) No person shall operate a boat, vessel or other watercraft upon any of the waters within the harbor of the City of Burlington at a speed greater than is reasonable or prudent, having due regard for other vessels, property and persons on said harbor and in no event at a speed which endangers the safety of persons or property.

(d) No person shall place a mooring, anchor, piling, swimming platform or permanently fixed object within the Inner Harbor without permission from the Harbor Commission.

(2) *Outer Harbor:* The Outer Harbor shall include all the waters of the harbor of the City of Burlington other than the waters included in the Inner Harbor as described by the Charter.

(a) *Swimming Management Areas—Rules per State law:* No person, except a lifeguard on duty and other authorized personnel, may operate any boat, canoe or water vehicle of any sort within the designated swimming area. A swimming area shall be marked in accordance with 23 V.S.A. section 3310(b), or any amendment or renumbering thereof. Areas shall be within the confines of their respective beach. Specifically this area will be determined annually by the Director of Parks and Recreation.

1. Blanchard Beach.
2. Oakledge Cove Beach.
3. Leddy Park Beach.
4. North Beach.

(3) *Moorings:*

(a) No person shall charge money or other consideration for the placement of or use of a mooring unless specifically authorized to do so by an act of the Vermont General Assembly. The term "mooring" herein shall also include a boat lift or carriage.

(b) No person may interfere in whole or in part with the right of access of a lake shore property to the line of navigability of the lake by the placement of a mooring, raft, anchored vessel, dock or other structure in the waters of the lake lying between the littoral property and the line of navigability. The line of navigability shall be such points where the actual depth of the lake is four (4) feet. The rights among adjoining littoral properties shall be established by a method which divides the line of navigability proportionately and equitably to the several frontages of the shore. The "colonial method" shall be used unless it results in inequitable apportionment. The

"colonial method" shall mean drawing a base line between the two (2) corners of any shoreline property where they are bounded by the lake. From these two (2) corners parallel lines are extended at ninety (90) degrees from the base line to the line of navigability. Where the extension of such lines by adjoining properties intersects due to concavity of the shoreline, the area shall be allocated by a line bisecting the area of such overlap.

(c) Docks. Wooden or metal docks for noncommercial uses mounted on poles or floats are permitted in the outer harbor, provided that:

1. The combined horizontal distance of the proposed encroachment and any existing encroachments located within one hundred (100) feet thereof which are owned and controlled by persons interested in the littoral property do not exceed fifty (50) feet and their aggregate surface areas do not exceed five hundred (500) square feet; and
2. Concrete, masonry, earth or rock fill, sheet piling, bulk heads, crib rock or other similar construction does not form any part of the structure; and
3. Navigation or boating is not unreasonably impaired.

The Harbor Master or Harbor Commission is authorized to order offending structures to be modified, moved or removed.

(d) All issues regarding the administration of the harbor regulations shall first be resolved by the Harbor Master. Any person aggrieved by the Harbor Master's action or failure to act may appeal to the Harbor Commission by filing a written request for such appeal with the Harbor Commission within fourteen (14) days.

(C) *Designated Areas:*

(1) Within the waters of the inner harbor of the City of Burlington there shall exist the following designated areas as identified on the chart attached hereto:

- (a) Mooring management area (Perkins Pier) located at the southerly and shoreline end of the inner harbor.
- (b) Anchorage areas located at the southern end of the breakwater.

(2) Within the Perkins Pier mooring management areas, the following rules and regulations shall apply:

- (a) The harbor commission shall, after consultation with the harbormaster, determine the number of moorings that the parks and recreation department will install and maintain for lease in each mooring management area.
 - (b) The yearly registration period for a mooring permit shall run from May 15 through October 15. Any prior year moorings not registered with the parks and recreation department by this time shall be cancelled and the mooring space allocated to those granted permits on a waiting list maintained by the parks department.
 - (c) A mooring location is not transferable. No mooring location or mooring may be rented.
 - (d) A mooring permit does not give the permit holder any right of claim to any particular location. It does give the permit holder a location in the designated mooring management area, at a mooring designated on the permit or a location designated by the harbormaster.
 - (e) Permit holders are prohibited from boat or yacht chartering, selling or brokering, or carrying on any such businesses which involve the commercial or business use of the mooring in any way. This provision shall not prohibit the casual private sale between private persons not normally engaged in the selling, chartering, or brokering of boats.
 - (f) The fee for registering or re-registering a mooring shall be set by the city council each year. All checks are to be made payable to the parks and recreation department.
- (3) Within the inner harbor there is established an anchorage area along the inner side of the breakwater as delineated on a chart attached hereto. Within the anchorage area the following rules shall apply:
- (a) Except in cases of emergency, no vessel shall anchor anywhere within the inner harbor except in the designated anchorage area.
 - (b) No transient or visiting vessel shall anchor in the anchorage area without obtaining an anchorage permit from the harbormaster, except that a vessel when first arriving in port may anchor in the anchorage area or make fast to any available mooring or pier for the period of time necessary to secure an anchorage permit.
 - (c) A vessel arriving in port after 8:00 p.m. may anchor in the anchorage area until a permit is secured at 10:00 a.m. the following morning.

- (d) No permit shall be granted to any vessel to anchor in the anchorage area in excess of three (3) consecutive days.
- (e) Owners of vessels anchored in the anchorage area shall be responsible for the security and/or safe keeping of such vessels, and shall hold the City of Burlington harmless for any damage caused to or by such vessel while in the anchorage area.
- (f) No fees for permits in the anchorage area shall be charged until such time as moorings are installed and the area is approved as a designated anchorage area.

(Res. of 11-4-85; Reg. of 6-27-88; Reg. of 6-22-92; Res. of 6-22-98)

4 Beaches and waterfront areas.

(A) *Prohibited Activities:*

- (1) Changing clothes except in bathhouse.
- (2) Unless excepted elsewhere in these rules, bringing animals, except for seeing eye dogs, to the beaches or adjacent picnic areas.
- (3) Swimming between the hours of 8:30 p.m. and 9:30 a.m. during the summer season or at any time before the beaches are opened for the season or after they are closed for the season.
- (4) Failing to stop at the attendant's booth prior to entering the controlled access areas and/or proceeding without permission of the attendant.
- (5) Swimming from or at Perkins Pier.
- (6) Leaving unattended a child yet to reach his eighth birthday.
- (7) Using balls, frisbees, flotation devices or other toys or sporting equipment in the water except under provisions or conditions approved in advance by parks and recreation department personnel.
- (8) Parking in any area except the parking lots unless specifically directed to do otherwise by parks and recreation department personnel.

(B) *Rate Structure:*

- (1) The following regulations shall apply to persons entering Bernard J. Leddy Park, Oakledge Park, North Beach and Perkins Pier during the summer season, generally held

to be May 15 until Labor Day or as otherwise posted.

(2) Reserved.

(3) No person shall enter the above-mentioned areas by motor vehicle unless the operator of the motor vehicle pays a daily entrance fee determined annually by the parks and recreation commission, subject to the final approval of the city council, except that no daily fee shall be charged any vehicle or trailer:

- (a) Exhibiting a season's pass;
- (b) Whose operator is the rightful bearer of a Green Mountain Passport; or
- (c) Whose operator qualifies for and receives a business pass as described herein.

(4) A season's pass may be issued to motor vehicles of residents and nonresidents of Burlington upon a payment of a fee determined annually by the parks and recreation commission, subject to final approval of the city council. For the purpose of these regulations, the legal address as listed on the registration of the vehicle in question shall determine residency. Eligible vehicles must be owned or otherwise be substantially controlled by the individual making application and intended for his or her private, noncommercial recreational use while at said parks.

(5) A special season's pass may be issued to residents and nonresidents for the use of Leddy Park upon payment of a fee determined annually by the parks and recreation commission, subject to final approval of the city council.

(6) A special boat trailer season's pass may be issued to residents and nonresidents for the use of Perkins Pier upon payment of a fee determined annually by the parks and recreation commission, subject to final approval of the city council, in addition to the purchase of the appropriate resident or nonresident season's vehicle pass.

(7) Season's vehicle passes may be issued by the superintendent of parks and recreation to vehicles leased for personal use under the following conditions:

- (a) The vehicle is registered in the State of Vermont.
- (b) The applicant is able to produce evidence satisfactory to the superintendent that the vehicle in question is substantially controlled for the personal use with permission of the owner or lessee.

(8) A business pass may be issued to the operator of a motor vehicle for specific business with the department of parks and recreation, or a concessionaire or licensee

under contract with the department to operate within the park, except that said pass shall not be available to any applicant for use of a recreational service during the time of admission, such as renting a sailboat from a concessionaire. Said business pass shall be for a period of one-half (1/2) hour, unless prior notice is given and an extension approved by the department.

(9) There shall be no admission fee for pedestrians or for the operators of bicycles, busses owned by CCTA, vehicles of parks and recreation department employees, or other municipal, state or United States Government vehicles operated by persons conducting official business.

(10) All busses, defined as vehicles with carrying capacity of sixteen (16) or more passengers, may be admitted on a space-available basis at a fee determined annually by the parks and recreation commission, subject to final approval of the city council.

(11) The falsification of identification or legal address for the purpose of obtaining a city resident pass shall be considered a violation of a city ordinance and conviction thereof shall be punishable by a fine not to exceed fifty dollars (\$50.00).

(12) The board of parks and recreation commissioners reserves the right to suspend or revoke, after appropriate hearing for violation of a parks and recreation regulations or ordinance, any permit issued under provisions hereof.

(Res. of 11-4-85; Res. of 4-17-2000; Ord. of 4-17-23(2))

5 Park closings.

(A) Motor vehicles are prohibited at all times within the confines of City Hall Park, Champlain Street Park, Lakeside Park, Pomeroy Park, Roosevelt Park, Smalley Park and Battery Park.

(B) Motor vehicles are permitted to be driven and/or parked within the confines of Waterfront Park, Leddy Park, South Park, Oakledge Park, Ethan Allen Park, North Beach Park and Perkins Pier, provided that:

(1) Motor vehicles shall be excluded from the confines of Leddy Park between 11:00 p.m. and 6:00 a.m., except that motor vehicles may be driven and/or parked within the confines of Leddy Park during such time for the purpose of attending scheduled skating events at Gordon H. Paquette Municipal Arena. Motor vehicles shall be excluded from Perkins Pier between the hours of 11:00 p.m. and 6:00 a.m., except that motor vehicles may be driven and/or parked within the confines of Perkins Pier if the person driving

and/or parking such vehicles displays on his or her dash-board a late parking permit obtained from the attendant upon admission to the Pier.

(2) Motor vehicles shall be excluded from the confines of Schmanska Park, Ethan Allen Park, Waterfront Park and Oakledge Park between the hours of 9:30 p.m. and 6:00 a.m.

(3) Motor vehicles shall be excluded from the confines of North Beach Park, unless access and parking within the campsite area are allowed by permit, between Saturday at 6:00 a.m. on the last weekend in April and the end of Labor Day in the following manner:

(a) Motor vehicles shall be excluded from the "bench parking lot" as follows:

1. Between 9:30 p.m. and 9:00 a.m. or
2. Within twenty (20) minutes after the time that the lifeguard in charge shall announce that the beach is closed.

(4) Between midnight on Labor Day and 6:00 a.m. on the last Saturday of April motor vehicles shall be excluded from the confines of North Beach Park between the hours of 5:00 p.m. and 7:00 a.m.

(5) Motor vehicles shall not be parked within the confines of any city park except in those areas properly designated and marked parking areas. Motor vehicles shall not be parked within the confines of a city park except by those using the park for recreational purposes.

(C) The superintendent of parks or tour commander of the police department shall have the authority to close any park to vehicles and/or person on a temporary basis for the following reasons:

(1) Maintenance and/or construction.

(2) For public protection from conditions caused by weather or climate.

(3) When there is reason to believe that the closing of such park is necessary for the maintenance of order, safety and decency in such park and in those areas surrounding such park.

(D) The superintendent of parks may, as authorized by the board of parks and recreation commissioners, allow vehicles in prohibited areas for special events occurring in such areas.

(E) There shall be stop signs placed at the following locations within the city parks:

(1) At the Flynn Avenue exit from Oakledge Park.

- (2) At the North Avenue exit from Leddy Park.
- (3) At the North Beach entrance.
- (4) At the entrance to Perkins Pier.

No person shall park a motor vehicle in any parking space on Perkins Pier which is marked for boat trailers.

(F) *Closing hours for City Hall Park.* City Hall Park shall be closed for public use from 12:00 midnight until 6:00 a.m. on a daily basis. This park closing shall not effect pedestrian crossings through the park.

(Reg. of 11-4-85; Res. of 6-26-95; Res. of 6-22-98)

6 Tennis and basketball courts.

- (A) Courts are for tennis and basketball play only. Prohibited activities include, but are not limited to, in-line skating, roller skating, street hockey and skate boarding.
- (B) Court play will be prohibited at neighborhood parks between the hours of 10:00 p.m. to 7:00 a.m. unless otherwise permitted by the parks and recreation department.
- (C) No food or drinks allowed on courts.
- (D) Swearing or impolite conduct is prohibited.

(Reg. of 12-3-93; Res. of 6-26-95)

7 Off-leash dog areas.

- (A) *Designation of Areas.* The following areas are designated as areas managed and regulated by the board of parks and recreation commissioners for the purpose of allowing dogs to be under control of the owner or another individual by means other than physical restraint:
 - (1) *Starr Farm Park.* That portion of Starr Farm Park that is bounded on the east by the Burlington Bikeway and bounded on the west by that part of Starr Farm Park which is set aside for community gardens.
 - (2) *Schmanska Park.* That multipurpose field portion of Schmanska Park that extends from the basketball court to the tennis court.

(3) *Oakledge Park.* That portion of Oakledge Park that is bounded on the west by the Burlington Bikeway, is bounded on the north by the parking lot servicing the southernmost picnic shelter, and is bounded on the south by the baseball field on the southernmost part of the park (adjacent to Austin Drive).

(4) *Urban Reserve.* Upon any required written approval by the Vermont Housing and Conservation Board, that portion of the area designated as the Waterfront Urban Reserve that is bounded on the east by the Burlington Bikeway, bounded on the south by the land known as the Texaco Jetty—including so much land to the south of the Jetty as to allow for access to the beach directly adjacent to the Jetty, and bounded on the north by the northern boundary of the Urban Reserve.

(5) *Intervale Leased Land.* That portion of land owned by the Burlington Electric Department in the Burlington Intervale under lease to the Intervale Foundation and sublease to the Burlington Department of Parks and Recreation for the purpose of establishing an off-leash dog area, being such land bounded on the south by the lands leased to the parks and recreation department by the Burlington Electric Department for community gardens, bounded on the east by the lane used for farm vehicles and the Burlington Bikeway, bounded on the north by the lane used to access communications towers and commercial farming operations, and bounded on the west by commercial farming operations.

(B) *Times of Operation.* The following are the allowed times of operation for areas designated as off-leash dog areas:

(1) *Starr Farm Park:* The designated area may be used at any time of the day and year for off-leash dog activities permitted by these rules.

(2) *Schmanska Park:* The designated area may be used from April 16 to October 14 from 8:00 p.m. to 8:00 a.m. and from October 15 to April 15 from 4:00 p.m. to 9:00 a.m. for off-leash activities permitted by these rules.

(3) *Oakledge Park:* The designated area may be used at any time of day from October 1 to April 1 for off-leash activities permitted by these rules.

(4) *Urban Reserve:* The designated area may be used at any time of the day and year for off-leash dog activities permitted by these rules.

(5) *Intervale Leased Area:* The designated area may be used at any time of the day and year for off-leash dog activities permitted by these rules.

(C) *General Rules for All Areas Designated as Off-Leash Dog Areas:*

- (1) A person taking a dog into an off-leash area shall have control of the dog by means of physical restraint (leash, cord, chain, etc.) when entering and leaving the off-leash area.
- (2) A person taking a dog into an off-leash area shall maintain voice, hand or other appropriate control over the dog at all times while the dog is in the off-leash area. Such person shall also have in their possession at all times a means of physical restraint.
- (3) A person taking a dog into an off-leash area may only do so during the times set forth by these rules.
- (4) All dogs present in an off-leash area shall be licensed and vaccinated and shall display valid license and vaccination tags attached to a dog collar.
- (5) A dog present in an off-leash area shall be the responsibility of a person who is present in the area with that dog. A person responsible for a dog in an off-leash area shall not leave the dog unattended in the off-leash area. A person responsible for a dog in an off-leash area shall be legally responsible for its actions.
- (6) A person shall not take a female dog in heat into an off-leash area.
- (7) A person taking a dog into an off-leash area is responsible for removing that dog's feces from the off-leash area. A person taking a dog into an off-leash area shall carry equipment for removing such feces and shall place feces deposited by such animal in an appropriate receptacle.
- (8) A person taking a dog into an off-leash area shall stop that dog from digging holes and shall fill in any hole created by the dog prior to exiting the area.
- (9) A person may not take more than three (3) dogs at a time into an off-leash dog area without a special permit given by the parks and recreation department. Professional dog trainers shall not use off-leash dog areas for their commercial activities.
- (10) Vicious dogs as defined by Burlington Code of Ordinances section 5-13 are not allowed in an off-leash area.
- (11) There shall be no eating or smoking in the off-leash area.
- (12) Glass containers shall not be allowed in an off-leash area.
- (13) Any gate to an area shall be closed upon entry and exiting.

- (14) Person in control of a dog in an off-leash area shall not permit the dog to engage in excessive barking, howling, or other noise.
- (15) Persons under the age of twelve (12) years shall not be allowed in an off-leash area without the accompaniment of someone at least eighteen (18) years of age.

(D) *Reserved.*

(E) *Enforcement:*

- (1) In addition to the penalties provided for by ordinance, a person or dog that violates the rules of this section is subject to ejectment from the off-leash area.
- (2) In addition to the penalties provided for by ordinance, a duly authorized enforcement official may impound a dog for a violation of the rules of this section or for activities determined to be a nuisance.
- (3) In addition to the penalties provided for by ordinance, a person who violates the rules of this section on two (2) occasions within a twelve-month period shall be barred from using the off-leash areas during the six (6) months after the second violation.

(F) *Administration:*

- (1) *Pilot program.* The rules of this section shall be in full force and effect for eighteen (18) months. The director of parks and recreation shall review the impacts of the designated off-leash areas and shall make a report to the city council after twelve (12) months of operation. Unless directed otherwise by the city council, these rules shall expire upon the end of the 18th month in which the rules were in effect.
- (2) The director of parks and recreation may, upon a finding of need at a particular off-leash area, may close the area to off-leash use. The reopening of such area is at the discretion of the director. The director shall post a notice indicating that the area has been closed for off-leash use at the entrance to the area and at other locations in the area if needed to conspicuously advise the public of the closing.
- (3) No area may be used as an off-leash area unless a site coordinator has been designated for that area.
- (4) Subsection (C) (General Rules) of this section and any duly adopted special regulations for a specific designated off-leash area shall be conspicuously posted in each designated off-leash area.

(Res. of 4-17-00; Ord. of 9-23-02)

8 Repeal of prior rules.

The rules and regulations set out above shall amend and/or repeal any rules or regulations that have been passed to date relating to matters hereinabove regulated or which regulate the same or similar matters as the above rules and regulations.

(Reg. of 11-4-85; Res. of 4-17-2000)

APPENDIX E BURLINGTON INTERNATIONAL AIRPORT RULES AND REGULATIONS¹

CHAPTER 1. GROUND TRANSPORTATION

Article I. In General

1.1 Definitions.

1.2 Commission findings and determinations and statement purposes.

Article II. Vehicle Licenses and Permits

2.1 License requirements.

2.2 Ground transportation permit requirements.

2.3 Queue permit requirements.

2.4 Number of ground transportation permits.

2.5 Application for ground transportation and queue permits.

2.6 Period of permit.

2.7 Liability policy or bond.

2.8 Inspection of motor vehicle.

2.9 Permit card and tag.

2.10 Transfer of permit.

Article III. Fees

3.1 Per-trip fees.

3.2 Exemptions from per-trip fees.

3.3 Permit fees.**Article IV. Operations**

Subarticle 1. General Operations

4.1 Advertising in airport.**4.2 Orderly conduct.****4.3 Leaving vehicle.****4.4 Operation of motor vehicles in general.****4.5 Parking at airport.****4.6 Clean vehicles and drivers.****4.7 Solicitation.****4.8 Obstruction of route.****4.9 Manifest or record.****4.10 Inspection.****4.11 Obedience to enforcement officers and ground transportation administrator.****4.12 Receipts.**

Subarticle 2. Taxicab and Limousine Operations

4.13 Duty of transport.**4.14 Right to exclusive transportation.****4.15 Taxi and limousine stands.****4.16 Order of loading.**

Subarticle 3. Buses

4.17 Registration and operation generally.**4.18 Filing schedules and rates of fare.**

4.19 Loading and discharging of passengers.

Subarticle 4. Courtesy Carriers and Contract Carriers

4.20 Registration and operation generally.**4.21 Equipment, inspection and maintenance.****4.22 Loading and discharging of passengers.****Article V. Enforcement****5.1 Scope of responsibility.****5.2 Violations by taxis.****5.3 Ground Transportation Offense.****5.4 Form of complaint or information and summons.****5.5 Procedure on failure to appear.****5.6 Answers to ground transportation complaint.****5.7 Hearing.****5.8 Suspension or revocation of permit.****5.9 Appeal.****Article VI. Miscellaneous****6.1 Severability.****6.2 Commission rules.****6.3 Other laws.****Article VII. Reserved.****Article VIII. Off-Airport Motor Vehicle Rental and/or Parking Lot Businesses Operating
on the Burlington International Airport****8.1 Purpose.****8.2 Definitions.**

8.3 Permit required.**8.4 Rules and regulations.****CHAPTER 2. OPERATION OF MOTOR VEHICLES****Article I. In General****1.1 Commission findings and determinations, and statement of purposes.****1.2 Governing law.****1.3 Regulations by airport.****Article II. General Parking Regulations****2.1 [Parking or standing.]****2.2 [Leaving vehicles unattended.]****2.3 [Entering areas closed to traffic.]****2.4 [Parking in taxi, etc., areas.]****2.5 [Restricted parking areas.]****2.6 [Parking in crosswalks.]****2.7 [Obstructive parking.]****2.8 [Handicapped parking.]****2.9 [Parking signs.]****2.10 [Responsibility of operator.]****2.11 [Prima facie evidence of violation.]****Article III. Parking Lots****3.1 [Parking lots considered highways.]****Article IV. Employee Parking Lots****4.1 [Limitation.]****4.2 [Decals.]**

4.3 [Fees.]**4.4 [Alteration of decals prohibited.]****Article V. Speed Restrictions****5.1 [Operation of vehicles at reasonable speed.]****5.2 [Speed in excess of posted signs prohibited.]****Article VI. Enforcement****6.1 [Removal of violating vehicles authorized.]****6.2 [Penalties for violations.]****6.3 [Waiver or appeal.]**

¹ **Editor's note**—Appendix E to the Burlington Code of Ordinances sets out the Burlington International Airport Rules and Regulations adopted Oct. 25, 1993. These rules and regulations have been treated as superseding similar provisions derived from a resolution of July 20, 1992.

Cross reference—Airports and aircraft, Ch. 3.

ARTICLE I. IN GENERAL**1.1 Definitions.**

Except as may be otherwise provided herein, and unless a different meaning clearly appears from the context, the following definitions shall apply:

- (a) *Airport* shall mean the Burlington International Airport.
- (b) *Baggage-handler* shall mean a motor vehicle utilized to make casual trips on call or under contract subscribed by the party served for the transporting of baggage only from the airport for compensation. No operator of a baggage-handler shall be allowed to pick up any passengers along the route, nor be permitted on a return trip to carry any passenger.
- (c) *Bus* shall include any motor vehicle operated upon public streets and highways along a regular route, and in such operation receiving, discharging and transporting passengers for hire; provided, that nothing herein contained shall be construed to apply to transportation service the route and destination of which are under the direction and subject to the control

of the passengers so transported. No motor vehicle shall be operated as a bus unless the owner thereof has authority to so operate the same from the Interstate Commerce Commission, a mass transit authority or regional transit authority pursuant to 24 V.S.A. chapter 127 and/or has obtained and kept in full force and effect the requisite certificate of public good from the Vermont Transportation Board. Buses shall not be subject to the inspection requirements of this chapter.

(d) *Chief* shall mean the chief of police of the police department providing service to the airport or his/her designee.

(e) *Commission* shall mean the board of airport commissioners or its designee.

(f) *Contract carrier* shall mean a motor vehicle being used to make casual trips on call or under contract subscribed by the party served for the transporting of passengers, baggage or packages for compensation; provided, however, that no operator of a contract carrier shall be allowed to pick up any additional passenger along the route, nor be permitted on the return trip to carry any passenger other than those prearranged and scheduled in the original trip plan. It does not include: (a) motor vehicles regularly used in the business of carrying passengers for hire; and (b) service provided by a bus as defined under these regulations.

(g) *Courtesy carrier* shall mean a motor vehicle not otherwise defined herein being used regularly for the transportation of customers between the airport and any hotel, motel, auto rental office or parking lot without cost to the passengers. Courtesy carriers shall not be subject to the inspection requirements of this chapter.

(h) *Driver or operator* shall mean any person who drives, operates or attempts to operate a motor vehicle.

(i) *Enforcement officers* shall include sheriffs, deputy sheriffs, constables, police officers, state's attorneys, motor vehicle inspectors, state police and duly authorized employees or contractors employed to assist in the enforcement of airport regulations.

(j) *Ground transportation permit* shall mean a vehicle permit issued to a vehicle upon application and after payment of the fee and satisfactory inspection. No motor vehicle operated as a courtesy carrier, contract carrier or baggage-handler within the jurisdiction of the airport shall pick up any passengers, packages or baggage at the airport unless the same has been issued, and currently has assigned to it, a valid ground transportation permit.

(k) *Ground transportation administrator* shall mean the person appointed by the airport or with whom the airport contracts to assist in the enforcement of airport regulations and to provide assistance to the traveling public.

- (l) *Ground transportation services* shall mean the operation of a taxicab, bus, baggage-handler, courtesy carrier, contract carrier or limousine.
- (m) *Manager* shall mean the airport manager or his/her designee.
- (n) *Motor vehicle* or *vehicle* shall include all vehicles propelled or drawn by power other than muscular power.
- (o) *Owner* shall include any person, corporation, partnership or association holding legal title to a motor vehicle or having exclusive right to the use or control thereof. The owner of a vehicle which is permitted hereunder may utilize the services of employees and shall be fully responsible for insuring that his/her employees comply with the provisions of these rules and regulations.
- (p) *Person* shall include an individual, corporation, association, partnership, company, firm or other aggregation of individuals.
- (q) *Rate card* shall mean a card the format and content of which has been approved by the manager and on which is printed all rates for traveling and waiting time applicable within Chittenden County and those rates applicable within such other areas as a motor vehicle is authorized to travel or routinely travels.
- (r) *Taxicab* or *limousine* shall mean any motor vehicle regularly used in the business of carrying passengers for hire, with or without baggage, on the public highways of the City of Burlington and/or which receives or discharges passengers within the city limits or upon the grounds of the airport, as more fully defined in and licensed pursuant to section 30-17 of article II of the Code of Ordinances of the City of Burlington.
- (s) *V.S.A.* shall mean the Vermont Statutes Annotated as amended.
- (t) *Taximeter* shall mean an instrument or device by which the charge for hire of a taxicab is calculated and on which such charge is plainly indicated as more fully defined in section 30-17 of article II of the Code of Ordinances of the City of Burlington.

(Reg. of 10-25-93)

1.2 Commission findings and determinations and statement purposes.

- (a) The board of airport commissioners of the Burlington International Airport hereby finds, determines and declares:

- (1) There is a need for ground transportation between the airport and surrounding areas;
 - (2) There is a need to improve the quality of airport ground transportation service to the traveling public and to provide more efficient movement and control of motor vehicle traffic at the airport at a reasonable cost;
 - (3) In order to initiate and operate the ground transportation licensing program it is necessary to collect reasonable fees to cover at a minimum the direct and allocated costs of administering the program.
- (b) The board of airport commissioners of the Burlington International Airport further finds, determines and declares that a public purpose would be served and the interests of the traveling public would be promoted by the regulation by the airport of all ground transportation services operating at the airport.

(Reg. of 10-25-93)

ARTICLE II. VEHICLE LICENSES AND PERMITS¹

2.1 License requirements.

A taxicab or limousine shall operate on the grounds of the airport only if the owner or operator shall first have obtained a license for such vehicle as provided by [chapter 30,] article II of the Code of Ordinances of the [City of] Burlington.

(Reg. of 10-25-93)

2.2 Ground transportation permit requirements.

A courtesy carrier, contract carrier or baggage handler may pick up passengers, packages or baggage, as applicable, at the airport only if the owner or operator shall first have obtained a ground transportation permit for such vehicle as provided herein.

(Reg. of 10-25-93)

2.3 Queue permit requirements.

No person operating a taxicab or a limousine shall load passengers at the airport without first obtaining a queue permit; provided, however, that any vehicle shall be entitled to load those passengers who (a) specifically requested service by the vehicle, and (b) the driver informs

the ground transportation administrator of such request, and (c) the driver pays the per-trip fee provided for in section 3.1 hereunder.

(Reg. of 10-25-93)

2.4 Number of ground transportation permits.

The total number of ground transportation permits and queue permits shall be set by the commission from time to time after due consideration of requirements or demands of the public, existing transportation facilities, traffic and parking conditions, potential congestion of traffic and such other relevant facts as the commission shall deem advisable or necessary to take into consideration.

(Reg. of 10-25-93)

2.5 Application for ground transportation and queue permits.

(a) All applications for ground transportation permits and queue permits shall be filed with the manager upon forms supplied by the airport. All applications shall be under oath and shall be completed in their entirety. Each question and answer and each statement made in any application, or any proof required, shall be deemed material. When an applicant for a ground transportation permit or a queue permit is a corporation or partnership, the individual signing such application shall be presumed to be acting on behalf of the corporation or partnership.

(b) Applications for a queue permit shall be filed with the manager on forms provided by the airport and the applicant must comply with the following prerequisites:

(1) Must prove that the motor vehicle which will be loading passengers at the airport has been issued a vehicle license as provided in [chapter 30,] article II of the Code of Ordinances of the City of Burlington; and

(2) Must prove that the drivers of such vehicles have obtained the appropriate driver's license as provided in [chapter 30,] article II of the Code of Ordinances of the City of Burlington.

(c) A person who falsely impersonates another in an application for a ground transportation permit or queue permit or who obtains such a permit by false representation or who uses an assumed name or name not his or her own in an application for such permit shall be prohibited from applying for or obtaining a ground transportation permit and/or a queue

permit for a period of five (5) years and may be subject to criminal prosecution pursuant to the laws of the state of Vermont.

(d) A person who fails to completely disclose all information requested on an application for a ground transportation permit or a queue permit shall be prohibited from applying for or obtaining a ground transportation permit and/or queue permit for a period of six (6) months.

(Reg. of 10-25-93)

2.6 Period of permit.

(a) Ground transportation permits and queue permits shall be issued annually as of the first day of August and shall expire and become void on the thirty-first day of July of the next year, unless sooner suspended or revoked. Application for renewal of a ground transportation permit or queue permit shall be filed with the manager on a form to be supplied by the airport at least fifteen (15) business days prior to expiration. Initial applications and applications for renewal shall be accompanied by payment of the permit fee required by this article. Upon approval of the application and compliance with all conditions thereof, the airport shall cause a new ground transportation permit to be issued to the applicant. In the event that a permit application is not approved, the permit fee shall be returned to the applicant and the applicant may appeal the denial in accordance with section 5.9

(b) When a queue permit has been issued, the permittee shall also be issued an airport informational card containing data for the assistance of passengers. The informational card shall at all times be displayed in the interior of the vehicle in a place approved by the manager, so as to be plainly visible to passengers at all times. The informational card shall at all times remain the property of the airport and the permittee shall not acquire any property right or interest therein.

2.7 Liability policy or bond.

(a) Before receiving a ground transportation permit or queue permit, every applicant shall file with the manager for each motor vehicle intended to be operated a certificate of coverage under a policy of insurance with a solvent and responsible company authorized to do business in the State of Vermont for payment in the same amounts as required for taxicabs under section 30-28(d) of article II [of chapter 30] of the Code of Ordinances of the City of Burlington.

(b) Such policy of insurance shall contain a provision for continuing liability thereunder, notwithstanding any recovery thereon. Any such policy of insurance shall also contain a

provision that such policy of insurance shall inure to the benefit of the airport and any person legally operating the motor vehicle in the business of the owner and with his or her permission in the same manner and under the same extent as the owner.

- (c) A current certificate of insurance shall be filed with the manager.

(Reg. of 10-25-93)

2.8 Inspection of motor vehicle.

Before receiving a ground transportation permit or queue permit, every applicant shall provide proof to the manager that each motor vehicle intended to be operated is in good mechanical condition, properly equipped and in full compliance with 23 V.S.A. chapter 13, subchapter 14 and the requirements of this article. The airport shall have the right to verify such compliance by inspection of each motor vehicle which the owner or operator intends to operate.

(Reg. of 10-25-93)

2.9 Permit card and tag.

- (a) If the manager finds that all permitting prerequisites are met and upon his or her approval of the application, the airport shall issue to the applicant a ground transportation permit or queue permit containing the official permit number of the motor vehicle and such other information approved by the commission. The permit shall be kept in the vehicle when the vehicle is being operated at the airport.
- (b) When such permit has been issued, the permittee shall also be issued a tag with a number corresponding to the card number, furnished by the airport for use during the period for which said permit has been issued. The tag shall be of a different color each year. The tag shall at all times be attached to the exterior of such vehicle in a place approved by the manager, so as to be plainly visible at all times.
- (c) The permit and tag shall at all times remain the property of the airport and the permittee shall not acquire any property right or interest therein.

(Reg. of 10-25-93)

2.10 Transfer of permit.

A ground transportation permit or a queue permit may be transferred to another vehicle provided:

- (1) The permittee surrenders his or her current ground transportation permit or queue permit and tag of a corresponding number to the manager;
- (2) The permittee pays a fee of twenty-five dollars (\$25.00) to the airport;
- (3) The new vehicle meets all permitting prerequisites of this chapter.

(Reg. of 10-25-93)

¹**Cross reference**—Vehicles for hire generally, Ch. 30; taxicab licenses, § 30-26 et seq.

ARTICLE III. FEES

3.1 Per-trip fees.

Except as provided in paragraph B hereof, all motor vehicles providing ground transportation services and picking up passengers, packages or baggage at the airport shall pay a per trip fee of fifty cents (\$0.50). The per-trip fee shall be deposited in a coin-control unit established for that purpose; except that in the event the same is inoperable; payment shall be made directly to the ground transportation administrator. No person may place or attempt to place in such coin-operated machine a slug, foreign coin or object other than the coin required by the instructions on the machine or pass through, over, under or by such coin-operated machine without first depositing the required coin.

(Reg. of 10-25-93)

3.2 Exemptions from per-trip fees.

The following are exempt from the per-trip fee:

- (1) Taxicabs or limousines having a valid queue permit unless they are picking up a passenger in response to a call or under contract;
- (2) Courtesy vehicles;
- (3) Buses;
- (4) Baggage-handlers.

3.3 Permit fees.

(a) The annual permit fee is the fee payable for each motor vehicle receiving a ground transportation or queue permit. The annual fee for each ground transportation or queue permit shall be as follows:

- (1) Five hundred dollars (\$500.00) for each taxicab or limousine queue permit;
- (2) One hundred twenty-five dollars (\$125.00) for each courtesy carrier; provided, however, that for each additional courtesy carrier owned by the same permittee, the fee shall be twenty-five dollars (\$25.00);
- (3) One hundred twenty-five dollars (\$125.00) for each contract carrier;
- (4) Five hundred dollars (\$500.00) for each baggage-handler.

Each motor vehicle shall be issued its own permit.

(b) The above fees may be modified by the commission by resolution adopted at a duly warned meeting.

(Reg. of 10-25-93)

ARTICLE IV. OPERATIONS

4.1 Advertising in airport.

No sign, notice or advertising media of any type whatsoever shall be inscribed, painted, affixed or otherwise displayed or located on any part of the airport premises except by permission of the commission.

(Reg. of 10-25-93)

4.2 Orderly conduct.

The operation of all ground transportation services shall be conducted in an orderly manner. No person shall, with intent to cause public inconvenience or annoyance, or recklessly creating a risk thereof:

- a. Engage in fighting or in violent, tumultuous or threatening behavior; or

- b. Make unreasonable noise; or
- c. In a public place use abusive or obscene language, or make an obscene gesture; or
- d. Obstruct vehicular or pedestrian traffic; or
- e. Engage in any conduct which is proscribed by part 1 of 13 V.S.A.

(Reg. of 10-25-93)

4.3 Leaving vehicle.

All persons, while waiting to carry passengers in a motor vehicle licensed pursuant to [chapter 30,] article II of the Code of Ordinances of the City of Burlington or permitted pursuant to this chapter shall at all times remain in his or her motor vehicle except as follows:

- a. When engaged for hire he or she may exit the vehicle and assist in loading passengers and baggage into his or her vehicle.
- b. He or she may leave his or her vehicle in cases of emergency, customer escort or when authorized by a law enforcement officer, the ground transportation administrator or the manager.
- c. Taxicab drivers having queue permits may leave their vehicles while the vehicle is parked in the queue area; provided, however, that they remain within the confines of the queue area. Taxicab drivers leaving the queue area may enter the airport terminal building only if authorized to do so by a law enforcement officer, the ground transportation administrator or the manager.

(Reg. of 10-25-93)

4.4 Operation of motor vehicles in general.

All persons shall at all times operate their motor vehicles in full compliance with the provisions of 23 V.S.A. chapter 13. Violation of any such provision may result in the suspension or revocation of the violator's permit to operate at the airport.

(Reg. of 10-25-93)

4.5 Parking at airport.

Taxicabs, buses, limousines, baggage-handlers, courtesy carriers and contract carriers shall be parked only in such parking areas designated and marked respectively as "Taxi Stand," "Bus Stand," "Limousine Stand," "Carrier Stand," "Baggage Stand" and "Queue." Vehicles parked in the queue area shall be parked in an orderly manner so as not to prohibit the safe and unobstructed passage of any other motor vehicles at the airport.

(Reg. of 10-25-93)

4.6 Clean vehicles and drivers.

- (a) Motor vehicles used to provide ground transportation services shall be clean and well-maintained.
- (b) Persons providing ground transportation services shall be neat and clean, both in person and clothing, and courteous while engaged in the furnishing of ground transportation services pursuant to this chapter. Persons permitted to operate motor vehicles pursuant to this chapter must wear and/or comply with the following:
 - (1) Slacks, knee-length skirts or knee-length shorts;
 - (2) Shirts must be worn;
 - (3) Shoes, sneakers or boots and socks;
 - (4) Sweat pants and torn or threadbare items of clothing shall not be worn.

(Reg. of 10-25-93)

4.7 Solicitation.

No person shall, by words, gestures or otherwise, solicit, persuade or urge or attempt to solicit, persuade or urge any person to use or hire any motor vehicle.

(Reg. of 10-25-93)

4.8 Obstruction of route.

No person shall operate or park a motor vehicle in such a manner as to obstruct any passageway for the movement of any other motor vehicles or in violation of any signs, lines or other traffic-control devices.

(Reg. of 10-25-93)

4.9 Manifest or record.

Each taxicab driver, contract carrier driver and limousine driver shall keep a proper and correct manifest or record showing the time and place each trip started and ended, the number of passengers carried and the amount of the fare charged. This manifest or record shall be preserved by the person to whom a vehicle permit has been issued for a period of six (6) months from the date of entry on said manifest or record card. A separate manifest or record shall be preserved for each driver for each day for such period of six (6) months.

(Reg. of 10-25-93)

4.10 Inspection.

Each person operating a motor vehicle for the purpose of providing ground transportation services shall, upon demand of the ground transportation administrator, a law enforcement officer or the manager, exhibit his or her vehicle permit, driver's permit and tag or manifest or record for closer inspection.

(Reg. of 10-25-93)

4.11 Obedience to enforcement officers and ground transportation administrator.

No person may knowingly fail or refuse to comply with any lawful order or direction of any enforcement officer or the ground transportation administrator.

(Reg. of 10-25-93)

4.12 Receipts.

Each taxicab driver, limousine driver and contract carrier driver shall offer to the person paying for hire of same, at the time of payment, a receipt therefor. The receipt shall contain in legible type or writing the name of the driver, the name of the vehicle permit holder, all items for which a charge is made, the total amount paid and the date of payment. Every permitted motor vehicle shall affix a notice in a conspicuous place in the interior of such vehicle informing passengers of their right to obtain a receipt.

(Reg. of 10-25-93)

4.13 Duty of transport.

No taxicab driver or limousine driver operating at the airport shall refuse or neglect to transport by his or her taxicab or limousine any orderly person upon request to any place within Chittenden County.

(Reg. of 10-25-93)

4.14 Right to exclusive transportation.

No person owning, operating or controlling any taxicab shall permit another person who is not a paying passenger to sit or remain in the taxicab while it is in service as a taxicab while the taxicab is at the airport.

(Reg. of 10-25-93)

4.15 Taxi and limousine stands.

The airport shall designate and mark with appropriate signs areas at the airport to be called "taxistand" and "limousine stand." No taxicab or limousine shall park in the area designated "taxistand" or "limousine stand" unless directed to do so by the ground transportation administrator. Those drivers whose vehicles are parked at the stand areas must remain in their vehicles, except as provided by section 5.3.

(Reg. of 10-25-93)

4.16 Order of loading.

- (a) Picking up passengers for hire after or while dropping passenger(s) off and before taking a position at the rear of the proper line, commonly known as "clipping," is prohibited.
- (b) Upon entry into the airport without passengers or after discharging passengers at the airport each taxicab or limousine shall proceed at once by the most direct route to the rear of the queue line or immediately leave the airport.
- (c) No taxicab or limousine shall receive passengers for hire at the airport except in the order in which they are parked at the stand, unless such order is overridden by passenger selection, and then only upon signal or call by the ground transportation administrator. Passengers shall be loaded into vehicles only at the stand.

- (d) The operator of a taxicab or limousine occupying the position at the head of the line at the taxistand shall accept only the passenger(s) by whom his or her vehicle is engaged for hire or to whom his or her vehicle is assigned.
- (e) Not more than one (1) fare shall be loaded into a taxicab except within the discretion of the ground transportation administrator when he or she determines it necessary to load more than one (1) fare into a taxicab.
- (f) The operator of a vehicle shall not remove his or her vehicle from its position in line without losing said position, except with the consent or permission of the ground transportation administrator.
- (g) Notwithstanding any other rule or regulation, any prospective passenger may select for hire any taxicab or limousine wherever located at the stand or queue.
- (h) A taxicab or limousine being dispatched to the airport on a call for a particular person shall bypass the queue and park the vehicle at the "carrier stand." The driver shall immediately report to the Ground Transportation Informational Center and provide to the ground transportation administrator the passenger's name and other pertinent information if requested and must pay the per-trip fee provided for in section 3.1 hereunder. The driver shall either (1) request that the ground transportation administrator page the passenger and direct the passenger to the Ground Transportation Informational Center or (2) proceed directly to the passenger's arrival gate to wait for his or her passenger to arrive. In the event that the driver elects to have the passenger paged, the driver shall remain at the Ground Transportation Informational Center to wait for his or her passenger to arrive. The driver shall be permitted to wait fifteen (15) minutes for his or her passenger to arrive unless the ground transportation administrator approves a longer waiting time. Should the passenger fail to appear at the Ground Transportation Informational Center by the expiration of the waiting period, the driver must leave the airport. In the event that the driver elects to proceed to the arrival gate, the driver shall carry a sign displaying the name of his or her passenger and shall remain at the gate until his or her passenger arrives. Should the driver wish to remain at the airport, he or she must leave the immediate area and proceed to the rear of the queue line.

(Reg. of 10-25-93)

4.17 Registration and operation generally.

No bus shall be operated at the airport unless it is properly licensed with the Interstate Commerce Commission, under the control of a mass transit authority or regional transit

authority and/or has received a certificate of public good from the Vermont Transportation Board.

(Reg. of 10-25-93)

4.18 Filing schedules and rates of fare.

- (a) Each bus to be operated at the airport shall file a schedule of rates and a timetable with the manager for his or her approval. The timetable shall list the time at which the bus shall leave the airport and its route. The schedule of rates shall list the rates of fare from the airport to each of its fixed destination points.
- (b) The rates of fare and timetable may be changed by filing new schedules with the manager for his or her approval.
- (c) All buses shall operate according to its time table filed with the manager. The timetable may provide for a fifteen-minute allowance in the time of departure from the airport.

(Reg. of 10-25-93)

4.19 Loading and discharging of passengers.

The airport shall designate and mark with appropriate signs an area at the airport to be called a "bus stand." No bus shall load or discharge passengers at any point at the airport except the bus stand. Those drivers whose vehicles are parked at the bus stand must remain in their vehicles except as provided in section 4.3.

(Reg. of 10-25-93)

4.20 Registration and operation generally.

- (a) No courtesy carrier or contract carrier shall be operated at the airport unless properly registered with the State of Vermont or any other municipality, county or authority required by law.
- (b) No courtesy carrier or contract carrier shall be operated at the airport unless it is in compliance with 23 V.S.A. chapter 13, and unless a ground transportation permit has been obtained in accordance with the provisions of this chapter.

(Reg. of 10-25-93)

4.21 Equipment, inspection and maintenance.

- (a) No contract carrier shall be issued a ground transportation permit until it has been thoroughly examined and inspected and found to comply with the provisions of this article.
- (b) Contract carriers must conform to the provisions of 23 V.S.A. chapter 13, subchapter 14 and section 30-28(a) and (b) of article II of [chapter 30 of] the Code of Ordinances of the City of Burlington.
- (c) Inspection of contract carriers shall be under the direction of the chief, and the chief and such other personnel assigned for such purpose shall have the right at any time after displaying proper identification to enter into or upon any contract carrier for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated.
- (d) A driver whose contract carrier vehicle is found to be unfit for public patronage may have his or her permit suspended or revoked pursuant to article VI of this chapter. Any contract carrier vehicle which is found to be unsafe or in any way unsuitable for public patronage shall be immediately ordered out of service, and before being again placed in service shall be delivered to the chief at a designated point for reinspection.

(Reg. of 10-25-93)

4.22 Loading and discharging of passengers.

- (a) The airport shall designate and mark with appropriate signs an area at the airport to be called a "carrier stand."
- (b) A courtesy carrier or contract carrier shall load only those passengers who have made arrangements prior to or upon arrival at the airport with the carrier to be met at the airport by the carrier.
- (c) No courtesy carrier or contract carrier shall load or discharge passengers at any point at the airport except the carrier stand. Those drivers whose vehicles are parked at the carrier stand must remain in their vehicles except as provided by section 4.3 and paragraph (d) hereunder.
- (d) Upon arriving at the airport, the driver of a courtesy carrier or contract carrier shall park his or her vehicle at the appropriate "carrier stand." The driver shall immediately report to the Ground Transportation Informational Center and provide to the ground transportation officer the passenger's name or other pertinent information if requested and must pay the per-trip fee provided for in section 3.1 hereunder. The driver shall either (1) request that the

ground transportation administrator page the passenger and direct the passenger to the Ground Transportation Informational Center or (2) proceed directly to the passenger's arrival gate to wait for his or her passenger to arrive. In the event that the driver elects to have the passenger paged, the driver shall remain at the Ground Transportation Informational Center to wait for his or her passenger to arrive. The driver shall be permitted to wait fifteen (15) minutes for his or her passenger to arrive unless the ground transportation administrator approves a longer waiting time. Should the passenger fail to appear at the Ground Transportation Informational Center by the expiration of the waiting period, the driver must leave the airport. In the event that the driver elects to proceed to the arrival gate, the driver shall carry a sign displaying the name of his or her passenger and shall remain at the gate until his or her passenger arrives.

(Reg. of 10-25-93)

ARTICLE V. ENFORCEMENT

5.1 Scope of responsibility.

The owner of a vehicle which is permitted hereunder shall be responsible for the conduct of himself or herself, his or her agents, servants and employees.

(Reg. of 10-25-93)

5.2 Violations by taxis.

(a) Any taxi driver and any taxicab owner who violates any of the provisions of this chapter shall be punished as provided by section 1-9 of the Code of Ordinances of the City of Burlington, and upon conviction of any violation, shall forfeit his or her taxicab license or taxi driver license, or both, as the case may be.

(b) Any taxi driver and any taxicab owner having a queue permit shall, upon conviction of any violation, have his or her queue permit suspended or revoked as provided for in section 5.8 of this chapter.

(Reg. of 10-25-93)

5.3 Ground Transportation Offense.

Except as provided for in section 5.2 herein, a violation of any provision of this chapter shall be known as a ground transportation offense. Any enforcement officer who cites an accused

for a ground transportation offense shall issue a ground transportation complaint as contemplated in section 5.4 herein. If the accused is not the permittee, a copy of the ground transportation complaint shall also be delivered to the permittee.

(Reg. of 10-25-93)

5.4 Form of complaint or information and summons.

- (a) In all ground transportation offense cases the complaint shall be in a form known as the "ground transportation complaint," which shall be prepared in ticket form by the airport. The manager may dismiss any complaint.
- (b) The ground transportation complaint shall inform the accused and the permittee of the following:
 - (1) Failure to comply with the instructions on this ticket will result in suspension of your ground transportation permit and/or queue permit at the airport.
 - (2) If you admit you have committed a ground transportation offense or are found after hearing to have committed the offense, your ground transportation permit and/or queue permit are subject to suspension and revocation as prescribed by airport rules and regulations.
 - (3) The option for the accused and permittee to waive appearance and hearing and admit to the offense.
 - (4) That if the accused or permittee elects not to admit to the offense he or she shall appear for a hearing upon the charges.

(Reg. of 10-25-93)

5.5 Procedure on failure to appear.

If a person fails to appear to answer a ground transportation complaint served upon him or her, the airport shall suspend the person's ground transportation permit and/or queue permit until the person answers or appears.

(Reg. of 10-25-93)

5.6 Answers to ground transportation complaint.

- (a) A person who is charged with committing a ground transportation offense may waive appearance and hearing with the consent of the manager and admit to the offense by a signed statement.
- (b) A person who commits a ground transportation offense shall have his or her ground transportation permit and/or queue permit suspended or revoked pursuant to section 5.8 of this article.

(Reg. of 10-25-93)

5.7 Hearing.

- (a) A person who does not elect to waive appearance and hearing on the complaint shall be notified of the date and time for a hearing upon the charges set forth in the complaint.
- (b) A hearing upon such charges shall be held by the manager or other person designated by the manager for that purpose.
- (c) The person against whom charges are preferred shall be entitled to be represented by counsel, to summon witnesses on his or her own behalf and to cross-examine those witnesses who testify against him or her. The burden of proving misconduct shall be upon the person alleging the same. The manager may permit the complaint to be amended to waive any omission or defect therein, or for any variance between the complaint and the evidence addressed at the hearing. If the respondent is substantially prejudiced in the presentation of his or her case as a result of the amendment, the manager shall adjourn the hearing to some future time.

(Reg. of 10-25-93)

5.8 Suspension or revocation of permit.

- (a) When a person has been found to have committed a ground transportation offense his or her ground transportation permit and/or queue permit, as applicable, shall be suspended. Permit suspensions shall apply to the owner of the permitted vehicle. The length of the suspensions to be imposed are as follows:

- (1) First Offense: five-day suspension.
- (2) Second Offense within twelve (12) months of first offense: thirty-day suspension.
- (3) Third Offense within twelve (12) months of first offense: ninety-day suspension.

- (4) Any subsequent offense within twelve (12) months of first offense: Revocation of license and/or permit for one year.
- (b) A person found to have committed a ground transportation offense shall surrender his or her license and/or permit, as applicable, to the manager immediately upon the expiration of ten (10) days after a finding of a violation. In the case of a suspension, licenses and/or permits will be returned after the expiration of the suspension period. In the case of a revocation, permits will not be returned and an individual interested in securing a license and/or permit following the expiration of the revocation period must reapply for a license and/or permit.
- (c) A person whose ground transportation permit and/or queue permit has been suspended by the airport shall not furnish or attempt to furnish ground transportation services at the airport until such time as his or her license and/or permit has been reinstated by the airport. A person who violates this provision shall have their license and/or permit revoked for a period of five (5) years.

(Reg. of 10-25-93)

5.9 Appeal.

Any person aggrieved by a decision of the manager pursuant to this article may appeal to the commission by filing a written notice of appeal with the manager within ten (10) days of the decision complained of accompanied by a summary of those portions of the manager's decision as to which he or she is complaining. The commission or a subcommittee thereof shall hear the appeal. The hearing on appeal shall be governed by section 5.7(c) and the decision of the commission shall be final.

(Reg. of 10-25-93)

ARTICLE VI. MISCELLANEOUS

6.1 Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(Reg. of 10-25-93)

6.2 Commission rules.

The commission is empowered to prescribe and amend from time to time rules consistent with this chapter governing proceedings under this chapter.

(Reg. of 10-25-93)

6.3 Other laws.

Nothing contained in this chapter shall preclude the institution of such criminal or civil causes of action as may be warranted under the circumstances.

(Reg. of 10-25-93)

SCHEDULE I

The maximum rates for travel by taxicab from the location of the Burlington International Airport shall be as follows, such maximum rates having been previously approved by unanimous vote of the Board of Airport Commissioners:

\$2.00 flag drop fee and for the first 1/6th mile;

\$1.65 per mile for mileage exceeding 1/6th mile but not exceeding ten (10) miles;

\$1.35 per mile for all mileage in excess of ten (10) miles;

In addition to the above maximum mileage rates, taxicab rates may include a charge for waiting time in traffic while carrying a fare at the rate of \$18.00 per hour, such additional rate to be called "tariff time." Waiting time and tariff time shall not be charged simultaneously.

If any taxicab is requested to wait while a fare leaves the taxicab for a period of time with the expectation of returning thereto and traveling further, the rate for such waiting time may be as negotiated between the taxicab operator and the taxicab passenger.

The above maximum rates apply to the first passenger in the cab. The taxicab is authorized to charge \$1.00 extra for each additional person traveling in the same party as the customer to a maximum of five (5) persons in the taxicab.

Sharing of taxicab by individuals who are not traveling in the same party shall not be permissible except when directed by the airport's ground transportation officer with the prior agreement of the traveling parties.

(Reg. of 10-25-93)

ARTICLE VII. RESERVED.

ARTICLE VIII. OFF-AIRPORT MOTOR VEHICLE RENTAL AND/OR PARKING LOT BUSINESSES OPERATING ON THE BURLINGTON INTERNATIONAL AIRPORT

8.1 Purpose.

This Article is enacted for the purpose of reasonably regulating the business use of public airport facilities by private motor vehicle rental businesses and/or parking lot businesses which are located off airport property; preserving good order and peace at the airport; providing for the public health, safety and welfare; helping to defray the costs of constructing, operating, maintaining and improving the public airport facilities through the imposition of reasonable user fees; and regulating the use of public facilities in the furtherance of private commercial activities.

(Reg. of 8-8-05, eff. 10-26-05)

8.2 Definitions.

- (a) *Airport customer* is any person who arrives at or departs from the airport by aircraft and who enters into a motor vehicle rental agreement with permittee within twenty-four (24) hours after such arrival, or who parks a vehicle in permittee's vehicle parking lot, and is transported by permittee's courtesy vehicle to or from the airport within twenty-four (24) hours of arrival or departure by aircraft.
- (b) *Courtesy vehicle* is a motor vehicle which carries permittee's airport customers to or from the airport.
- (c) *Off-airport motor vehicle rental business* is an individual, corporation, partnership, or other entity or person offering and providing to the public rental motor vehicles, including without limitation, automobiles and other four-wheel passenger vehicles, to be driven by the lessee.
- (d) *Off-airport vehicle parking lot business* is an individual, corporation, partnership, or other entity or person offering and providing to the public for a fee the use of vehicle parking facilities.
- (e) *Permittee* is an individual, corporation, partnership, or other entity or person operating at, entering on or exiting from airport property under the required permit issued by the Airport Manager for the City of Burlington, pursuant to Section 8.3 below. Permittee includes

the officers, employees, agents or anyone acting on behalf of or with permission of permittee.

(Reg. of 8-8-05, eff. 10-26-05)

8.3 Permit required.

No person engaging in an off-airport motor vehicle rental business or service and/or vehicle parking lot business or service shall operate at, enter upon or use airport property for the purpose of providing pickup or drop off service for airport customers except under an executed, written contract with the City specifically permitting the operation of such services at the airport. Without limiting the authority granted elsewhere in this article, the Airport Manager is authorized to enter into off-airport business permit agreements in the form of Appendix A annexed hereto, which authorize such permittees to conduct certain business operations on airport property in exchange for the payment of a reasonable user fee. Said agreements shall provide for the payment of annual user fees of six and one-half (6.5%) percent of the gross revenues from its airport customers.

(Reg. of 8-8-05, eff. 10-26-05)

8.4 Rules and regulations.

The Airport Manager may issue such rules and regulations as may be necessary to implement this section, such rules and regulations to be issued pursuant to Section 276 of the City Charter. Permittees shall comply with all existing applicable airport rules and regulations as they may be amended from time to time, including without limitation, mandatory minimum insurance requirements.

(Reg. of 8-8-05, eff. 10-26-05)

ARTICLE I. IN GENERAL

1.1 Commission findings and determinations, and statement of purposes.

(a) The board of airport commissioners of the Burlington International Airport hereby finds, determines and declares:

(1) There is a need for the regulation of the operation of motor vehicles at the airport;

- (2) The regulation of the operation of motor vehicles at the airport is necessary for the maintenance of order and safety within the boundaries of the airport.
- (b) The board of airport commissioners of the Burlington International Airport further finds, determines and declares that a public purpose would be served and the interests by the traveling public would be promoted by the regulation of the airport of the operation of motor vehicles operated within the boundaries of the airport.

(Res. of 3-24-97)

1.2 Governing law.

Motor vehicle operators using the public highways, ramps, roads or streets on the airport shall comply with Title twenty-three of the Vermont Statutes Annotated.

(Res. of 3-24-97)

1.3 Regulations by airport.

The airport may regulate the operation, use, and parking of vehicles, including, but not limited to, the posting of "stop" signs and "yield right of way" signs, the designation of "no passing" zones and one-way traffic, and the regulation of speed.

(Res. of 3-24-97)

ARTICLE II. GENERAL PARKING REGULATIONS

2.1 [Parking or standing.]

Parking or standing is prohibited on all airport roads or highways, except in designated parking areas.

(Res. of 3-24-97)

2.2 [Leaving vehicles unattended.]

Leaving a motor vehicle unattended at curbside in front of the terminal is prohibited.

(Res. of 3-24-97)

2.3 [Entering areas closed to traffic.]

A vehicle may not enter any area that is closed to vehicular traffic by barricades or other traffic control devices.

(Res. of 3-24-97)

2.4 [Parking in taxi, etc., areas.]

Private vehicles are prohibited from parking in areas marked "taxi", "carrier", "buses", or "limo".

(Res. of 3-24-97)

2.5 [Restricted parking areas.]

Areas posted as "Restricted Parking" may be used only by clearly marked emergency vehicles or vehicles authorized in writing by the airport manager.

(Res. of 3-24-97)

2.6 [Parking in crosswalks.]

Parking in pedestrian crosswalks is prohibited.

(Res. of 3-24-97)

2.7 [Obstructive parking.]

Parking which in any way obstructs vehicular or pedestrian traffic or creates a hazard is prohibited.

(Res. of 3-24-97)

2.8 [Handicapped parking.]

No person shall park any vehicles in any parking space designated by the airport for parking for the handicapped unless the vehicle displays special handicapped license plates issued pursuant to 18 V.S.A. § 1325, or any amendment or renumbering thereof.

(Res. of 3-24-97)

2.9 [Parking signs.]

In addition to these general regulations, the airport may further regulate parking by posting signs or notices. Parking in violation of any sign or notice is prohibited.

(Res. of 3-24-97)

2.10 [Responsibility of operator.]

The responsibility for finding a legal parking space rests with the motor vehicle operator. Lack of space is no excuse for violation of these regulations.

(Res. of 3-24-97)

2.11 [Prima facie evidence of violation.]

The presence of any motor vehicle in or upon public roads or highways at the airport, or in or upon any other place at the airport where the parking or leaving of the same is regulated, in violation of this chapter, 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, or the commissioner of motor vehicles of the state in which the vehicle is registered, committed or authorized such violation.

(Res. of 3-24-97)

ARTICLE III. PARKING LOTS

3.1 [Parking lots considered highways.]

Parking lots are considered highways for purposes of this chapter.

(Res. of 3-24-97)

ARTICLE IV. EMPLOYEE PARKING LOTS

4.1 [Limitation.]

Employee parking privileges at the airport shall be limited to those individuals having an employer/employee relationship with a company possessing lease or concession agreements

or other contracts with the airport who have been approved for such privilege by the airport manager or other individuals approved by the airport Manager.

(Res. of 3-24-97)

4.2 [Decals.]

Individuals referred to in section 4.1 above shall be issued a parking decal. Only vehicles displaying accurate and valid parking decals shall be permitted to park in the area or areas designated by the airport as an employee parking lot.

(Res. of 3-24-97)

4.3 [Fees.]

The airport shall require the payment of a fee for the purchase of a decal or a replacement decal. The airport may also issue and require the payment of a fee for temporary parking authorization permits.

(Res. of 3-24-97)

4.4 [Alteration of decals prohibited.]

Any alteration of a decal or permit shall void the decal or permit.

(Res. of 3-24-97)

ARTICLE V. SPEED RESTRICTIONS

5.1 [Operation of vehicles at reasonable speed.]

No person shall operate a vehicle on an airport road or highway at a speed greater than is reasonable and prudent under the conditions.

(Res. of 3-24-97)

5.2 [Speed in excess of posted signs prohibited.]

No person shall operate a vehicle on an airport road or highway in excess of any speed limit as indicated by the posting of speed limit signs by the airport.

ARTICLE VI. ENFORCEMENT

6.1 [Removal of violating vehicles authorized.]

The airport may cause to be moved or removed any abandoned vehicles and vehicles parked in violation of any parking regulation, sign, or notice to any public garage or other place designated by the airport within the City of South Burlington at the expense and risk of the owner. Towing charges are in addition to any fines.

(Res. of 3-24-97)

6.2 [Penalties for violations.]

The penalty for violating any parking regulation set out in this chapter, except for handicapped parking violations set forth in section 2.8, shall be five dollars (\$5.00). The penalty for violating any parking regulation, except for handicapped parking violations, committed within thirty (30) days of another parking violation shall be fifteen dollars (\$15.00). The penalty for handicapped parking violations as set forth in section 2.8 shall be thirty-five dollars (\$35.00). Violations of the parking regulations in this chapter shall be enforced as criminal violations as provided in section 1-9(a) of the Code of Ordinances.

(Res. of 3-24-97)

6.3 [Waiver or appeal.]

The owner or operator of a vehicle who has violated any ordinance regulating parking at the airport must either pay the waiver fee or appeal the ticket within thirty (30) days of the date of the offense.

Any person who has violated any ordinance regulating parking at the airport may, within thirty (30) days from the date of such violation, waive in writing the issuance of any process in a trial by jury or hearing and voluntarily pay to the police department of the City of Burlington for the account of the airport the penalty described in section 6.2.

Any person whose vehicle has been ticketed may appeal the propriety and/or legality of the ticket by submitting to the Burlington city grand juror in writing within thirty (30) days a short and plain statement of his or her objections. The city grand juror shall review the objections and notify the appellant of his/her findings in writing.

If the city grand juror denies the appeal in whole or in part, the appellant may seek review by arranging for a court hearing on the alleged violation within thirty (30) days of the date the appeal was denied.

(Res. of 3-24-97)

CODE COMPARATIVE TABLE—REVISED ORDINANCES 1962

This table gives the disposition of the sections of the Revised Ordinances of 1962, which were retained in this codification. Sections of the Revised Ordinances of 1962, not listed herein have been omitted as repealed, superseded or obsolete.

Section	Section this Code
101	1-1
	1-4
102	1-5
103	1-12
131	2-1
151—154	1-2
171, 172	2-6
173	2-7
201	2-4
202	1-11
221	2-2
241	2-3
243	2-5
261	2-19
262	2-18
263	2-22
264	2-21
265	2-20
266	2-24
267	2-23
301	24-1
302	24-2
321	24-14
322	24-15

	24-16
323	24-17
324	24-18
	24-19
325—333	24-20—24-28
334	24-47—24-64
335	24-29
336	24-32
337	24-33
338	24-30
	24-31
	24-34
	24-36
	24-64
339	24-35
340—342	24-37—24-39
371, 373	2-35
374	2-36
	2-37
375	2-38
376	2-39
	2-40
377	2-41
378	2-42
401	12-2
431	11-1, 11-2
432	11-4—11-6
433	11-7
434	11-8
435, 436	11-3
602	3-1
603	3-2
701	8-1
702	8-4

703	8-5
	8-12
704—706	8-6—8-8
707	8-13
721	8-24
	8-25
	8-31
722	8-29
723	8-28
724	8-26
725	8-27
741	8-42—8-44
744—748	8-45—8-49
761	8-9—8-11
781	8-2
821	12-4
	12-8
822	12-5
823	12-6, 12-7
824	12-21—12-24
825	8-85
	12-26
	12-27
826	12-38—12-43
827	12-45, 12-46
828	12-44
829	12-57—12-60
	12-66—12-73
830	12-60—12-65
833	12-10
834	12-3
835	12-9
861	25-1
862	25-2—25-5

25-7—25-10

863	25-6
864	25-11—25-16
865—882	25-34—25-51
883	25-18
884	25-17
885	25-19
887	25-20
890	15-1
891	15-2
892	15-4
921	18-1
922	18-2
923	18-84—18-88
924	18-94
	18-95
925	18-102—18-106
926	18-70—18-77
927	18-78
928	18-112—18-118
931	18-4
1201—1205	19-13—19-17
1231—1235	19-1—19-6
1236—1240	19-8—19-12
1261, 1262	21-7
1281—1283	4-7
1285, 1286	
1301—1304	4-6
1341—1343	4-2
1344	4-1
1361	10-1
1362	10-2—10-7
	10-10
1363	10-8

1364	10-9
1365	10-11—10-13
1381, 1382	21-30
1421	4-21
1422	4-29, 4-30
1423	4-24
1424	4-22
1425	4-26—4-28
1426	4-8
	4-9
1427	4-10
1441—1443	30-1—30-3, 30-4
1445	30-5
1461	4-3
1462	4-3
	4-23
	4-25
1481, 1482	21-31
1501	4-4
	20-1
1502	4-4
1521	30-16
1522	30-17
1523	30-51
1524	30-51
	30-58, 30-59
	30-61
	30-68—30-70
1525	30-52—30-55
	30-57
	30-63
1526	30-56
	30-61
1527	30-36—30-43

1528	30-60
	30-64—30-67
1529	30-28
1530	30-18—30-27, 30-44, 30-62
1531	30-71
1532	30-29
1551, 1552	4-5
1591	27-1
1592	16-1
1593	16-7, 16-8, 16-10, 16-11
1594	16-2
1595	16-3, 16-4, 16-12
1596	16-5, 16-6
1597	16-9
1600	16-13
1701	21-6
1702	17-7
1801	9-4
1831	9-1, 9-9
	9-10—9-14
	9-17—9-19
	9-21
1832	9-67, 9-68
1833	9-62—9-66
	9-69, 9-70
1834	9-7, 9-15, 9-16, 9-20, 9-75, 9-76
1835	9-73, 9-74
1836	9-32—9-37
	9-95, 9-96
1837	9-48—9-50
	9-71
1838	9-5, 9-6, 9-72
1839	9-51
	9-87—9-91

9-97

1840	9-92—9-94
1841	9-2, 9-3, 9-8
2001	13-6, 13-7
2002	13-8
2003	13-32
2004	13-9
2005	13-31
2006	13-10
2007	13-62
2008	13-42
2009	13-15
2011	13-19
2012	13-43
2051—2053	13-38—13-40
2054	13-16
2055	13-17
2056	13-33—13-37
2057	13-41
2058	13-20
2059	13-18
2070	13-1
2101	13-74
2102	13-75, 13-76
2108	13-77
2111—2113	13-78—13-80
2151—2154	13-2—13-5
2155	13-14
2401	7-1
2402	7-2
	7-22
	7-23
	7-24—7-27
2403	7-28—7-31

2404	7-43
2405	7-45
2406	7-6
2407	7-3
	7-4
2408	7-7
	7-8
2409	7-5
	7-6
2410	7-46
	7-50
2411	7-47—7-49
2412	7-32
	7-44
2413	7-11
2601	21-19
2604	26-2
2605	14-6, 14-7
2606	5-3
2608	5-3
2609	17-1
2610	17-4
2611	17-2
2612	17-3
2651	17-6
2801—2803	5-4—5-6
2804	5-22—5-26
2805	5-21
2806	5-27
2807	5-28—5-32
2808	5-7
2809	5-8—5-10
2851, 2853	21-17
2901	14-1

2902	14-2
2903	14-4
2904	14-8
2951	20-8
2952	14-21
2954	11-19
2955	14-20
3002	26-1
3003	26-16—26-20
3004	26-33—26-37
3005	26-38—26-40
3006	26-41
3051	26-3
3052	26-4
3060	8-60—8-65
3501	21-16
3502	21-13
3551	Repealed by Ord. of 3-12-18
3553	21-15
	21-35
3554	Repealed by Ord. of 3-12-18
3555	21-12
3556	21-10
3557	Repealed by Ord. of 3-12-18
3558	Repealed by Ord. of 3-12-18
3559	21-20
3560	21-28
3561	21-34
3562	21-33
3564	21-36
3701	21-11
3801	22-1
3851	29-2
3852	29-3

3853, 3854	29-5, 29-6
3855	29-4
3901	22-13
3902	22-2
3903	22-6
	22-12
3904	Repealed by Reg. of 7-8-20
3905	22-7
3906	22-8
3907	22-19
	22-20
3908	22-10
3909	22-18
3910	22-14
3911	22-11
3912	22-3
3913	22-4
3914	22-15
3915	22-16
3916	29-1
3918	22-9
4201	27-39
	27-42—27-46
	27-48—27-50
4202	27-29
4203	27-30
	27-31
4204	27-32
4205	27-33
4207	27-63—27-67
	27-70
	27-71
4208	27-68
4209—4211	27-2—27-4

4212	27-34—27-38
4221	27-5
4251	20-6
4252	8-30
4253	27-8
4254	Repealed by Ord. of 11-7-22
4255	5-1
4256	27-9
4257	17-5
4258	27-10
4259	27-11
4260	20-7
4261	21-5
4262	Repealed by Ord. of 3-12-18
4264	20-157
4301	27-85
4302	27-86—27-88
4303	27-84
4351	27-12
4352	27-13
4353	27-16
4354	27-14
4355	27-15
4356	27-7
4401	27-100, 27-102, 27-103
4402—4406	27-104—27-108
4501	8-76
	8-78
4502	8-92
	8-92
4503	8-91
4504	8-77
	8-82
	8-84

	8-94
4505	8-79
	8-80
	8-81
	8-83
4506	8-95
5001	6-9
	6-10
	6-25—6-32
5002	6-33
	6-35
	6-39
5003	6-1
	6-3—6-8
	6-11
5004	6-12
	6-13
5005	6-2
5006	6-36—6-38
5007	6-14
5051, 5052	20-62
5102	20-3
5103	20-4
5151	20-25
5152	20-29
5152	20-31
	20-37
5154	20-32
	20-36
5155	20-38—20-41
5157	20-65
5158	20-55
5160	20-135
5161	27-17

5162	App. C, § 1
5164	20-11
5165	20-120
	20-135
5166	20-9
5201	20-121
	20-122
	20-136
5202	App. C, § 2
5203	20-27
5204	20-124
5205	20-26
5206	App. C, § 3
5207	20-27
5208	App. C, § 4
5251	20-33
5251	App. C, § 5
5252	App. C, § 6
5253	20-34
	20-35
5301	20-53
5302—5307	20-71—20-76
5308	20-55
	App. C, § 7
5309	§ 8
5310	§ 9
5311	§ 10
5311a	§ 11
5312	20-54
	App. C, § 12
5313	§ 13
5314	20-64
5315	App. C, § 14
	§ 15

5316, 5317	20-56
5318	App. C, § 16
5320	20-63
5321	20-57
	20-58
5323	20-157
	20-158
5324	20-61
5351	App. C, § 17
5352	20-83
	20-84
5353	20-85
	20-87
	20-80
	App. C, § 19
5354	20-89
5355	20-90
5356	20-91
5357, 5358	20-92
5359—5361	20-93—20-95
5362	27-6
5363	21-14
5401	App. C, § 18
5402	20-101
5403	20-102—20-104
	App. C, § 19
5405	20-105—20-107
5406	20-108
5407	20-109
5751, 5752	21-1
6001	31-2
6002	31-5
	31-15
	31-17

6003	31-18
	31-19, 31-20
6004	31-39
6005	31-11
6006	31-16, 31-23—31-27
6007	31-7
6008	31-3
6009	31-63
6010	31-10
6011	31-64
6012	31-21
6013	13-13
6014	13-12
6015	31-6
6016	31-62
6017	21-18
6018	31-40, 31-41
6019	31-49
6020	31-50, 31-43
6024	31-43
6021	31-45
6023	31-47
6025	31-48
6026	31-44
6029	31-4
6030	31-65—31-67
6031	31-70
6032	31-68
6033	31-69, 31-71—31-73
6034	31-9
6035	31-12
6036	31-13
6037	13-11
6038	31-14

6040	31-22
6047	31-8
6048	31-1

CODE COMPARATIVE TABLE—CUMULATIVE SUPP. 1969

This table gives the disposition of the sections of the Cumulative Supplement, 1969 to the Revised Ordinances of 1962, which were retained in this codification. Sections of the Cumulative Supplement, not listed herein have been omitted as repealed, superseded or obsolete.

Section	Section this Code
321	24-14
324	24-18
	24-19
325	24-20
327	24-22
328	24-23
330	24-25—24-27
335	24-29
340—342	24-37—24-39
351	24-76
352	24-78
353	24-79
354—357	24-80—24-83
358	24-77
359, 360	24-84, 24-85
721	8-24
723	8-28
761	8-9
763	8-11
781	8-2
825	12-26
830	12-64
863	25-6
891	15-2

892 (1969)	15-4
893	15-5
924	18-94
931	18-4
1285	4-7
1527	30-37, 30-38
1530	30-18
	30-27
2070	13-1
2102	13-76
2153	13-4
2609	17-1
2804	5-22—5-26
2805	5-21
2806	5-27
2807	5-28—5-32
2808	5-7
2809	5-8—5-10
2901	14-1
2902	14-2
2903	14-4
3004	26-35
3006	26-41
3060	8-60
3061	8-61—8-64
3062	8-65
3701	21-11
3904	Repealed by Reg. of 7-8-20
3919	22-5
4201	27-39
	27-42—27-50
4207	27-69
	27-70
4221	27-5

4261	21-5
4262	Repealed by Ord. of 3-12-18
4303	27-84
5053	20-77
5151	20-25
5154	20-32
	20-36
5162	App. C, § 1
5166	20-9
5201	20-136
5202	App. C, § 2
5205	20-26
5206	App. C, § 3
5207	20-27
5208	App. C, § 4
5251	App. C, § 5
5302	20-71
5304	20-73
5306	20-75
5308—5310	App. C, §§ 7—9
5311	§ 10
5311a	
5312	§ 12
5316	20-56
5320	20-63
5324	20-61
5351	App. C, § 17
5353	20-85
	App. C, § 19
5360	20-94
5401	App. C, § 18
5403	§ 19
6751	21-2—21-4

CODE COMPARATIVE TABLE—ORDINANCES

The following table reflects the disposition in this Code of Ordinances enacted subsequent to the Revised Ordinances, 1962. Ordinances not listed herein have been omitted as repealed, superseded, or not of a general or permanent nature.

Ordinance Date	Section this Code
10-6-69 (reg.)	App. C, § 7 § 12
10-27-69	30-18
11-24-69	26-35
12-8-69	3-18—3-30
1-19-70 (reg.)	App. C, § 19
3-16-70 (reg.)	App. C, § 7
5-11-70	5-28—5-31 7-9 7-11 31-16 31-23—31-27
5-18-70 (reg.)	App. C, § 3 § 4 § 7
5-25-70	31-16 31-23—31-27
6-8-70	30-37, 30-38
6-15-70 (reg.)	App. C, §§ 5—7
7-27-70	6-3 13-4
8-17-70 (reg.)	App. C, § 3 § 7
9-21-70 (reg.)	§ 3
11-6-70 (reg.)	§ 7
12-22-70 (reg.)	App. C, § 9 § 10 § 12
12-8-70	21-32 31-16

31-23—31-27

1-11-71	20-59
1-18-71 (reg.)	App. C, § 2 § 7 § 19
3-9-71	18-3 18-4 18-15 18-17 18-18—18-27 18-35—18-42 18-48—18-59
4-16-71 (reg.)	App. C, § 3, § 7 § 8 § 15
5-18-71 (reg.)	App. C, § 3 § 4 § 7 § 9 § 12 § 19
6-15-71 (reg.)	App. C, § 7 § 9 § 12 § 17
6-28-71	20-156—20-161 27-69 27-70
7-12-71	18-16
8-23-71	7-10 18-28, 18-29
9-21-71 (reg.)	App. C, § 7 § 9 § 12

		§ 18
		§ 19
11-1-71		13-14
11-19-71 (reg.)		App. C, § 2
		§ 7
		§ 9
		§ 12
		§ 15
1-11-72		19-6, 19-7
1-13-72		13-14
		13-51—13-61
1-17-72 (reg.)		App. C, §§ 3, 4
		§ 7
		§ 9
		§ 12
		§ 17
		§ 19

Ordinance Date	Added, Section Amended, Repealed	Section this Code
5-10-72 (reg.)		App. C, § 2
		§ 4
		§ 7
		§ 9
		§ 12
6-19-72		14-19
8-14-72		21-24
10-16-72		21-29
		27-5
12-18-72	Add.	App. C, § 7(239), (240)
	Add.	§ 15(a)(6)
1-15-73	Rpld.	App. C, § 7(239)
	Rpld.	§ 8(10)

	Add.	§ 9(b)
	Add.	§ 11(b)
2-13-73	Rpld.	App. C, § 7(4), (6), (7), (10), (11), (15)—(18), (23), (24), (36), (38), (40), (43), (46), (48), (50), (54)—(58), (61), (62), (65)—(68), (71), (80), (82), (84)—(86), (89), (91), (92), (102)—(105), (108), (109), (114)—(116), (124)—(127), (129), (130), (132), (152), (155)—(158), (160), (162), (163), (173)—(183), (185)—(187), (195), (196), (199)—(203), (208)—(210), (216)—(218), (220), (223), (230)—(234)
2-20-73	Am'd.	§ 15
2-20-73	Add.	App. C, § 7(114), (241)
	Add.	§ 7.1
3-19-73	Add.	App. C, § 3(114)
	Add.	§ 12.1
3-26-73	6501— 6579	Add. App. A, §§ 1—79
	6680— 6688	Add. §§ 80—88
4-16-73		Add. App. A, § 7(242), (243)
5-21-73		Am'd. 31-9
5-21-73		Add. 31-12(b)
5-21-73		Am'd. 31-66
5-21-73		Am'd. 31-68
5-21-73		Rpld. 31-69, 31-71—31-73
		Add. 31-69
5-21-73		App. C, § 7(4), (6), (7), (10), (11), (15)—(18), (23), (24), (36)—(38), (40), (43), (46), (48), (50), (54)—(58), (61), (62), (65)—(68), (71), (80), (82), (84)—(86), (89), (91), (92), (102)—(105), (108), (109), (114)—(116), (124)—(127), (129), (130), (132), (152), (155)—(158), (160), (162), (163), (173)—(183), (185)—(187), (195), (196), (199)—(203), (208)—(210), (216)—(218), (220), (223), (230), (234)
5-21-73		Rpld. App. C, § 15(a)—(h)
		Add. § 15(a)—(c)
5-29-73		Am'd. App. C, § 5(3)
6-18-73		Add. App. C, § 7(244)—(246)
6-25-73		Am'd. 30-27(a)
		Add. 30-27(b)
7-30-73		Adopting Ordinance p. ix

7-30-73		Add.	20-12
8-20-73		Add.	App. C, § 3(116) § 7(247)
8-28-73		Am'd.	7-22, 7-25, 7-31
		Rpld.	7-23, 7-24
8-28-73		Am'd.	24-22(c), 24-23(c) 24-26, 24-29
		Add.	24-40—24-42
9-17-73	1	Am'd.	20-11
9-17-73(reg.)	1	Add.	App. C, § 3(117) Add. § 4(12) Am'd. § 7(171) Add. § 7(248) Add. § 9(a)(94) Rpld. § 17(b)(2)
10-15-73	1	Add.	3-40
10-15-73	1	Add.	20-55(c)
10-15-73	1	Am'd.	App. A, §§ 18, 22, 86 Add. § 79
10-15-73(reg.)	1	Add.	App. C, § 4(13)—(15) Am'd. § 7(174) Rpld. § 7(212)
10-29-73(res.)		Am'd.	App. B, § 14
11-1-73(reg.)		Add.	App. C, § 7(249)
11-6-73(res.)			3-40(note)
11-19-73(reg.)		Add.	App. C, § 3(118) Add. § 7(250) Add. § 9(a)(95), (96) Add. § 11(a)(4)

		Add.	20-121(e)
12-3-73	1	Am'd.	9-48—9-50(a)
12-3-73	1	Am'd.	12-26
12-5-73(reg.)	1	Add.	App. C, § 7(251)
12-10-73		Add.	22-21
12-17-73	1	Add.	22-1(16)
12-17-73(reg.)		Add.	App. C, § 2(a)(50)—(55)
		Add.	§ 3(119)—(121)
		Add.	§ 7(252)
		Add.	§ 15(a)(6), (d)
1-14-74		Am'd.	26-34, 26-35, 26-38
		Add.	26-35.1
1-21-74(reg.)		Add.	App. C, § 5(24)
3-18-74(reg.)		Add.	App. C, § 3(122), (123)
		Add.	§ 4(16)
4-15-74(reg.)		Add.	App. C, § 7(253)
		Am'd.	§ 5(5)
		Rpld.	§ 5(16)
		Am'd.	§ 5(17)
4-22-74		Add.	28-1—28-12
4-22-74		Add.	App. C, § 7(254)
5-6-74		Rpld.	App. C, § 3(22)
		Add.	§ 3(124)—(126)
		Rpld.	§ 4(6)
		Add.	§ 17(6)(16)
5-13-74		Am'd.	App. C, § 5(1)
		Rpld.	§ 5(17)
		Add.	§ 16(7), (8)
6-17-74		Am'd.	30-36, 30-37
		Rpld.	30-38

	Am'd.	30-39, 30-41, 30-42
	Add.	30-45
6-17- 74(reg.)	Add.	App. C, § 3(127), (128)
	Rpld.	§ 9(a)(53)
	Add.	§ 12.1(2)
	Add.	§ 19(a)(4), (c)(5)
7-2- 74(reg.)	Add.	App. C, § 7(255)
7-22- 74(reg.)	Am'd.	App. C, § 3(77)
	Rpld.	§ 4(8)
	Add.	§ 7(256)—(259)
	Add.	§ 15(e)
	Am'd.	§ 19(a), (b)
8-19- 74(reg.)	Add.	App. C, § 7(260), (261)
	Rpld.	§ 9(b)(1)
	Add.	§ 12.1(3)
	Am'd.	20-40
9-9-74	Am'd.	13-4
9-16- 74(reg.)	Add.	20-39(b)
	Am'd.	20-53(b)
	Add.	App. C, § 3(129)
	Add.	§ 7(262)
	Add.	§ 15(f)
	Add.	§ 17(a)(9)
10-28- 74(reg.)	Add.	App. C, § 3(130)
11-18- 74(reg.)	Add.	App. C, § 3(131)
		(132)
	Add.	§ 7(263), (264)
12-9-74	Add.	8-10(i)
12-9-74	Am'd.	17-4

12-9-74	Am'd.	24-2(a)
12-9-74	Am'd.	App. A, §§ 2, 3(B) 4(C), (D), 5—17 19(B), (C) (1), (9) 20, 22, Tables I(a), I(b), 85
	Rpld.	§ 19(C)(1)(e)
12-9-74(reg.)	Am'd.	App. C, § 7(262), (259)
	Add.	§ 7(265), (266)
1-20-75(reg.)	Add.	App. C, § 7(267), (268)
2-10-75(reg.)	Add.	App. C, §§ 7(269), 9(a)(97), 12(a)(29)
3-17-75(reg.)	Add.	App. C, § 7(270)
4-10-75	Amds.	17-4
4-10-75	Amds.	21-27
4-24-75	Amds.	18-2, 18-20, 18-21
4-28-75(reg.)	Adds.	App. C, §§ 2(a)(56)—(60), 7(271), 9(a)(98)
	Rpld.	§ 2(30), § 3(7), (24), (54), (61), (81)
5-19-75	Amds.	26-33
	Add.	26-50—26-58
5-19-75(reg.)	Add.	App. C, § 3(133)
6-17-75(reg.)	Add.	App. C, § 3(134)
6-23-75	Am'd.	App. A, § 26
8-11-75(reg.)	Add.	App. C, §§ 3(135), (136), 7(272), (273), 13(3), 18(10), 19(b)(10), 19(c)(6)—(10)
	Rpld.	App. C, §§ 3(85), 19(c)(2)
9-8-75	Am'd.	24-1, 24-19
	Add.	24-3, 24-4
	Rpld.	24-18
9-8-75	Am'd.	App. A, § 23(F)

	Rpld.	App. A, § 23(G)
9-15-75(reg.)	Add.	App. C, § 3(137)
10-14-75	Am'd.	5-21
10-20-75 (reg.)	Add.	App. C, § 3(138), (139)
	Add.	§ 7(274), (275)
	Add.	§ 9(99)
11-3-75	Am'd.	App. A, § 18
11-3-75	Am'd.	App. A, § 2
	Add.	§ 3(B)(6)
	Rpld.	§ 6(1)(d)—(g), (i)
	Add.	§ 6(1)(k)—(m)
	Am'd.	§ 6(2), (3)
	Am'd.	§ 7(G)
	Add.	§ 8(A)(9)
	Am'd.	§§ 9, 10
	Rpld.	§ 10(A)(15), (16)
	Add.	§ 11(B)(8), (9)
	Am'd.	§ 11(C)
	Am'd.	§ 19(D)(4)
	Am'd.	§ 22(B)
11-17-75 (reg.)	Rpld.	App. C, § 1(a)(1), (2)
	Add.	§ 7(276), (277)
	Am'd.	§ 9(22)
11-24-75	Add.	26-33(b)
12-15-75 (reg.)	Add.	App. C, § 12(30)
	Am'd.	§ 19(b)(9)
1-26-76 (reg.)	Add.	App. C, § 7(278), (279)
	Rpld.	§ 7(80)
	Am'd.	§ 12-1

2-17-76 (Res.)	Am'd.	App. B, § 16
2-23-76 (reg.)	Add.	App. C, § 3(140), (141)
	Add.	§ 7(280), (281)
	Add.	§ 11(a)(5)
3-3-76	Add.	23-1—23-12
3-15-76 (reg.)	Add.	App. C, § 7(282)
	Rpld.	§ 12(a)(10)
	Add.	§ 12-1(6)
	Add.	§ 15(g)
3-29-76	Am'd.	12-26, 12-62
3-29-76 (reg.)	Rpld.	App. C, § 7(260), (261)
	Add.	§ 7(283), (284)
4-12-76	Am'd.	24-31
4-19-76 (reg.)	Add.	App. C, § 7(285)—(287)
	Am'd.	§ 19(c)
	Add.	§ 19(d)
5-3-76 (reg.)	Add.	§ 3(142)
	Add.	§ 9(100)
	Add.	§ 12-1(7)
5-17-76	Am'd.	20-86, 20-104
6-1-76	Am'd.	13-3
	Rpld.	13-4, 13-5
6-28-76 (reg.)	Add.	App. C, § 3(143), (144)
	Add.	§ 7(288)—(290)
7-19- 76(reg.)	Add.	App. C, § 3(145)
	Rpld.	§ 12(17)
	Add.	§ 12-1(8)
7-26-76	Am'd.	22-21

8-9-76		Am'd.	App. A, §§ 9-12, 15, 79
8-9-76(reg.)		Add.	App. C, § 11(a)(6)
9-13-76(reg.)		Add.	App. C, § 3(146)
		Add.	§ 9(101)
9-27-76 (reg.)		Add.	App. C, § 6(4)
		Add.	§ 7(291)
10-14-76(reg.)		Add.	App. C, § 7(292)—(295)
10-25-76	1	Add.	22-22
	2	Add.	21-37
11-1-76(reg.)		Rpld.	App. C, § 12(9)
		Add.	§ 12-1(9)
11-22-76		Am'd.	22-21
11-22-76(reg.)		Add.	App. C, § 7(296)—(299)
		Add.	§ 9(102)
		Add.	§ 12-1(10)
12-6-76	1	Am'd.	App. A, § 2
	2	Am'd.	App. A, § 3(B)
	3	Am'd.	App. A, § 16
1-31-77		Am'd.	26-34
2-14-77(reg.)		Add.	App. C, § 6(5)
		Add.	§ 9(103), (104)
		Rpld.	§ 12(20)
		Add.	§ 12(31)
		Add.	§ 17(b)(17), (18)
		Rpld.	§ 19(c)(7)
4-11-77(reg.)		Add.	App. C, § 3(148)—(150)
		Add.	§ 9(105)
		Add.	§ 12(32)

4-11-77	1, 2	Am'd.	App. A, § 2
	3	Am'd.	App. A, § 6
	4	Am'd.	App. A, § 7
	5	Am'd.	App. A, § 8
	6	Am'd.	App. A, § 9(B)(2)
	7	Am'd.	App. A, § 10
	8	Am'd.	App. A, § 11
	9	Add.	App. A, § 9(A)(11)
5-9-77		Add.	App. C, § 3(151)
		Rpld.	App. C, § 4(9)
		Add.	App. C, § 7(300)
5-16-77		Add.	App. C, § 12(33)—(40)
		Add.	App. C, § 12-1(11)
6-13-77	1	Am'd.	App. A, § 2
	2, 3	Am'd.	App. A, § 12
	4	Am'd.	App. A, § 18
	5	Am'd.	App. A, § 23
6-20-77		Add.	App. C, § 7(301)—(306)
		Add.	App. C, § 9(106)
		Add.	App. C, § 20(1)—(23)
7-18-77		Rpld.	App. C, § 7(305)
		Am'd.	App. C, § 7(306)
		Add.	App. C, § 9(107)
		Add.	App. C, § 20(24)
8-8-77		Am'd.	30-37
8-15-77		Rpld.	App. C, § 3(21)
		Add.	App. C, § 3(152), (153)
		Rpld.	App. C, § 5(3)
		Add.	App. C, § 7(306)
9-19-77		Add.	App. C, § 3(154)
		Add.	App. C, § 7(310)—(312)
		Add.	App. C, § 9(106)
		Add.	App. C, § 10(a)
		Add.	App. C, § 20(25)—(28)

10-17-77	Add.	App. C, § 3(155)	
	Add.	App. C, § 7(313)	
	Add.	App. C, § 16(9)	
	Add.	App. C, § 20(29), (30)	
11-28-77(reg.)	Add.	App. C, § 7(315)—(317)	
	Add.	App. C, § 20(31)—(34)	
12-12-77	Am'd.	20-74	
	Am'd.	20-77(a)	
12-19-77	Am'd.	App. A, § 3(B)(5)	
	Add.	App. A, § 3(B)(8)	
12-19-77	Add.	App. C, § 16(10)	
1-9-78	Am'd.	8-2(a)	
1-9-78	Am'd.	12-26	
1-16-78	Am'd.	26-1, 26-16—26-18, 26-20, 26-33	
	Add.	26-33.1	
	Am'd.	26-34—26-41, 26-53(a), 26-54(e)(4), (i), (k)	
1-16-78(reg.)	Add.	App. C, § 2(61), (62)	
	Add.	App. C, § 7(318), (319)	
	Add.	App. C, § 16(11)	
2-21-78(reg.)	Am'd.	20-55(a)(6)	
	Am'd.	App. C, § 15(d), (f)	
2-21-78(reg.)	Add.	App. C, § 7(320)	
2-27-78	Am'd.	23-6(a)(1)	
	Rpld.	23-6(a)(3), (c)(3)	
	Am'd.	23-9(b)(1)	
	Rpld.	23-9(b)(2)	
3-20-78	1	Am'd.	4-4(b), 4-6(b), 4-24
	2	Am'd.	8-82
	3	Am'd.	12-62
	4	Am'd.	10-6
	5	Add.	21-5(b)

	Am'd.	21-7(c), 21-30(b)
	Add.	21-30
	Am'd.	21-31
6	Am'd.	25-9
7	Am'd.	27-36, 27-39(c), 27-45(b), 27-65
8	Am'd.	30-3, 30-56
3-20-78	Am'd.	20-11
3-20-78	Am'd.	24-29(b)
3-20-78(reg.)	Add.	App. C, § 5(25), (26)
4-7-78(reg.)	Am'd.	App. C, § 19(b)(9)
4-17-78	Am'd.	24-59
5-15-78(reg.)	Add.	App. C, § 3(156)
5-15-78(reg.)	Add.	App. C, § 7(321)
7-10-78(reg.)	Add.	App. C, § 7(322)
8-18-78	Add.	20-66, 20-78
	Am'd.	20-74, 20-77, 20-78
9-11-78	Am'd.	23-3, 23-6, 23-9, 23-10
	Add.	23-13
10-16-78	Add.	App. C, § 19(b)(11)
	Add.	App. C, § 20(35)—(38)
12-4-78(reg.)	Add.	App. C, § 7(323)
1-8-79(reg.)	Add.	App. C, § 16(12)
2-5-79(reg.)	Add.	App. C, § 3(157)
	Add.	App. C, § 7(324)
	Rpld.	App. C, § 8(17)
2-5-79(reg.)	Add.	App. C, § 4(17)
3-12-79	Add.	21-38

4-2- 79(reg.)	Add.	App. C, § 7(322)(e)
	Add.	App. C, § 7(325)
	Rpld.	App. C, § 7(290)
	Add.	App. C, § 9(a)(108)
5-1-79	Am'd.	30-37
5-21-79	Am'd.	24-76
6-4- 79(reg.)	Am'd.	App. C, § 7(322)
6-11-79	Am'd.	23-1—23-15
7-9- 79(reg.)	Am'd.	App. C, §§ 3, 9(b)
8-13-79	Am'd.	24-1, 24-14, 24-19, 24-22, 24-23, 24-26, 24-29, 24-40, 24-42
8-27- 79(reg.)	Am'd.	App. C, §§ 2(a), 5
8-27- 79(reg.)	Add.	App. C, § 3(159)—(163)
8-27- 79(reg.)	Am'd.	App. C, § 3
8-27- 79(reg.)	Am'd.	App. C, § 5
8-27- 79(reg.)	Am'd.	App. C, § 7
8-27- 79(reg.)	Am'd.	App. C, § 7
9-10- 79(reg.)	Add.	App. C, § 3(164), (165)
9-10- 79(reg.)	Am'd.	App. C, § 9(b)
9-24-79	Am'd.	31-69
10-1- 79(reg.)	Add.	App. C, § 3(166), (167)
10-15- 79(reg.)	Add.	App. C, § 5(33), (34)
	Rpld.	App. C, § 5(31)
10-15-79	Am'd.	30-37
11-5- 79(reg.)	Add.	App. C, §§ 7(322)(h), 17(b)(19)

12-3- 79(reg.)	Rpld.	App. C, § 12-1(9)
	Add.	App. C, § 9(a) (109), (110)
12-3- 79(reg.)	Add.	App. C, § 19(b)(12)
12-10-79	Am'd.	27-69
12-10- 79(reg.)	Add.	App. C, § 7(322), (333)
	Rpld.	App. C, § 17(b)(19)
1-7- 80(reg.)	Rpld.	App. C, § 5(33), (34)
3-4- 80(reg.)	Rpld.	App. C, § 11(a)(1)
3-10-80	Am'd.	30-37
3-24-80	Am'd.	App. A, § 3
	Rpld.	App. A, § 4
	Add.	App. A, §§ 4, 4.1
4-7-80	Am'd.	20-71
4-7-80	Am'd.	20-73
	Add.	20-79

Ordinance Date	Added, Amended, Repealed	Section this Code
4-7-80	Am'd.	21-2
4-14-80	Am'd.	22-21
5-5-80(reg.)	Add.	App. C, § 3(168)
	Add.	App. C, § 9(a)(111)
6-2-80(reg.)	Add.	App. C, § 12(41)—(47)
6-2-80(reg.)	Rpld.	App. C, § 16(1)—(12)
	Add.	App. C, § 16(1)—(10)
7-7-80(reg.)	Add.	App. C, § 12-1(12), App. C, § 17(b)(20)
8-4-80(reg.)	Add.	App. C, § 17(b)(21)
8-18-80	Add.	5-11—5-14
8-18-80	Am'd.	18-28
8-18-80	Add.	21-39

8-18-80	Add.	23-9(d)
8-25-80	Am'd.	App. A, § 10(C), App. A, § 10(D)
9-8-80(reg.)	Add.	20-39(c)(d)
	Add.	App. C, § 2(a)(65)
	Add.	App. C, § 3(169)—(171)
	Am'd.	App. C, § 9(a)(9)
9-29-80	Am'd.	28-5(F), 28-6(g)
9-29-80	Add.	8-10(j)
10-6-80	Add.	App. C, § 7(332)(i), (j), (334), (335)
	Add.	App. C, § 17(b)(22)—(24)
	Add.	App. C, § 19(c)(7), (8)
11-3-80(reg.)	Am'd.	20-39(c)
	Rpld.	App. A, §§ 8(18), 11(b)
	Add.	App. C, §§ 7(322)(k), 11(a)(7), 13(4), 17(a), (10), 19(c)(9)
11-10-80	Rpld.	App. C, §§ 18, 19
	Add.	App. C, § 18
12-1-80(reg.)	Add.	App. C, §§ 3(172), 7(336), 9(112), 16(11)
12-15-80	Am'd.	24-14
1-5-81(reg.)	Add.	App. C, §§ 3(173), (174), 20(39)
3-9-81(reg.)	Am'd.	App. C, § 19(b)(11)
	Add.	App. C, § 19(b)(13)
3-9-81	Am'd.	20-55(a)(b)
	Add.	20-55(d)
3-30-81	Am'd.	30-37
4-27-81	Am'd.	24-76, 24-83
	Add.	24-86
5-4-81(reg.)	Add.	App. C, § 7(322)(l)
	Am'd.	App. C, §§ 12(a), 13
5-26-81	Am'd.	22-21(b)—(d)
5-26-81	Am'd.	8-28(a), (d)
6-1-81(reg.)	Add.	App. C, § 7(322)(m)
	Am'd.	App. C, § 7(334), (335)
	Add.	App. C, § 7(337), (338)
6-16-81	Am'd.	24-31

6-30-81	Am'd.	25-1—25-17, 25-31—25-48
7-6-81(reg.)	Add.	App. C, §§ 3(175), 12-1(13)
7-13-81	Add.	App. A, § 22(B)(4)
8-3-81(reg.)	Add.	App. C, §§ 3(176), 21
8-10-81	Am'd.	4-29
9-8-81(reg.)	Add.	App. C, §§ 3(177), (178), 7(339), 9(a)(113)
9-14-81(reg.)	Am'd.	App. C, §§ 8(D), 22, Table I(a)
10-5-81(reg.)	Add.	App. C, § 4(18)
	Am'd.	App. C, § 16(8), (9)
10-19-81	Am'd.	23-3—23-9, 23-11—23-15
11-2-81(reg.)	Add.	App. C, §§ 3(179), 7(322)(n), 7(340)
11-16-81	Am'd.	20-66(a)
	Add.	20-67
11-16-81	Add.	22-1(17)
11-16-81	Am'd.	26-41
12-7-81	Add.	20-39(b)(7)
1-4-82	Add.	20-55(a)(8), (9)
1-4-82	Am'd.	26-39
1-4-82	Am'd.	31-20
1-4-82(mo.)	Am'd.	31-20
1-4-82	Add.	App. A, § 24
1-11-82	Add.	26-32
	Am'd.	26-33—26-41
1-11-82(reg.)	Add.	App. C, §§ 3(180), 9(b)(2), (3), 16(12), 19(b)(14)
	Rpld.	App. C, §§ 3(106), 16(11)
1-18-82	Am'd.	27-29—27-37, 27-46—27-52
2-8-82(reg.)	Add.	App. C, §§ 12-1(14), 19(c)(10)
3-1-82	Add.	App. C, § 7(322)(o)
5-3-82	Am'd.	8-28(a)—(d)
	Add.	8-28(e)
5-3-82(reg.)	Am'd.	20-56(b)
	Add.	20-68, 20-69
		App. C, §§ 7(341), 12-1(15), 19(c)(11)
5-17-82	Am'd.	24-31

6-7-82(reg.)	Add.	20-39(b)(8), App. C, §§ 9(b)(4), 17(b)(25)
6-14-82	Am'd.	5-21
6-14-82	Am'd.	6-3
6-14-82	Add.	27-18
7-12-82	Am'd.	App. C, §§ 7(235), (322)(o)
	Add.	App. C, §§ 7(342), (343), 9(b)(5), (6), 12-1(16), (17), 19(a)(5)
8-2-82(reg.)	Add.	App. C, §§ 3(181), (182), 20(41)
9-8-82(reg.)	Add.	App. C, § 7(322) (p), (q), (344)
9-27-82	Add.	5-12(h)
9-27-82	Am'd.	5-28—5-30
9-27-82	Add.	13-63—13-67
9-29-82	Am'd.	1-9
	Rpld.	5-13
10-4-82	Rpld.	9-48, 9-49
10-4-82(reg.)	Add.	App. C, §§ 3(183), 7(345), (346), 19(b)(15)
10-12-82	Am'd.	2-2
10-18-82	Am'd.	8-1, 8-3, 8-4, 8-8, 8-10(k), 8-13(a), 8-43, 8-45—8-47
11-1-82(reg.)	Am'd.	App. C, § 3(166)
	Add.	App. C, §§ 3(184), 20(42)
11-15-82	Am'd.	20-87
11-15-82	Am'd.	21-38(b)(4)
11-15-82	Add.	App. C, § 7(347)—(350)
12-6-82	Rpld.	10-1—10-13
12-6-82	Rpld.	16-1—16-13
12-6-82	Add.	App. C, § 15(a)(7)
1-3-83(reg.)	Am'd.	App. C, § 19(a)(1), (2), (c)
2-14-83(reg.)	Add.	App. C, § 6(6)
3-14-83	Am'd.	19-3
4-4-83(reg.)	Add.	App. C, § 7(322)(r)
5-2-83	Am'd.	21-5
5-2-83	Am'd.	21-6, 21-9
5-2-83	Am'd.	23-15
5-2-83	Add.	27-5(b)(3)

	Am'd.	27-11
	Add.	27-29(g)
	Am'd.	27-31(a), (c)
		27-32(a)
5-2-83	Am'd.	App. B, § 13
5-2-83(reg.)	Add.	App. C, § 12-1(18)
5-23-83	Am'd.	8-8(b)
5-23-83	Add.	App. B, § 18
6-6-83(reg.)	Add.	App. C, § 3(185)—(187)
	Rpld.	App. C, § 4(13)—(15)
	Add.	App. C, § 7(322)(S), (355)
6-13-83	Am'd.	App. A, § 3(A)
	Add.	App. C, § 3(B)(10)
	Add.	App. C, § 10.1
7-5-83(reg.)	Add.	App. C, §§ 3(188), 7(322)(t), (u)
8-1-83(reg.)	Rpld.	App. C, § 9(a)(97)
	Add.	App. C, §§ 9(b)(7), 12-1(19)
9-12-83(reg.)	Add.	App. C, § 12-1(20)
	Rpld.	App. C, § 13(1)
10-3-83	Add.	App. C, §§ 3 (189), (190), 12-1(21)
10-24-83	Am'd.	4-4
10-24-83	Rpld.	20-10, 20-11
	Add.	20-11
	Am'd.	20-55, 20-71
10-24-83	Add.	22-1(18)
10-24-83	Am'd.	23-3(h), 23-15(c)(3)d.
10-34-83	Add.	App. A, § 3(B)(11)
10-34-83	Rpld.	App. A, § 12(C)
	Add.	App. A, § 12(C), (D)
11-7-83(reg.)	Add.	App. C, §§ 3 (191), 7(356)—(362)
	Rpld.	App. C, § 7(138), (176), (313), (314)
12-5-83(reg.)	Add.	App. C, § 7(322)

(v), (363), (364)

12-12-83	Am'd.	1-9(a)
12-12-83	Am'd.	8-1—8-4, 8-10, 8-13, 8-43, 8-46
	Rpld.	8-6, 8-11
	Rnbd.	8-24
	as	8-23
	Add.	8-24, 8-100—8-104
1-9-84(reg.)	Rpld.	App. C, § 7(322)(q)
	Add.	App. C, § 7(322)(w), (x)
1-23-84	Am'd.	20-74
2-6-84 (reg.)	Add.	App. C, §§ 17(c), 20(43)
	Am'd.	App. C, § 19(a)(5), (6)
2-14-84	Am'd.	20-66(b)
3-5-84(reg.)	Add.	App. C, § 7(365)
3-19-84	Am'd.	27-30(b)
	Add.	27-30(g), (h)
4-2-84(reg.)	Add.	App. C, § 3(192), (193)
	Am'd.	App. C, § 9(b)(8)
	Add.	App. C, § 22
5-7-84(reg.)	Add.	App. C, § 3(194), (195)
	Add.	App. C, § 9(b)(9), (10)
	Rpld.	App. C, § 12(26)
	Add.	App. C, § 12-1(22)
	Add.	App. C, § 17(b)(26)
5-14-84	Am'd.	8-2(c)
5-14-84	Am'd.	23-15(b)(5)
	Add.	23-15(b)(10)
6-4-84(reg.)	Rpld.	App. C, § 3(83)
	Add.	App. C, § 3(196), (197)
	Add.	App. C, § 7(322)(y), (z), (366), (367)
	Rpld.	App. C, § 12(21)
	Add.	App. C, § 12(48)
6-11-84	Am'd.	13-1(a)
	Am'd.	13-20

	Add.	13-44, 13-45
	Rpld.	13-74—13-80
6-18-84	Rpld.	30-64
	Am'd.	30-66
7-20-84(reg.)	Add.	App. C, § 7(322)(aa)
7-23-84	Am'd.	23-7(b)
7-30-84	Add.	20-55(a)(10)
7-30-84	Add.	20-73(d)
7-30-84	Am'd.	27-33
8-6-84(reg.)	Add.	App. C, § 3(198)—(200)
	Add.	App. C, § 7(322)(bb), (cc)
	Add.	App. C, § 9(b)(11)
9-24-84	Am'd.	8-8(a)
9-24-84	Am'd.	8-28(a), (d)
9-24-84	Am'd.	12-26
9-24-84	Am'd.	25-12, 25-17
9-24-84	Am'd.	App. A, §§ 2, 3(A)(6), (7), 3(B)(1), (2); 9(A), (C); 10(C)(2), (D), 15(B); 22(Table I(b))
9-24-84	Am'd.	App. A, § 18
9-24-84	Am'd.	App. A, § 24 5.(a), 7.
10-1-84(reg.)	Rpld.	App. C, § 7(236)
	Add.	App. C, § 7(322)(dd), (368), (369), § 12-1(23)
10-9-84	Add.	18-200—18-203
10-29-84	Am'd.	24-14, 24-19—24-29, 24-33, 24-37
		24-39—24-42
		24-60
11-5-84(reg.)	Rpld.	App. C, § 2(a)(24)
	Rpld.	App. C, § 3(132)
	Add.	App. C, § 3(201)—(203)
	Rpld.	App. C, § 3 7(79)
	Add.	App. C, § 7(79)
	Add.	App. C, § 7(322)(ee)
12-3-84(reg.)	Rpld.	App. C, § 5(27)
	Add.	App. C, § 5(35)

	Add.	App. C, § 7(322)(ff)
1-7-85(reg.)	Add.	App. C, §§ 3(204) (205), ((b)(12))
2-4-85(reg.)	Amend.	App. C, § 19(11), (13), (14)
3-4-85(reg.)	Add.	App. C, § 9(b)(13)
3-18-85	Amend.	24-21(e)
3-18-85	Amend.	App. A, § 85(A)
4-1-85(reg.)	Add.	App. C, § 37(370)
4-8-85	Amend.	App. A, § 16(A)(12)
4-22-85	Amend.	20-55(a), 20-66(b)
5-6-85(reg.)	Rpld	App. C, § 7(87)
	Add.	App. C, § 9(a)(114)
	Rpld	App. C, § 12-1(20)
	Rpld	App. C, § 13(2)
	Add	App. C, § 17(a)(11), (12)
	Add	App. C, § 19(d)(3)
5-20-85	Amend.	20-87
5-20-85	Amend.	21-38(b)(3), (4)
5-20-85	Amend.	22-1(19)
5-20-85	Amend.	23-6(a), (c)
5-20-85	Amend.	App. A, § 2
6-3-85(reg.)	Add.	App. C, § 3(206), (207)
	Rpld	App. C, § 7(96), (277)
	Add.	App. C, § 7(322), (gg), (371), (372)
	Add.	App. C, § 11(b)
	Add.	App. C, § 12-1(24)
6-24-85	Amend.	24-29
7-8-85(reg.)	Add.	App. C, § 3(208),
	Rpld.	App. C, § 9(a)(65)
	Amend.	App. C, § 9(a)(8)
	Add.	App. C, § 9(a)(115)—(117)

	Add.	App. C, § 11(a)(8)
	Add.	App. C, § 12-1(25)
	Amend.	App. C, § 19(a)(5), (b)(1)—(4), (6), (7)
7-29-85	Amend.	13-65, 13-66(a)
8-19-85	Amend.	18-16
9-9-85(reg.)	Add.	App. C, § 3(209)—(211)
	Add.	App. C, § 7(373)
	Amend.	App. C, § 19(b)(11)
9-30-85	Amend.	App. A, § 3(B)(12)
9-30-85	Amend.	App. A, § 16(B)
10-7-85	Amend.	4-4(a), (b)(1), (c)(1), (3)
10-7-85	Amend.	20-55(a)
	Amend.	20-66(b)
10-7-85	Amend.	21-5(b)(1)b.
10-7-85	Amend.	App. A, § 3(B)(6)
10-7-85(reg.)	Add.	App. C, § 7(322)(hh)
	Amend.	App. C, § 7(354)
	Add.	App. C, § 9(a)(118)
11-4-85(reg.)	Rpld.	App. C, § 3(193)
	Add.	App. C, § 3(212), (213)
	Add.	App. C, § 5(36), (37)
	Add.	App. C, § 7(322)(ii)
	Add.	App. C, § 7(374)
	Add.	App. C, § 9(a)(119)
11-4-85(reg.)	Add.	App. D, §§ 2—6
11-11-85(reg.)	Amend.	App. C, § 15(b)
12-2-85(reg.)	Amend.	20-39(e)
	Add.	App. C, § 7(322)(jj)
	Add.	App. C, § 7(375)
12-2-85	Amend.	23-15(c)(3), (5), (f)(1), (g)
1-20-86	Add.	26-42—26-49
1-30-86	Rpld	4-1—4-3,

		4-5—4-7,
		4-21—4-30,
		21-30
		21-30A,
		21-31
	Add.	21-31
2-26-86(reg.)	Add.	App. C, § 7(376)—(380)
	Dltd.	App. C, § 7(322)(y)
	Add.	App. C, § 9(a)(120)
	Add.	App. C, § 12-1(26)
3-3-86(reg.)	Add.	App. C, § 22(2)
3-10-86	Amend.	12-1
	Dltd.	12-4
	Amend.	12-5
	Amend.	12-8
	Amend.	12-9
	Dltd.	12-23
	Amend.	12-24
	Amend.	12-38—12-41
	Amend.	12-45
	Dltd.	12-46
	Amend.	12-58
	Amend.	12-64
	Dltd.	12-65
3-10-86	Add.	18-120
3-10-86	Add.	21-50—21-54
3-10-86	Amend.	27-30(b)(1), (g)(4), (h)
3-26-86	Add.	App. C, § 7(381), (382)
4-23-86	Add.	App. C, § 3(214), (214)
	Add.	App. C, § 7(322)(kk)—(zz)
5-12-86	Amend.	12-58
	Dltd.	12-65
	Amend.	19-1, 19-4, 19-6, 23-4, 23-7(b), 27-63, 30-59
5-12-86	Amend.	28-5(h), 28-7(b)(3)(C) (V)A., B., (8)

5-12-86	Amend.	App. A, § 23(A)
5-12-86	Amend.	App. A, § 23(H)
5-28-86	Add.	App. C, § 7(322)(aaa), (383)
6-9-86	Amend.	20-55(11)
	Dltd.	20-55(11)(g)
6-9-86	Amend.	30-37, 30-42
6-12-86	Amend.	23-15(b)(7), (8), (c)(3)—(5), (f)(2)—(5)
6-23-86	Add.	App. A, § 22(B)
	Rnmb	App. A, § 22(B) as (C)
	Rpld	App. A, § 23(F)
6-25-86	Add.	20-39(b)(9)
	Add.	App. C, § 7(384)
	Add.	App. C, § 12-1(27)
	Add.	App. C, § 17(a)(13)
7-30-86	Add.	20-39(b)(10), (11)
	Rpld	App. C, § 7(350)
	Add.	App. C, § 7(385), (386)
	Add.	App. C, § 12-1(28), (29)
8-4-86	Dltd.	18-15—18-29
	Add.	18-15—18-25,
	Amend.	18-42(a), (b)
	Amend.	18-49
8-4-86	Dltd.	18-70—18-78, 18-84—18-88, 18-94—18-96, 18-102—18-105, 18-112—18-118, 18-120
	Add.	18-70—18-74, 18-78—18-81, 18-84—18-87, 18-90—18-100, 18-104—18-110
8-4-86		
8-4-86	Amend.	App. A, § 2
8-4-86	Amend.	App. A, § 8(B)(3), (5)
	Amend.	App. A, § 10(A)(2)—(5), (7), (16), (B)
8-4-86(reg.)	Add.	App. D, § 1(H)(2)(a)
8-27-86(reg.)	Add.	20-39(b)(12)
	Add.	App. C, § 3(216)
	Add.	App. C, § 7(322)(bbb)

	Rpld.	App. C, § 7(381)
	Add.	App. C, § 7(387)
9-8-86	Amend.	1-9(b)(1)
9-22-86	Amend.	20-56(a), (e)
	Amend.	App. C, § 15(a), (b), (d)
9-25-86(reg.)	Add.	20-39(b)(13)
	Add.	App. C, § 3(217)—(220)
10-4-86	Rpld.	11-1—11-8
	Add.	11-1—11-11
10-14-86	Amend.	21-32
8-4-86	Rpld.	22-7—22-9
10-22-86(reg.)	Add.	20-39(b)(14)
	Add.	App. C, § 3(221)
	Add.	App. C, § 5(38)
	Amend.	App. C, § 7(335)
10-27-86	Amend.	18-2, 18-3
10-27-86	Amend.	24-19
10-27-86	Amend.	App. A, § 11(A)(1), (B), (B)(9)
11-24-86	Amend.	20-74, 20-77(a)
12-3-86(reg.)	Add.	20-39(b)(15), (16)
		App. C, §§ 3(222), 7(322)(CCC), 12-1(30)
12-15-86	Amend.	App. A, §§ 2,
	Add.	App. A, 3(A)(16), (B)(13), (14), (D)
	Amend.	App. A, §§ 9, 15, 18(2)(a)4.,
	Add.	App. A, § 19
	Amend.	App. A, § 22 (Table I(a))
12-22-86	Add.	20-56(f)
12-22-86	Add.	20-70
12-22-86	Amend.	21-2
1-19-87	Amend.	App. A, § 3(B)(9)
2-23-87	Add.	17-8
2-23-87(reg.)	Amend.	App. D, § 1(H)(2)(a)
2-25-87(reg.)	Add.	20-39(b)(17), App. C, § 3(225), App. C, § 7(389), App. C, § 12-1(31)
3-9-87	Amend.	App. A, § 2

3-9-87	Amend.	App. A, § 2
	Add.	App. A, § 23(l)
3-9-87	Add.	App. A, § 80(B)(4), (5)
3-25-87(reg.)	Add.	20-39(b)(18), (19), App. C, § 3(226—228), App. C, § 7(390)
3-30-87	Add.	18-300—18-311
4-20-87	Amend.	App. A, § 2
4-20-87	Amend.	App. A, § 8(D)
4-20-87	Amend.	App. A, § 22(A)
4-20-87	Amend.	App. A, § 22 Table I(a)
4-29-87(reg.)	Add.	20-39(b)(20)
	Add.	App. C, § 7(322)(ddd), (391)
5-21-87(reg.)	Add.	App. C, § 17(a)(14), (15), (b)(27)—(31), (c)(5)—(8)
5-18-87	Add.	App. A, § 23(l)
5-27-87(reg.)	Add.	App. C, § 3(229)—(231)
	Amend.	App. C, § 5(30)
	Amend.	App. C, § 7(64)
	Add.	App. C, § 7(322)(eee)
5-29-87(reg.)	Add.	20-39(b)(21), (22)
6-8-87	Amend.	App. A, § 22 Table I(b)
6-24-87(reg.)	Amend.	App. C, § 5(4)
	Add.	App. C, § 7(322)(fff)
7-27-87	Add.	20-55(a)(12)
7-27-87	Amend.	App. A, § 2
7-27-87	Add.	App. A, § 8(B)(11)
7-27-87	Add.	App. A, § 10(A)(17)
7-27-87	Amend.	App. A, § 10(D)
7-27-87	Add.	App. A, § 20(H)
7-27-87	Amend.	App. A, § 22(B)(7)
7-29-87(res.)	Amend.	20-66(a)
		20-67
8-26-87(reg.)	Add.	App. C, § 7(322)(ggg), (hhh)
	Add.	App. C, § 17(d)(1)—(5)
	Add.	App. C, § 19(a)(7)
9-28-87	Amend.	30-18

	Rpld.	30-22
	Amend.	30-27
9-30-87(reg.)	Add.	20-39(b)(23)—(25)
	Add.	App. C, § 3(232)—(235)
	Add.	App. C, § 7(322)(iii), (394), (395)
	Add.	App. C, § 17(d)(6)
10-26-87	Amend.	App. A, § 22(C)(5)
10-26-87	Add.	App. A, § 23 (Table I, (c), note 7)
10-28-87(reg.)	Add.	App. C, § 1(d)(1), § 7(322)(jjj), (396), (397)
11-9-87	Amend.	App. A, §§ 2, 6(2)(f), 7(D), 8(B)(5), 9(A)(2), 10(A)(16), 10.1(D)(2), 11(B) (9), 27
11-18-87(reg.)	Add.	App. C, §§ 3(236), 9(b)(14), 11-1
11-23-87	Amend.	5-29
		5-31
		5-32
	Add.	5-33
1-27-88(reg.)	Amend.	20-55(a)(3)
	Add.	App. C, § 7(322)(kkk), (398)
	Add.	App. C, § 9(b)(15)
	Add.	App. C, § 16(13)
	Add.	App. C, § 17(d)(7)
	Add.	App. C, § 23
2-1-88	Amend.	18-2
	Amend.	18-18
	Amend.	18-20
	Amend.	18-24
	Add.	18-26, 18-27
2-22-88	Amend.	30-37
2-23-88(reg.)	Add.	App. C, § 7(322)(lll), (mmm)
	Add.	App. C, § 9(b)(16)
2-24-88(reg.)	Add.	App. C, § 3(237)
	Add.	App. C, § 7(399), (400)
	Rpld.	App. C, § 7(392)
3-7-88	Amend.	12-1(a)

3-21-88	Amend.	18-18
	Add.	18-26(d)(3)
4-27-88(reg.)	Add.	App. C, § 3(238), (239)
		App. C, § 7(322)(nnn), (ooo), (401), (402)
		App. C, § 19(c)(12)
		App. C, § 24
5-25-88(reg.)	Add.	20-39(26)
		App. C, § 1(e)(1)
		App. C, § 7(322)(ppp)
		App. C, § 9(b)(17)
	Deleted	App. C, § 5(21)
6-27-88	Add.	18-400—18-404
6-27-88	Amend.	20-55(a)(1)
6-27-88	Amend.	20-69
6-27-88	Add.	App. A, § 6(2)(h)
6-27-88	Amend.	App. A, § 6(4)
6-27-88	Add.	App. A, § 7(G)
	Rnmb.	App. A, § 7(G) as (H)
6-27-88	Add.	App. A, § 7(I)
6-27-88	Amend.	App. A, § 8(B)(7), (D)
6-27-88	Amend.	App. A, § 10(A)(10)
6-27-88	Deleted	App. A, § 18(B)(3)
6-27-88	Amend.	App. A, § 20(H)(3)
6-27-88	Amend.	App. A, § 22 Table I(b)
6-27-88	Add.	App. A, § 22(D)
6-27-88	Amend.	App. A, § 24 7.(c)(7)a.v.
6-27-88	Amend.	App. A, § 25(A)(1)
6-27-88	Add.	App. A, 82(A)(4)—(6)
6-27-88	Amend.	App. A, § 85(A)
6-27-88	Amend.	App. A, § 85(B)
6-27-88	Amend.	App. B, §§ 1, 10
6-27-88(reg.)	Amend.	App. D, §§ 2, 3
6-29-88(reg.)	Add.	App. C, § 3(240), (241)
		App. C, § 7(322)(qqq), (rrr), (403)—(406)

App. C, § 19(b)(16)

	Rpld.	App. C, § 7(376)
		App. C, § 19(b)(14)
7-25-88	Amend.	App. B, § 4
7-27-88(reg.)	Add.	App. C, § 3(242)—(245)
		App. C, § 5(39)
		App. C, § 7(407)—(410)
		App. C, § 12-1(32)—(34)
		App. C, § 19(c)(13)
	Amend.	App. C, § 9(118)
8-15-88	Amend.	App. A, § 7(H)(c)
8-15-88	Amend.	App. A, § 6(1)(m), (3)(c)
8-15-88	Add.	App. B, § 19
8-31-88	Add.	App. C, § 3(246)
		App. C, § 7(322)(sss), (411)
	Amend.	App. C, § 5(4)
10-5-88(reg.)	Add.	App. C, § 9(b)(18)
	Add.	App. C, § 25(1)—(4)
	Add.	App. C, § 26(1), (2)
10-5-88(reg.)	Add.	App. C, § 25(5)—(7)
	Add.	App. C, § 26(3), (4)
10-11-88	Amend.	3-32
	Add.	3-33—3-37
10-24-88	Amend.	21-30
10-24-88	Amend.	25-1—25-17
		25-31—25-45
11-9-88(reg.)	Add.	App. C, § 3(247)
	Add.	App. C, § 7(412)
	Add.	App. C, § 12-1(35)
11-14-88	Amend.	23-15(c)(3)a., (e)
11-14-88	Amend.	24-2
12-27-88(reg.)	Amend.	App. C, § 7(259),
	Add.	App. C, § 7(322) (ppp), (ttt), (413)
	Add.	App. C, § 12-1(36)

1-9-89	Amend.	2-2
1-31-89(reg.)	Add.	App. C, § 2(a)(65)
	Add.	App. C, § 7(322)
		(uuu)
2-13-89	Amend.	24-14
	Amend.	24-19
	Amend.	24-21(k)
	Amend.	24-22(a), (b), (f)
	Add.	24-22(h)
	Amend.	24-23(a)
	Add.	24-23(k)
	Amend.	24-26(a)
	Add.	24-26(d)
	Amend.	24-41(c)
	Amend.	24-42
2-27-89(reg.)	Add.	App. C, § 7(322)(vvv), (414)
	Add.	App. C, § 9(b)(19)
4-10-89	Amend.	App. A, § 4.1(C)(8)
5-3-89(reg.)	Add.	App. C, §§ 3(248), 7(415), 12-1(37)
5-22-89	Add.	App. A, § 3(B)(15), (16)
	Amend.	App. A, § 16(A), (C)
5-22-89	Add.	App. A, § 29
6-12-89	Amend.	13-20
6-12-89	Amend.	20-74
6-12-89	Amend.	20-77(a)
6-12-89	Amend.	20-78
6-12-89	Amend.	28-7(a)(1)
6-12-89	Add.	App. A, § 30
6-26-89	Amend.	20-71(a)
6-28-89(reg.)	Add.	App. C, § 3(249)
	Add.	App. C, § 7(322)(www)
	Add.	App. C, § 7(416)
	Add.	20-39(b)(27)
7-24-89	Amend.	23-15(b)(11), (c)(3)a., (g)

7-26-89	Add.	App. C, § 7(322)(xx)
	Add.	App. C, § 7(417)—(419)
	Add.	App. C, § 9(a)(121)
8-30-89	Add.	20-39(b)(28)
9-27-89	Add.	App. C, § 2(a)(67), (68)
	Add.	App. C, § 3(250)—(252)
	Add.	App. C, § 7(420)
10-25-89(reg.)	Add.	App. C, § 7(322)(yyy), (zzz)
		App. C, § 12(49)
		App. C, § 26(5)—(9)
11-13-89	Amend.	8-2(c)
11-13-89	Amend.	20-56
	Amend.	20-66
	Amend.	20-71(a), (a)(1)
	Amend.	App. C, § 15(a)(6), (7), (b)
11-29-89(reg.)	Add.	App. C, § 12(50)
1-3-90(reg.)	Add.	App. C, § 3(253)
2-5-90	Add.	App. A, § 28
2-7-90(reg.)	Add.	App. C, § 3(254)
	Add.	App. C, § 7(421)
	Add.	App. C, § 20(44)
	Add.	App. C, § 21(22)
4-4-90(reg.)	Add.	App. C, § 7(322)(aaaa)
4-16-90	Amend.	21-31
4-16-90	Amend.	27-18
	Add.	27-19
5-2-90(reg.)	Add.	App. C, §§ 2(a)(69)
	Add.	App. C, § 7(422)
5-21-90	Amend.	App. A, § 24 7.
5-30-90(reg.)	Add.	App. C, § 2(a)(70), (71)
	Add.	App. C, § 7(423)
	Add.	App. C, § 9(b)(20)
6-11-90	Add.	27-119—27-125
6-11-90	Add.	App. A, § 3(B)(17)

6-11-90	Add.	App. A, § 3(B)(18)
6-12-90	Amend.	App. B, §§ 1, 16(5), (6)
7-25-90(reg.)	Add.	App. C, § 2(70), (71)
		App. C, § 7(322)(ab)
		App. C, § 12-1(38)
		App. C, § 13(5)
7-25-90(reg.)	Deleted	App. C, § 7(322)(ab)
	Add.	App. C, § 7(322)(ab)
8-13-90	Amend.	1-2
8-13-90	Amend.	App. A, § 81
8-22-90(reg.)	Add.	App. C, § 7(322)(ac), (ad)
		App. C, § 9(a)(122), (123)
8-27-90	Amend.	20-66(b)(2), (4)b., (5)
	Deleted	20-66(b)(4)d.
	Add.	20-71(c)
	Amend.	20-79(a)
8-27-90	Amend.	30-37(a), (c)
9-17-90	Amend.	20-55(a)(11)
9-24-90	Add.	18-201(c)
10-9-90	Amend.	12-2
10-9-90	Add.	20-55(e)
10-22-90	Amend.	31-2
	Amend.	31-4
	Amend.	31-8, 31-9
	Amend.	31-11—31-16
	Deleted	31-17
	Amend.	31-20—31-22
	Amend.	31-23(b)
	Amend.	31-25
	Amend.	31-28
	Amend.	31-40—31-44
	Amend.	31-63
	Amend.	31-67, 31-68
	Amend.	31-69(e), (g)

	Deleted	31-70
10-10-90(reg.)	Amend.	App. C, § 19(a)(1)—(6)
10-10-90(reg.)	Add.	App. C, § 27
11-14-90(reg.)	Add.	App. C, § 7(322)(ae)
11-28-90(reg.)	Add.	App. C, § 27(e)
12-12-90(reg.)	Amend.	App. C, § 27(a)(10), (11), (c)(1)
1-30-91(reg.)	Add.	App. C, § 7(322)(af), (424)
	Add.	App. C, § 9(b)(21)—(25)
	Amend.	App. C, § 12
	Add.	App. C, § 12(51), (52)
	Add.	App. C, § 16(14), (15)
	Add.	App. C, § 20(45)—(47)
	Add.	App. C, § 27(a)(12), (13)
	Add.	20-39(29), (30)
2-25-91	Amend.	23-2
	Amend.	23-4
	Amend.	23-6, 23-7
	Amend.	23-11, 23-12
2-25-91	Amend.	App. B, § 16(2)
2-27-91(reg.)	Add.	App. C, § 7(322)(ag)
3-27-91(reg.)	Add.	App. C, § 3(255)
	Add.	App. C, § 7(322)(ah), (425)
5-1-91(reg.)	Add.	App. C, § 2(72)
	Deleted	App. C, § 17(a)(1), (3)—(7), (9), (13)—(15)
	Add.	App. C, § 17(b)(32)—(41)
5-20-91	Add.	21-30.1
5-20-91	Add.	21-30.2
5-29-91(reg.)	Add.	App. C, § 3(256)
	Deleted	App. C, § 5(35)
	Add.	App. C, § 7(426), (427)
6-3-91	Amend.	14-1—14-10
6-11-91	Amend.	21-31(IV)(E)
6-24-91	Amend.	1-9
6-24-91	Amend.	6-3

6-24-91	Amend.	7-2
6-24-91	Amend.	20-79(a)
6-26-91(reg.)	Deleted	App. C, § 1(e)
	Add.	App. C, § 1(e)
	Add.	App. C, § 7(322)(ai), (aj)
	Add.	App. C, § 9(b)(26)
	Deleted	App. C, § 12(50)
	Add.	App. C, § 25(8)
6-26-91(reg.)	Add.	App. C, § 12-1(39)
7-22-91	Amend.	8-100—8-102
7-31-91(reg.)	Add.	App. C, § 5(40)
7-31-91(reg.)	Add.	App. C, § 5(40)
	Deleted	App. C, § 6(4)
	Add.	App. C, § 6(7)—(10)
	Add.	App. C, § 7(322)(ak)—(am)
	Deleted	App. C, § 7(322)(gg), (eee)
	Add.	App. C, § 7(428)
	Deleted	App. C, § 25(6)
	Add.	App. C, § 25(6)
9-3-91	Amend.	App. A, § 22(C)(25) Table I(a)
9-3-91	Amend.	App. A, § 23(A) Table I(c)(note 7.)
9-3-91	Amend.	App. A, § 23(D)(1), (4)
9-3-91	Amend.	App. A, § 27(B)(1)(b)
9-3-91	Amend.	App. A, § 82(A)(3)
9-3-91	Amend.	App. A, § 2
9-23-91	Amend.	App. B, § 7
9-23-91	Amend.	App. B, § 23(E)(3), (4)
9-23-91	Amend.	App. B, § 22(C)(6)
9-23-91	Deleted	30-28
9-23-91	Amend.	18-26(a), (c)
9-25-91(reg.)	Add.	App. C, § 2(a)(73)
	Deleted	App. C, § 6(2)
	Add.	App. C, § 7(322)(an)—(ap), (429), (430)
	Add.	App. C, § 11-1(3), (4)

	Add.	App. C, § 17(b)(42)
11-12-91	Amend.	18-120(a)—(e), (g)
11-12-91	Amend.	App. A, § 2
12-16-91	Amend.	App. B, §§ 5, 8, 15, 18
11-20-91(reg.)	Add.	App. C, § 3(257)
	Add.	App. C, § 7(431)—(433)
	Deleted	App. C, § 12-1(15)
	Add.	App. C, § 12-1(15)
11-20-91(reg.)	Add.	App. C, § 27(e)(8)1., 2.
1-7-92(reg.)	Add.	App. C, § 3(258)
	Deleted	App. C, § 7(322)(j), (al)
	Add.	App. C, § 7(322)(j), (al)
	Deleted	App. C, § 25(9)
	Add.	App. C, § 25(9)
	Add.	App. C, § 27(a)(14)—(17), (c)(2)
1-27-92	Amend.	21-2
2-10-92	Amend.	8-2(a), (b)
2-19-92	Amend.	App. C, §§ 2(a)(74), 7(434)—(436), 9(b)(27), 17(a)(1), 27(a)(18)
2-24-92	Amend.	App. A, § 15
2-24-92	Amend.	App. A, § 22(B)(2)(b)1.
2-24-92	Amend.	App. A, § 24(4)(e)
3-16-92	Amend.	App. A, § 18(E)—(G)
3-30-92	Add.	21-40
4-17-92	Amend.	20-56
		20-79(a),
		20-157(a),
		App. C, § 7(322)(ap), (aq),
		(430),
		App. C, § 17(a)(1)—(3),
		App. C, § 12-1(41)
	Deleted	App. C, § 9(b)(26), (27)
4-27-92	Amend.	App. B, § 5
4-27-92	Amend.	App. B, § 17
5-11-92	Added	3-51—3-57

5-11-92	Amend.	6-10, 6-14 6-25, 6-29, 6-30 6-33, 6-39
	Deleted	6-12, 6-27 6-32, 6-34—6-38
5-11-92	Amend.	23-3(g), 23-7(a), 23-9(b), 23-11
6-22-92	Added	17-9
6-22-92	Amend.	18-72
6-27-92	Amend.	App. C, §§ 7(437), (438) App. C, § 11(c), App. C, § 17(a)(4) App. C, § 27(a)(19)
7-20-92	Amend.	24-22(c), 24-29(a), 24-42
7-20-92	Amend.	24-41(c)
7-20-92(Res.)	Added	App. E
7-29-92(reg.)	Added	App. C, § 3(259)
7-29-92(reg.)	Added	App. C, § 17(d)(43)
	Amend.	App. C, § 27(a)(20)
7-29-92(reg.)	Added	App. C, § 7(322)(ar), (439), (440)
	Added	App. C, § 12-1(42)
	Added	App. C, § 17(a)(5)
	Added	App. C, § 27(a)(20), (21), (c)(3), (4)
9-29-92(reg.)	Added	App. C, § 2(75)
	Added	App. C, § 3(260)
	Amend.	App. C, § 5(4)
	Amend.	App. C, § 17(a)(4)
	Added	App. C, § 17(a)(5)
	Added	App. C, § 17(d)(44), (45)
	Amend.	App. C, §§ 18, 19

	Added	App. C, § 10(10)
	Amend.	App. C, § 12-1(5)
10-13-92	Added	21-41
10-13-92	Added	24-65
10-26-92	Deleted	26-42
	Rnmb	26-43 as 26-42
	Deleted	26-42(d)
	Deleted	26-44, 26-45
	Rnmb	26-46, 26-47 as 26-43, 26-44
	Deleted	26-44(a), (b)
	Rnmb	26-44(c)–(f) as (a)–(d)
	Deleted	26-48, 26-49
11-4-92(reg.)	Added	App. C, § 27(e)(8)3.
12-30-92	Amend.	20-56(c)
1-11-93	Amend.	5-26
1-11-93	Amend.	8-2(a), (e) 8-3 8-5 8-8(a), (b) 8-10(a), (b), (j), (k)
1-11-93	Amend.	12-1(a) 12-9(c)
1-11-93	Amend.	13-1(a)
1-11-93	Amend.	25-1
2-3-93	Added	20-54.1
	Amend.	20-66(b)(5), (6)
	Deleted	20-69
2-3-93(reg.)	Added	App. C, §§ 7(322)(as), (at), (au), 16(16)
2-3-93(reg.)	Amend.	App. C, § 7(322)(at)

2-3-93(reg.)	Amend.	App. C, (322)(as)-(au)
2-22-93	Added	13-46
2-22-93	Amend.	13-51—13-60
	Deleted	13-61—13-67
2-24-93(reg.)	Added	App. C, §§ 18(b)(2), 19(c)(2)
3-8-93	Amend.	21-41(c), (j)
4-12-93	Amend.	18-1, 18-2
	Deleted	18-3, 18-4
	Amend.	18-15—18-32
		18-42
		18-48—18-50
		18-52, 18-53
		18-55
		18-57
		18-59
5-5-93	Amend.	20-55(d)
		20-69
		20-95
5-5-93(reg.)	Amend.	App. C, §§ 9(b)(17), 12-1(27), 17(a)(7), (8), 27(a)(21), (c)(5)
5-24-93	Amend.	24-14
		24-22(c)(2), (h)—(j)
		24-26(e)
		24-29
5-24-93	Amend.	27-5, 27-6
5-24-93	Added	App. A, § 3(B)(19)
6-14-93	Added	19-18
6-23-93(reg.)	Added	App. C, § 7(444), (445)
8-18-93(reg.)	Amend.	20-55(a)(1)
	Added	20-55(a)(13)

	Added	20-71(a)(5)
	Amend.	App. C, § 7(322)(iii)
	Added	App. C, § 7(447)
	Amend.	App. C, § 12(35)
	Added	App. C, § 12(53)
	Amend.	App. C, § 12-1(15)
8-18-93(reg.)	Deleted	App. C, § 7(322)(www)
	Added	App. C, § 7(322)(av)
	Added	App. C, § 7(446)
	Added	App. C, 23(5)
	Added	App. C, § 27(a)(22), (c)(6)
8-18-93(reg.)	Amend.	20-66
8-23-93	Added	23-6(b)
	Rnmb	23-6(b) as (c)
9-8-93(reg.)	Added	App. C, § 3(261), (262)
	Added	App. C, § 7(448)
	Amend.	App. C, § 7(337)
10-8-93	Deleted	20-56
	Amend.	20-66(b)(4)
	Added	20-56
10-8-93	Deleted	App. C, § 15
	Amend.	20-7(a), (a)(1)
10-12-93	Added	14-14
10-25-93	Amend.	23-6(a)(1)d.
10-25-93	Deleted	3-18—3-37
	Deleted	30-16—30-71
	Added	30-16—30-54
10-25-93	Added	App. E
11-8-93	Amend.	12-1(a)
11-8-93	Amend.	18-95(b)
12-13-93(Res.)	Added	App. D, § 6
	Rnmb	App. D, § 6 as § 7
12-15-93(regs.)	Added	App. C, § 7(322)(aw)—(ay),

(449)—(452)

	Added	App. C, § 16(17)
	Added	App. C, § 17(a)(9), (10), (d)(46), (47)
4-13-94(reg.)	Amend.	20-63
	Amend.	27-33(a)—(c)
5-4-94(reg.)	Rpld	App. C, § 7(444)
5-12-94	Amend.	20-58
5-12-94	Added	App. C, § 7(458)
6-22-94	Amend.	App. C, § 7(322)(ba)
	Added	App. C, § 7(455)
5-18-94(reg.)	Added	App. C, § 7(453)
6-13-94	Amend.	14-14(II)(b)
6-13-94	Amend.	24-65
6-14-94	Amend.	13-52
6-22-94	Added	App. C, § 3(263)
	Amend.	App. C, § 7(205)
	Added	App. C, § 7(322)(az), (ba), (454)
	Added	App. C, § 13(6), (7)
	Added	App. C, § 17(a)(11)
	Added	App. C, § 27(e)(8)4.
6-22-94	Added	App. C, § 27(a)(25)
6-27-94	Amend.	18-400(1), (2)
	Amend.	18-401
	Added	18-404(f)
7-20-94	Amend.	App. C, § 19(b)(11), (12), (16)
8-8-94	Deleted	App. C, § 3(166)
	Deleted	App. C, § 7(73), (172), (173), (272), (273), (334), (335)
	Amend.	App. C, § 7(285), (328), (329), (353)
	Added	App. C, § 7(456), (457)
	Deleted	App. C, § 9(a)(95)
	Deleted	App. C, § 17(d)(12), (37), (39)
8-10-94	Added	App. C, § 27(e)(8)5.
9-1-94	Amend.	20-86, 20-104
9-7-94	Added	App. C, § 7(322)(bc)

	Added	App. C, § 17(b)(3)
9-7-94	Amended	App. C, § 7(322)(bc)
9-26-94	Amended	25-1—25-10, 25-13—25-19, 25-31—25-43
10-11-94	Amended	27-9
10-11-94	Added	27-20
10-19-94	Added	App. C, § 3(264), (265)
	Amended	App. C, § 27(a)(22)
	Added	App. C, § 27(a)(26)
10-19-94	Amended	20-3
12-5-94	Amended	5-26
12-14-94	Added	App. C, § 3(266)
	Added	App. C, § 27(a)(27), (c)(7)—(10)
1-9-95	Amended	1-9
		5-14
		6-14
		13-20, 13-56(b),
		20-12
		21-37, 21-38, 21-40
		22-22
		23-13
		27-71
		30-18
	Added	20-13
		21-56
		22-23
		27-21
		29-7
1-9-95	Amended	8-24(e)(4)
1-9-95	Added	21-55
1-23-95(Reg.)	Amended	
2-13-95	Amend.	17-9(b), (d)(2),(5)
2-23-95	Amend.	27-20(b)
	Added	27-20(d)
	Rnmb	27-20(d) as (e)

2-27-95	Amend.	2-2
2-27-95	Amend.	18-120(g)
3-22-95(Reg.)	Amended	20-66
4-5-95(Reg.)	Added	App. C, § 7(459), (460)
4-24-95	Amend.	18-15(a)
	Deleted	18-15(a)(3)—(6)
	Rnmb	18-15(a)(7)—(10) as (3)—(6)
	Added	18-15(e)
5-8-95(Res.)	Amended	2-8
5-22-95	Added	27-126
5-22-95	Amended	App. B, § 11
5-24-95(Reg.)	Rpld	App. C, § 7(322)
	Added	App. C, § 7A(1)—(101)
6-26-95	Amended	18-203(a)
6-26-95	Amended	19-18(f)
6-26-95	Amended	22-23
6-26-95	Amended	27-49(b)
6-26-95(Res.)	Amended	App. D, § 1(H)(1)
	Deleted	App. D, § 5(B)(5)
	Rnmb	App. D, § 5(B)(6) as (5)
	Amended	App. D, § 6(B)
6-28-95(Reg.)	Added	20-54.1(b)(5)
	Added	App. C, § 27(e)(8)
	Rnmb	App. C, § 27(e)(8) as (9)
6-28-95(Reg.)	Amended	20-56(a), 20-66(b)(3)
6-28-95(Reg.)	Amended	20-67
6-28-95(Reg.)	Amended	20-79(a)
6-28-95(Reg.)	Added	App. C, § 7(461)
6-28-95(Reg.)	Amended	20-3(a)
	Rpld	App. C, § 7A(41)
	Added	App. C, § 7A(102)—(104)
6-28-95(Reg.)	Added	App. C, § 27(a)(28)
8-14-95	Amended	13-1(a), 13-20(a), 13-44
8-14-95	Amended	18-2

	Amended	18-18(b)
	Amended	18-19(a), (b), (d)
	Added	18-19(e)
	Rnmb	18-19(e)—(h) as (f)—(i)
	Added	18-19(j)
9-18-95	Amended	8-2(a), (b)
10-2-95	Amended	8-28(a), (d)
10-2-95	Amended	12-26
10-2-95	Added	22-7
10-2-95	Amended	22-23
10-2-95	Amended	25-12
11-8-95(reg.)	Added	20-55(a)(14)
11-8-95(reg.)	Added	App. C, § 18(b)(3), (4)
11-13-95	Amend.	25-34
11-13-85(res.)	Amend.	App. B, § 14
11-14-95(reg.)	Added	App. C, § 3(267)
	Added	App. C, § 7(462)—(466)
	Deleted	App. C, § 7A(28)
	Added.	App. C, § 7A(106)—(111)
	Added	App. C, § 10(11)
	Deleted	App. C, § 11-1(4)
	Added	App. C, § 17(4)
11-27-95	Amend.	23-2
		23-4
		23-6(a), (a)(2), (b)(1)
	Added	23-6(c)
	Rnmb	23-6(c) as (d)
	Amend.	23-6(d)(1), (3)
	Amend.	23-9(b)
	Added	23-9(d)
	Amend.	23-11
1-8-96	Amend.	18-31(a)
1-22-96	Added	21-42
2-5-96	Amend.	30-22(c)

2-20-96	Amend.	9-1 9-4—9-6, 9-8—9-13, 9-16 9-19 9-21 9-62
	Rpld	9-63
	Amend.	9-65 9-72
	Added	9-77
	Amend.	9-91—9-94, 9-97
	Added	9-98—9-101
4-8-96	Amend.	8-23 25-6, 25-8, 25-9
4-17-96	Amend.	20-53
5-6-96	Amend.	9-50(a)
	Rpld	9-50(c)
	Rpld	9-51
5-6-96	Dltd	21-13—21-16
	Added	21-13
	Amend.	21-56
5-20-96	Amend.	12-1(a)
5-20-96	Amend.	24-22(c)(1)
5-20-96	Amend.	27-18
6-24-96	Added	App. B, § 16(7)
8-14-96(reg.)	Amend.	20-13(a)
	Added	20-13(c)
	Added	20-43
	Added	App. C, § 1a
8-14-96(reg.)	Rpld	App. C, § 12(51)
	Added	App. C, § 12-1(43)
8-14-96(reg.)	Amend.	20-55(a)(6)

	Amend.	20-66(b)(3)
8-14-96(reg.)	Amend.	24-42
11-6-96(reg.)	Amend.	20-157
11-6-96(reg.)	Rpld	App. C, § 7(473)
	Amend	App. C, § 12.1(45)
12-10-96(reg.)	Amend.	App. C, § 7(326)
	Added	App. C, § 7(473)
	Amend.	App. C, § 7A(2)
	Rpld	App. C, § 9(b)(13)
	Rpld	App. C, § 12(31)
	Added	App. C, § 12-1(45)
12-10-96(reg.)	Added	App. C, § 27(c)(11)
11-13-95	Amend.	App. B, § 14
5-8-96	Amend.	App. C, § 27(e)(1)
9-10-96	Amend.	24-14
11-6-96(reg.)	Added	App. C, § 7A(113)—(115)
11-6-96(reg.)	Added	App. C, § 7A(116)
11-6-96(reg.)	Amend.	App. C, § 12-1(45)
	Added	App. C, § 12-1(46)
12-11-96(reg.)	Added	App. C, § 7(467)—(472)
12-11-96(reg.)	Added	App. C, § 7A(112)
	Added	App. C, § 12-1(44)
		App. C, § 16(18)
12-11-96(reg.)	Added	App. C, § 17(c)(16)
	Added	App. C, § 17(d)(48), (49)
2-18-97	Added	22-1(20)
2-18-97	Amend.	App. B, § 16(6)
3-24-97	Added	18-500—18-511
3-24-97(res.)	Added	App. E, Ch. 2
4-7-97(reg.)	Amend.	App. C, § 20
	Added	App. C, § 20(a)
	Deleted	App. C, § 20(a)(8)—(11)
	Added	App. C, § 20(b)
4-16-97(reg.)	Added	App. C, § 17(f)(8)

4-16-97(reg.)	Added	App. C, § 27(a)(29)
4-16-97(reg.)	Added	App. C, § 27(c)(12)
5-5-97	Amend.	4-4
	Amend.	20-68
	Amend.	23-12
6-9-97(res.)	Amend.	App. D, § 1(H)(2)(a), (b)
6-23-97	Deleted	5-1—5-12, 5-14, 5-21—5-33
	Added	5-1—5-4, 5-13—5-16, 5-24—5-27
11-13-95(res.)	Amend.	App. B, § 14
11-6-96(reg.)	Rpld	App. C, § 7(473)
	Amend.	App. C, § 12.1(45)
8-11-97	Amended	24-33(c)
9-24-97(reg.)	Added	App. C, §§ 7(475)—(482)
9-24-97(reg.)	Added	App. C, § 7A(117)
9-24-97(reg.)	Added	App. C, § 7A(118)
10-1-97(reg.)	Added	App. C, § 7(483)
12-3-97(reg.)	Added	App. C, § 7(474)
12-3-97(reg.)	Rpld	App. C, § 7(115)
12-3-97(reg.)	Added	App. C, § 7(119)
12-3-97(reg.)	Added	App. C, § 7(120)
12-3-97(reg.)	Added	App. C, § 7(121)
12-3-97(reg.)	Rpld	App. C, § 9(a)(32)
12-3-97(reg.)	Rpld	App. C, § 9(a)(90)
12-3-97(reg.)	Added	App. C, § 11(a)(9)
1-26-98	Amended	22-1
1-26-98	Amended	24-33(a)
2-17-98	Added	27-38
2-18-98(reg.)	Added	20-39(b)(31)
2-18-98(reg.)	Added	App. C, § 7(484)
3-4-98(reg.)	Added	App. C, § 7(485)
3-9-98	Added	24-22(e)
	Rnmb	24-22(e)—(j) as (f)—(k)
	Amended	24-42
3-23-98	Amended	24-14, 24-21(c), 24-42

3-23-98	Added	24-65(c)
4-13-98	Added	21-43
4-13-98	Amended	24-47, 24-48
	Amended	24-50
	Amended	24-53
4-13-98	Added	21-60—21-64
4-13-98(res.)	Added	App. B, § 1.A.
	Added	App. B, § 4(b)
	Added	App. B, § 5(b)—(d)
	Amended	App. B, § 6
4-13-98(res.)	Added	App. B, § 20
4-27-98	Amended	18-31(a)
5-4-98	Added	21-67—21-78
5-13-98(reg.)	Deleted	App. C, § 2(a)(47), (64)
5-18-98	Amended	24-27(b)
	Amended	24-42
6-22-98(res.)	Amended	App. D, § 1 H.(2)(c), (3)(b)—(d)
	Amended	App. D, § 3 (B)(2)(a)
	Added	App. D, § 5 (F)
6-22-98	Added	1-9(c), (d)
	Amended	21-2
	Amended	21-13(e)
	Added	21-13(e)(3)
	Amended	21-56
6-22-98	Amended	9-16
	Amended	9-66
	Amended	9-70
	Amended	9-73
6-22-98	Amended	Ch. 20, Art. VI(title)
	Added	20-155
	Amended	20-156
6-22-98	Added	27-18(b), (c)
7-22-98(reg.)	Added	App. C, § 3(268)—(275)
7-22-98(reg.)	Deleted	App. C, § 7(88)

	Added	App. C, § 7(486), (487)
7-22-98(reg.)	Amended	App. C, § 7A(105)
7-22-98(reg.)	Deleted	App. C, § 7A(119)
7-22-98(reg.)	Added	App. C, § 7A(123)
7-22-98(reg.)	Added	App. C, § 9(a)(124)
7-22-98(reg.)	Deleted	App. C, § 9(b)(4)
8-6-98(reg.)	Amended	20-60
8-6-98(reg.)	Added	App. C, § 21(23)
9-14-98(reg.)	Added	App. D, § 1(C)(4), (D)(6)
	Added	App. D, § 1(E)(13)
9-14-98	Added	1-9(e)
10-14-98(reg.)	Deleted	App. C, § 3(201)
10-14-98(reg.)	Deleted	App. C, § 7(389)
	Added	App. C, § 17(a)(12)
10-14-98(reg.)	Rpld	App. C, § 7(422)
	Added	App. C, § 7A(122)
10-14-98(reg.)	Amended	App. C, § 9(a)(27)
10-14-98(reg.)	Added	App. C, § 9(b)(28)
10-14-98(reg.)	Added	App. C, § 10(12)
	Added	App. C, § 11-1(5)
	Added	App. C, § 12-1(50)
10-14-98(reg.)	Added	App. C, § 10(12)
	Added	App. C, § 11-1(5)
	Added	App. C, § 12-1(47)
10-28-98(reg.)	Added	App. C, § 7A(124)
10-28-98(reg.)	Deleted	App. C, § 16(1), (2)
10-28-98(reg.)	Added	App. C, § 17(e)(14), (15)
11-18-98(reg.)	Added	App. C, § 17(f)(9)
12-2-98(reg.)	Added	App. C, § 3(275)—(277)
12-2-98(reg.)	Added	App. C, § 3(278)
12-2-98(reg.)	Added	App. C, § 26(10)
12-9-98(reg.)	Added	App. C, § 7(488)
12-12-98(reg.)	Added	20-66(b)(5)
	Rnbd	20-66(b)(5) as (6)

2-16-99	Amended	23-11
2-17-99(reg.)	Amended	App. C, § 10(12)
	Deleted	App. C, § 24(a)(1)
3-22-99	Added	18-111
3-22-99	Added	24-66
4-8-99(reg.)	Added	App. C, § 7A(125)
5-6-99(reg.)	Added	20-39(b)(31)
5-12-99(reg.)	Added	App. C, § 7(489)
	Added	App. C, § 10(13)
6-30-99(reg.)	Amended	20-66(a), (b)(6), (c)
7-28-99(reg.)	Added	App. C, § 7(490)
8-9-99	Amended	8-42—8-50
8-9-99(res.)	Amended	8-44
8-9-99	Added	21-38(c)
8-25-99(reg.)	Added	20-39(b)(32)
8-25-99(reg.)	Amended	20-72
	Added	20-74(b)
	Amended	20-77(a)
	Deleted	20-79(d)
8-25-99(reg.)	Added	App. C, § 7A(126)
9-15-99(reg.)	Added	App. C, § 7(491)—(493)
9-15-99(reg.)	Added	App. C, § 9(a)(125)
9-15-99(reg.)	Amended	App. C, § 27(24)
9-15-99(reg.)	Amended	27-33(a), (b), (d)
	Added	27-33-(f)
10-27-99(reg.)	Amended	App. C, § 7A(4), (36)
	Rpld	App. C, § 7A(87)
	Added	App. C, § 7A(127), (128)
10-27-99(reg.)	Amended	App. C, § 7A(45)
10-27-99(reg.)	Added	App. C, § 27(a)(30)
10-27-99(reg.)	Added	App. C, § 7(494)
11-17-99(reg.)	Rpld	App. C, § 12-1(25)
12-15-99(reg.)	Amended	App. C, § 12(45), (54)
12-15-99(reg.)	Amended	App. C, § 12(36), (129)

12-15-99(reg.)	Added	App. C, § 27(a)(31)
12-15-99(reg.)	Amended	App. C, § 7(491)
1-5-00(reg.)	Added	App. C, § 7A(130), (131)
1-5-00(reg.)	Amended	App. C, § 9(66)
1-5-00(reg.)	Rpld	App. C, § 12(45)
1-18-00	Amended	18-30(a)
1-19-00(reg.)	Added	App. C, § 27(a)(24), (c)(1)
1-19-00(reg.)	Amended	App. C, § 12(54)
1-19-00(reg.)	Added	App. C, § 12(55)
1-24-00	Added	30-21(c)
1-24-00	Amended	30-43
3-1-00(reg.)	Amended	App. C, § 3(8), (38)
	Rpld	App. C, § 3(191)
3-1-00	Rpld	App. C, § 7(59)
3-22-00(reg.)	Amended	App. C, § 27(a)(20)
3-22-00(reg.)	Added	App. C, § 27(a)(32)
3-22-00(reg.)	Added	App. C, § 7A(55)
	Added	App. C, § 16(19)
4-5-00(reg.)	Added	App. C, § 7A(133)
4-5-00	Added	App. C, § 25(10)
4-17-00	Amended	5-13, 5-14
4-17-00	Amended	App. D, § 4(A)(2)
	Rnmb	App. D, § 7 as 8
	Added	App. D, § 7
5-3-00(reg.)	Amended	App. C, § 7(486), (487)
5-3-00(reg.)	Amended	App. C, § 7A(44)
5-3-00(reg.)	Added	App. C, § 7A(134)
5-3-00(reg.)	Added	App. C, § 9(126)
5-3-00(reg.)	Added	App. C, § 27(a)(33)
5-3-00(reg.)	Added	App. C, § 7(495)
5-15-00	Added	9-48
5-15-00	Amended	21-31(A), (C), (D)
5-24-00(reg.)	Added	20-39(b)(34), (35)
5-24-00(reg.)	Amended	20-55(c)

5-24-00(reg.)	Added	App. C, § 7(496)
4-5-00(reg.)	Added	App. C, § 25(10)
6-26-00	Amended	14-14II(b)
6-26-00	Added	22-1(37)
7-17-00	Amended	9-1, 9-5 9-7, 9-8
	Added	9-13
	Amended	9-14, 9-18 9-20, 9-21
7-19-00(reg.)	Added	App. C, § 7(497)
7-19-00(reg.)	Added	App. C, § 7A(135)
7-19-00(reg.)	Rpld	App. C, § 9(a)(126)
	Added	App. C, § 17(a)(13)
7-19-00(reg.)	Rpld	App. C, § 17(d)(23)
	Added	App. C, § 17(f)(10)
8-14-00	Amended	5-15(a)
8-14-00	Amended	5-27(a)
8-14-00	Amended	21-13(5)
8-14-00	Amended	24-14 24-22(a), (c), (e) 24-26(b), 24-42
9-11-00	Amended	8-1, 8-2
9-11-00	Amended	18-15(a), (b) 18-16, 18-18 18-19
	Added	18-20
	Renumbered	18-20 as 18-20.1
	Amended	18-21, 18-22(a) 18-24, 18-25 18-27, 18-28(a) 18-30, 18-31, 18-32
9-11-00	Amended	24-22(a), (c), (e), 24-26(b), 24-42
10-4-00(reg.)	Amended	20-39(b)

10-4-00(reg.)	Added	App. C, § 3(279)
10-4-00(reg.)	Added	App. C, § 7(497), (498)
10-4-00(reg.)	Added	App. C, § 7(499), (500)
10-4-00(reg.)	Added	App. C, § 7A(136)
10-4-00(reg.)	Added	App. C, § 7A(137)
10-4-00(reg.)	Added	App. C, § 27(a)(34)
10-4-00(reg.)	Amended	App. C, § 7(500)
10-16-00	Amended	13-1(a) 13-20(b), 13-39 13-44, 13-46(c) 13-51(a), 13-52(c) 13-53, 13-54 13-59(a), (c) 13-60(a)
	Added	13-60(d)
10-16-00	Deleted	28-1—28-12
	Added	28-1—28-12
11-13-00(res.)	Amended	8-101
11-13-00	Amended	19-18(a)
11-27-00(res.)	Deleted	21-60—21-63
12-6-00(reg.)	Added	App. C, § 2(76)
12-18-00	Amended	21-55
12-20-00(reg.)	Added	20-3(c)
12-20-00(reg.)	Added	App. C, § 7A(138)
12-20-00(reg.)	Added	App. C, § 7A(139)
12-20-00(reg.)	Added	App. C, § 7A(140)
12-20-00(reg.)	Amended	App. C, § 9(122), (123)
12-20-00(reg.)	Amended	App. C, § 7A(140)
1-8-01	Amended	24-22(a), (c), (e) 24-26(b), 24-41(c) 24-42
2-5-01	Amended	21-38(c)(4)
2-7-01(reg.)	Amended	App. C, § 25(10)
2-7-01(reg.)	Added	App. C, § 12-1(48)

2-7-01(reg.)	Rpld	App. C, § 27(a)(15)
	Amended	App. C, § 27(22)
2-20-01	Amended	27-126
2-21-01(reg.)	Amended	20-55(a)
3-26-01	Amended	14-10(a), 14-14(IV)—(IX), 14-19(b)
4-21-01(reg.)	Added	App. C, § 3(280)
4-23-01	Amended	27-126(b), (c)(3), (4)
5-2-01(reg.)	Added	App. C, § 12(56)
5-2-01(reg.)	Amended	App. C, § 12-1(48)
5-2-01(reg.)	Amended	App. C, § 25(10)
5-17-01(reg.)	Amended	App. C, § 7(146)
	Added	App. C, § 7(147)
	Deleted	App. C, § 11(a)(6)
	Added	App. C, § 11-1(6)
5-21-01	Amended	21-13(b)(2)a.
5-21-01	Amended	23-6(d)(1), (2)
6-18-01(reg.)	Added	App. C, § 5(41)
6-20-01(reg.)	Added	App. C, § 7(501)
6-20-01(reg.)	Added	App. C, § 11(a)(10)
6-20-01(reg.)	Added	App. C, § 12-1(49)
6-25-01	Amended	5-16
6-25-01	Amended	13-58
6-25-01	Amended	20-77
7-11-01	Amended	App. C, § 7(502)
7-11-01(reg.)	Added	App. C, § 7(502), (503)
8-8-01(reg.)	Added	App. C, § 7(4)
8-8-01(reg.)	Added	App. C, §§ 12-1(9), 7(36)
8-8-01(reg.)	Amended	App. C, §§ 12-1(9), 7(36)
8-8-01(reg.)	Amended	App. C, § 12-1(9)
8-8-01(reg.)	Amended	App. C, § 12-1(9)
8-8-01(reg.)	Added	App. C, § 27(a)(23)

8-8-01(reg.)	Deleted	App. C, § 10(13)
10-15-01	Amended	21-43(a)(3), (5)
10-15-01	Amended	24-22(c)(2), (e)(2), 24-41(c), 24-42
10-29-01	Amended	24-1, 24-2
	Deleted	24-3, 24-4 24-76—24-86
10-29-01(reg.)	Added	App. C, § 3(245)
11-19-01	Added	21-81—21-87
12-3-01	Amended	24-22(c)(2), (e)(2), 24-41(c), 24-42
12-5-01(reg.)	Added	20-39(b)(37)
12-6-01(reg.)	Added	App. C, § 7A(41), (87)
12-6-01(reg.)	Deleted	App. C, § 9(a)(122), (123)
12-6-01(reg.)	Amended	App. C, §§ 12-1(49), 11(a)(10)
12-6-01(reg.)	Deleted	App. C, § 12(55)
	Added	App. C, § 12-1(25)
12-6-01(reg.)	Amended	App. C, § 27(e)(8)
12-17-01(reg.)	Added	App. C, § 27(a)(35)
	Amended	App. C, § 27(e)(9)1.
1-9-02(reg.)	Deleted	App. C, § 7(3)
	Added	App. C, § 7(6)
1-9-02(reg.)	Added	App. C, § 7(17)
1-9-02(reg.)	Amended	App. C, § 7(17)
1-9-02(reg.)	Amended	App. C, § 7(192), (193)
1-9-02(reg.)	Added	App. C, § 17(b)(5)
2-6-02(reg.)	Added	20-39(b)(38)
2-6-02(reg.)	Added	App. C, § 7(23), (24), (28)
2-6-02(reg.)	Amended	App. C, § 17(e)(9)
	Added	App. C, § 17(f)(11)
2-19-02	Amended	18-99
2-19-02	Amended	23-11

3-6-02(reg.)	Added	App. C, § 7A(116)
3-18-02	Amended	21-8
4-3-02(reg.)	Added	20-39(b)(39)
4-3-02(reg.)	Added	App. C, § 9(a)(15)
4-22-02(res.)	Amended	App. B, § 4(a)
5-20-02	Amended	8-2(c)—(e), 8-4, 8-13(a)(1)
5-20-02	Amended	8-27
5-20-02	Amended	9-101(c)
5-20-02	Added	12-46
5-20-02	Amended	25-18
6-12-02(reg.)	Added	App. C, § 7A(115)
6-12-02(reg.)	Deleted	App. C, § 7A(126)
6-12-02(reg.)	Amended	App. C, § 12-1(18)
6-12-02(reg.)	Added	App. C, § 12-1(20)
6-14-02	Amended	14-14(II)(b)
6-24-02	Amended	19-18(b)
7-10-02(reg.)	Added	App. C, § 7A(119)

Ordinance Date	Effective Date	Added, Amended, Repealed	Section this Code
7-10-02(Reg.)	8-21-02	Added	App. C, §§ 7(57), (58)
7-10-02 (Reg.)	8-21-02	Added	App. C, § 7A(141)
9-23-02 (Reg.)	6-11-03	Added	App. C, §§ 7(504)—(506)
9-23-02	12-4-02	Added	App. D, § 7C(15)
10-7-02	11-6-02	Amended	30-38(a)
2002-04(Ord.)	11-6-02	Amended	App. A, § 19.1.2, App. A, § 19.1.7, App. A, § 30.1.2
10-21-02	11-20-02	Added	20-55(f)

11-18-02	12-18-02	Added 24-40(e)
12-23-02 (Reg.)	2-5-03	Rpld App. C, §§ 7(214), (278), (339)
12-23-02 (Reg.)	2-5-03	Rpld App. C, §§ 9(a)(16), (17), (80)
12-23-02 (Reg.)	2-5-03	Added App. C, § 17(b)(6) Rpld App. C, § 17(d)(43) Added App. C, § 17(e)(8) Rpld App. C, § 17(f)(3)
12-24-02 (Reg.)	2-5-03	Amended App. C, § 7(328)
1-8-03 (Reg.)	2-12-03	Rpld App. C, § 7(60) Amended App. C, §§ 7(65), (188), (474)
1-8-03 (Reg.)	2-12-03	Amended App. C, § 3(42)
1-8-03 (Reg.)	2-12-03	Added App. C, § 26(11)
2-4-03 (Reg.)	3-5-03	Added App. C, § 7(50)
2-4-03 (Reg.)	3-5-03	Amended App. C, § 21(17) Added App. C, §§ 21(24)—(31)
2-5-03	3-5-03	Rpld App. C, § 3((15))
2-5-03 (Reg.)	4-16-03	Rpld App. C, § 7(12)
2-18-03	3-26-03	Amended 21-13(b), (e)
2-18-03	3-26-03	Added 18-99(c)—(h)
2-18-03	3-26-03	Added 18-25
3-11-03 (Reg.)	4-16-03	Rpld App. C, § 7(501)
3-11-03 (Reg.)	4-16-03	Amended App. C, § 7(294)
3-11-03	6-9-04	Amended App. C, § 7
3-11-03	6-9-04	Rpld App. C, § 17(34)
3-11-03 (Reg.)	4-16-03	Repealed App. C, §§ 1(a), (b), (d) Rnbd App. C, §§ 1, (c), (e) as App. C, §§ (a), (b)
3-11-03	6-9-04	Amended App. C, § 22(1)

3-11-03 (Reg.)	4-16-03	Amended App. C, § (2)
3-11-03 (Reg.)	4-16-03	Added App. C, § 2(a)(10)
3-11-03 (Reg.)	4-16-03	Rpld App. C, § 7A(132)
4-7-03	5-19-04	Amended App. C, § 7A(7), (15)
4-8-03 (Reg.)	5-28-03	Amended App. C, § 3(129) Added App. C, § 3(131)
4-8-03	5-28-03	Added 20-39(b) Rnbd 20-39(b)—(e) as 20-39(c)—(f)
4-8-03 (Reg.)	5-28-03	Added App. C, § 7(59) Added App. C, § 7A(28)
4-8-03 (Reg.)	5-28-03	Added App. C, § 12-1(27)
4-15-03 (Reg.)	5-28-03	Repealed App. C, § 3(184)
4-7-03	5-19-04	Amended AppC, § 7A(55)
5-7-03 (Reg.)	6-11-03	Rpld App. C, § 7(473) Added App. C, §§ 7(475), (476)
5-7-03 (Reg.)	6-11-03	Added App. C, § 7A(132)
5-19-03	6-18-03	Amended 21-31(II)
6-2-03	7-2-03	Amended 8-28(a)
6-2-03	7-2-03	Amended 12-26
6-2-03	7-2-03	Amended 25-12
6-4-03 (Reg.)	7-9-03	Added App. C, § 7(114)
6-4-03 (Reg.)	7-9-02	Added App. C, § 7A(126)
6-9-03	7-9-03	Amended 27-126(c)(5)
7-9-03 (Reg.)	8-13-03	Added App. C, §§ 7(499), (501)
7-9-03 (Reg.)	8-13-03	Added App. C, § 7A(142)
7-9-03 (Reg.)	8-13-03	Rpld App. C, § 9(108)
7-9-03 (Reg.)	8-13-03	Added App. C, § 9(a)(13)
7-9-03 (Reg.)	8-13-03	Added App. C, §§ 27(c)(13), (14)
8-8-03 (Reg.)	9-3-03	Rpld App. C, § 9(a)(119) Rpld App. C, § 9(b)(28)

8-13-03	2-18-04	Amended 20-66(b)(4)
8-13-03 (Reg.)	10-8-03	Amended 20-74(a)
8-13-03 (Reg.)	10-1-03	Added App. C, §§ 7A(143), (144)
8-13-03 (Reg.)	10-1-03	Added App. C, § 12-1(50)
9-10-03 (Reg.)	10-15-03	Added App. C, § 12-1(51)
2003-02(Ord.)	10-22-03	Amended App. A, § 2.3.1
		App. A, § 2.3.2(b),
		Added App. A, § 2.3.7
10-7-03 (Reg.)	11-12-03	Added App. C, § 7(148)
10-7-03 (Reg.)	11-12-03	Rpld App. C, § 7(317)
10-7-03 (Reg.)	11-12-03	Added App. C, § 7A(145)
10-7-03 (Reg.)	11-12-03	Rpld App. C, § 7A(100)
10-7-03 (Reg.)	11-12-03	Amended App. C, § 7A(36)
		Added App. C, § 7A(100)
10-7-03	11-12-03	Added App. C, § 9(a)(53)
10-7-03 (Reg.)	11-12-03	Added App. C, § 27(a)(36)
7-9-03	12-10-03	Amended App. C, § 27
10-27-03	11-26-03	Added 8-28(f)
10-27-03	12-3-03	Added 5-5
10-27-03	11-26-03	Amended 12-1—12-60
10-27-03	11-26-03	Amended 21-5(b)—(e)
10-27-03	11-26-03	Amended 25-12

10-28-03	11-26-03	Amended App. C, § 21(31)
12-1-03	12-31-03	Amended 12-1
11-19-03	12-10-03	Amended App. C, § 3
12-2-03	1-7-04	Added App. C, § 7A(146)
12-15-03	1-28-04	Amended 18-30
12-2-03	1-7-04	Added App. C, 9(4)
1-7-04	2-11-04	Amended App. C, § 12-1(18)
1-7-04	1-21-04	Amended App. C, § 3
1-7-04	2-11-04	Amended App. C, § 7
2-17-04	3-24-04	Amended 21-84(a)
2003-03(Ord.)	4-7-04	Amended App. A, § 19.1.8
3-3-04	4-7-04	Rpld 20-92
3-3-04	4-7-04	Amended App. C, § 7A(146)
3-3-04	4-7-04	Amended App. C, § 25(4)
		Rpld App. C, § 25(5)—(7)
4-7-04	5-19-04	Rpld App. C, § 7(373)
4-7-04	5-19-04	Amended App. C, § 16
4-7-04	5-19-04	Amended App. C, § 27
4-30-04	6-2-04	Rpld App. C, § 12(35), (56)
4-30-04	6-2-04	Amended App. C, § 12-1(48)
5-10-04	6-9-04	Amended 22-1(7)
5-5-04	6-9-04	Amended 20-39(f)
6-2-04	7-7-04	Amended App. C, § 27
6-2-04	7-7-04	Rpld App. C, § 7A(50)
6-14-04	7-14-04	Amended 9-48
2004-01(Ord.)	6-23-04	Amended App. A, § 5.2.6(b)
7-12-04	8-11-04	Amended 21-42(b)—(d)
7-12-04	8-11-04	Amended 27-18(a)
7-7-04	8-4-04	Added App. C, § 7A(50)

2004-02(Ord.)	7-7-04	Amended App. A, § 5.3.19(e)–(h)
		App. A, § 30.1.2
8-4-04	9-1-04	Rpld App. C, § 12-1(50)
8-4-04	9-1-04	Rpld App. C, § 7A(143)
8-4-04	9-1-04	Added App. C, § 7(337)
8-9-04	9-1-04	Rpld App. C, § 8(8)
9-7-04	10-13-04	Added 5-6
9-8-04	10-13-04	Amended App. C, § 17(5)
9-8-04	10-13-04	Amended App. C, § 27
9-8-04	10-13-04	Amended App. C, § 3
9-8-04	10-13-04	Added App. C, § 7(384)
9-8-04	10-13-04	Amended App. C, § 7A(125)
9-8-04	10-13-04	Amended 20-55(a)(11)
		Amended App. C, § 27
10-6-04	11-10-04	Added App. C, § 26(12)
10-6-04	11-27-04	Amended App. C, § 27
10-6-04	1-12-05	Amended App. C, § 27(e)(9)1.
10-29-04		Added 18-29
11-3-04	12-1-04	Amended 20-39(38)
		Added 20-39(40), (41)
11-3-04	12-1-04	Amended App. C, § 2(8), (9), (18)
		(24), (28), (30)
		(33), (40), (47)
		(48), (52), (53)
		(55), (61), (64), (68)
11-3-04	12-1-04	Amended App. C, § 16(17)
11-3-04	12-1-04	Amended App. C, § 4(1), (3)–(5)

(7), (10), (16), (18)

11-3-04	12-1-04	Amended App. C, § 7(451)
11-3-04	12-1-04	Amended App. C, § 7A(147), (148)
11-3-04	12-1-04	Amended App. C, § 9(70)
11-5-04	12-1-04	Amended App. C, § 3(57), (124), (125)
11-5-04	12-1-04	Amended App. C, § 3(57), (122), (123)
2-2-05	4-13-05	Amended App. C, § 7(444)
2-2-05	4-13-05	Amended App. C, § 7A(86)
2-2-05	3-23-05	Amended App. C, § 11-1(4)
3-7-05	4-6-05	Amended 17-8
3-9-05	4-13-05	Amended App. C, § 3(31), (34)
3-9-05	4-13-05	Amended App. C, § 7(77), (281)
3-9-05	4-13-05	Amended App. C, § 11(b)(2)
3-9-05	4-13-05	Amended App. C, § 11-1(7), (8)
3-11-05	4-13-05	Amended App. C, § 7(78), (81), (85) (86), (279)
		(368), (375), (396)
3-23-05	4-27-05	Amended App. C, § 11-1(7)
4-6-05	5-18-05	Amended App. C, § 7A(149)
4-6-05	5-18-05	Amended App. C, § 12(7), (8) (12), (13), (15)
		(16), (18), (23)—(25), (30)
		(32)—(34), (37)
		(39), (43), (44)
4-6-05	5-18-05	Amended App. C, § 12-1(34)
4-6-05	5-18-05	Amended App. C, § 13(3), (4)
4-8-05	5-28-05	Amended App. C, § 3(129), (131)
5-4-05	6-22-05	Amended App. C, § 7(78), (85)
5-4-05	6-22-05	Amended App. C, § 7A(150)
5-4-05	6-22-05	Amended App. C, § 9(28)
5-4-05	6-22-05	Amended 20-108
6-8-05	7-20-05	Amended 20-61

6-8-05	7-20-05	Amended 20-79(a), (b) Repealed 20-79(c)
6-8-05	7-20-05	Amended App. C, § 12-1(1), (2) (4), (6)—(8) (10), (12)—(14) (16), (21)—(23) (29)—(33), (36) (40), (41), (43), (46)
6-8-05	7-20-05	Amended App. C, § 18(a)(6) Amended App. C, § 18(c)(1)—(3)
6-8-05	7-20-05	Amended App. C, § 19(b)(8)—(13), (16)
7-6-05	8-3-05	Amended App. C, § 9(71)
8-8-05	10-26-05	Added App. E, Ch. 1, Art. VIII, §§ 8.1—8.4
9-7-05	10-12-05	Amended App. C, § 12(31), (46), (48)
9-7-05	10-12-05	Amended App. C, § 25(1)
9-7-05	10-12-05	Amended App. C, § 27(b), App. C, § 27(c)(6)
9-7-05	10-26-05	Added 20-39(c)(42)
9-7-05	10-12-05	Amended 20-61
9-7-05	10-12-05	Amended App. C, § 2(35)
9-7-05	10-12-05	Amended App. C, § 3(61)
9-7-05	10-12-05	Amended App. C, § 7(15), (62)
9-19-05	10-19-05	Added 8-2(d) Renumbered 8-2(d) as 8-2(e)

		Added 13-4
		Added 18-101
		18-86
		Added 18-86(5)
10-11-05	11-9-05	Amended 30-36(a)
10-5-05	11-9-05	Amended App. C, § 7(3), (11)
10-5-05	11-9-05	Amended App. C, § 7A(116)
10-5-05	11-9-05	Amended App. C, § 9(b)(13)
10-5-05	11-9-05	Amended App. C, § 12-1(1)
11-21-05	12-21-05	Amended 21-10
11-21-05	12-21-05	Added 21-90—21-94
12-5-05	2-1-06	Amended 24-17(a)
12-7-05	2-1-06	Amended App. C, § 7(483)
2-1-06	4-19-06	Added App. C, § 7(12)
2-1-06	4-19-06	Added App. C, § 12-1(2)
3-1-06	4-5-06	Amended App. C, § 7A(80)
3-1-06	4-5-06	Added App. C, § 15(1)—(24)
2005-02	4-19-06	Added App. A, Art. 16, Pt. 4, §§ 16.4.1—16.4.4
3-27-06	4-26-06	Added 21-100—21-103
4-12-06	5-17-06	Amended 20-66(a)
4-12-06	5-17-06	Amended App. C, § 3(196)
4-12-06	6-14-06	Amended App. C, § 7(395)
4-12-06	5-17-06	Amended App. C, § 19(c)(1), (2)
4-12-06	5-17-06	Added App. C, § 27(b)(2)
4-17-06	5-17-06	Amended 13-1(a)
4-17-06	5-17-06	Amended 18-86(c)(5)
5-22-06	6-21-06	Amended 21-10
5-22-06	6-21-06	Added 21-44
5-22-06	6-21-06	Amended 24-29(a), (b)
5-22-06	6-21-06	Amended App. A, § 5.3.5
6-7-06	7-12-06	Repealed App. C, § 7A.(95)

6-7-06	7-12-06	Added App. C, § 11-1(9)
6-26-06	7-26-06	Amended Ch. 13, Art. II, Div. 2(tit.)
		Amended 13-51(a)
		Repealed 13-52(b)
		Renumbered 13-52(c)
		as 13-52(b)
		Amended 13-59(a)—(c)(1)—(3)
		Added 13-59(c)(4)—(9)
		Added 13-62
6-26-06	7-26-06	Added App. A, § 5.1.9(a)—(f)
		Amended 5.1.11
7-5-06	8-9-06	Amended App. C, § 7A(126)
7-25-06	8-23-06	Repealed App. C, § 9(a)(52)
		Added App. C, § 9(b)(17)
10-3-06	11-22-06	Added App. C, § 7A(95)
10-3-06	11-22-06	Added App. C, § 9(b)(17.1)
10-23-06	11-22-06	Amended 5-4(1), (5)
11-14-06	12-13-06	Added App. C, § 7(16), (48)
11-14-06	12-13-06	Amended App. C, § 10(12)
11-14-06	12-13-06	Amended App. C, § 11-1(5)
11-27-06	12-27-06	Amended 18-120(a)(1), (2)
12-7-06	1-31-07	Added App. C, § 2(35), (63)
12-7-06	1-31-07	Repealed App. C, § 3(136)
		Amended App. C, § 3(228)
12-7-06	1-31-07	Added App. C, § 6(2)
12-7-06	1-31-07	Amended App. C, § 7(127)
		Repealed App. C, § 7(194)
12-7-06	1-31-07	Amended App. C, § 7(189), (274)
		Repealed App. C, § 7(417), (463)

12-7-06	1-31-07	Added App. C, § 7(396), (422)
12-7-06	1-31-07	Repealed App. C, § 7A(38)
12-11-06	1-10-07	Amended 12-1(a)
		Added 12-4
		Repealed 12-22(b)
		Renumbered 12-22(c)
		as 12-22(b)
		Amended 12-38
		Amended 12-58
		Added 12-60(f)
2006-01	1-10-07	Amended App. A, § 4.13
		Amended App. A, § 7.1.3
		Added App. A, §§ 7.1.11—7.1.14
4-4-07	5-2-07	Amended App. C, § 3, (136), (147)
4-4-07	5-2-07	Amended App. C, § 7, (55)
4-4-07	5-2-07	Amended App. C, § 7A, (82)
		Added App. C, § 7A, (83)
4-4-07	5-2-07	Added App. C, § 7B, (2)
4-4-07	5-2-07	Amended App. C, § 12-1, (15), (46), (48)
4-4-07	5-2-07	Added App. C, § 15, (25)
5-7-07	6-6-07	Amended 13-62(a)
		Added 13-62(a)(1), (2)
6-4-07	7-4-07	Amended 5-15(c)
		Amended 5-16
		Amended 5-24(1)—(3)
		Amended 5-25(a)—(c)
		Amended 5-25(e)
6-4-07	7-4-07	Amended 21-29
		Amended 21-56(a)

6-4-07	7-4-07	Amended 24-14 Amended 24-42
6-5-07	7-4-07	Added App. C, § 7, (56), (60)
6-5-07	7-4-07	Amended App. C, § 7A, (141)
6-25-07	7-25-07	Amended 9-32 Amended 9-50(a)
7-11-07	8-15-07	Added App. C, § 7(66)
7-18-07(1)	8-15-07	Amended App. C, § 7B(2)
7-18-07(2)	8-15-07	Amended App. C, § 23(5)
8-5-07	10-3-07	Added App. C, § 7A(143), (151)
8-14-07	10-10-07	Amended 20-74 20-79(a), (b) 20-160
10-10-07(1)	11-14-07	Repealed App. C, § 3(15), (16)
10-10-07(2)	11-14-07	Repealed App. C, § 7A(95)
11-14-07(1)	1-9-08	Amended 20-57 Added 20-66(b)(6) Renumbered 20-66(b)(6) as 20-66(b)(7)
11-14-07(2)	12-12-07	Added App. C, § 7(67)
11-14-07(3)	12-12-07	Repealed App. C, § 9(26)
11-14-07(4)	12-12-07	Amended App. C, § 10(12)
11-14-07(5)	12-12-07	Added App. C, § 11-1(11)
11-14-07(6)	12-12-07	Repealed App. C, § 12(50)
11-14-07(7)	12-12-07	Amended App. C, § 12-1(43)

11-14-07(8)	12-12-07	Repealed App. C, § 12-1(47)
11-14-07(9)	12-12-07	Added App. C, § 16(b)(4)
12-17-07	1-16-08	Added 27-2(b)
1-7-08	1-30-08	Added App. A, §§ 1.1.1—1.1.12, §§ 1.2.1—1.2.15, §§ 2.1.1—2.1.6, §§ 2.2.1—2.2.5, §§ 2.3.1—2.3.6, §§ 2.4.1—2.4.9, §§ 2.5.1—2.5.3, §§ 2.6.1—2.6.3, §§ 2.6.6, 2.6.7 §§ 2.7.1—2.7.11, §§ 3.1.1, 3.1.2 §§ 3.2.1—3.2.11, §§ 3.3.1—3.3.10, §§ 3.4.1—3.4.4, §§ 3.5.1—3.5.7, §§ 3.6.1, 3.6.2 § 4.0.[0] §§ 4.1.1—4.1.4, §§ 4.2.1—4.2.3, §§ 4.3.1, 4.3.2 §§ 4.4.1—4.4.7, §§ 4.5.1—4.5.7, § 5.0.0 §§ 5.1.1, 5.1.2 §§ 5.2.1—5.2.7, §§ 5.3.1—5.3.8, §§ 5.4.1—5.4.10, §§ 5.5.1—5.5.3, § 6.0.1

§§ 6.1.1, 6.1.2
§§ 6.2.1, 6.2.2
§§ 6.3.1, 6.3.2
§§ 7.1.1—7.1.11,
§§ 7.2.1—7.2.6,
§§ 7.3.1—7.3.5,
§§ 8.1.1—8.1.15,
§§ 8.2.1—8.2.9,
§§ 8.3.1—8.3.5,
§§ 9.1.1—9.1.21,
§§ 9.2.1—9.2.10,
§§ 10.1.1—10.1.14,
§§ 11.1.1—11.1.7,
§ 12.0.1
§§ 12.1.1—12.1.3,
§§ 12.2.1—12.2.5,
§§ 13.1.1, 13.1.2
App. A, Art. 13, Pt. 2
App. A, Appendix A
App. A, Appendix B

1-9-08(1)	2-20-08	Amended	20-39
1-9-08(2)	2-20-08	Amended	App. C, § 5(4)
2-13-08(1) (reg.)	3-19-08	Repealed	App. C, § 9(25)
2-13-08(2) (reg.)	3-19-08	Amended	App. C, § 10(4)
2-13-08(3) (reg.)	3-19-08	Amended	App. C, § 11-1(11)
2-19-08(1)	4-9-08	Amended	8-1, 8-2
		Repealed	8-10
2-19-08(2)	4-9-08	Amended	17-9(f)
3-10-08	4-23-08	Amended	13-54
4-9-08(reg.)	5-7-08	Amended	App. C, § 7(473), (474)
5-5-08	6-4-08	Amended	App. A, § 4.4.4
		App. A, § 4.5.2	

App. A, Appendix B

5-14-08(1)	6-18-08	Added App. C, § 3(21), (22)
		App. C, § 3(24)
5-14-08(2)	6-18-08	Added App. C, § 7(208)
6-11-08(1) (reg.)	7-16-08	Added 20-44
6-11-08(2) (reg.)	7-16-08	App. C, § 19
6-11-08(3) (reg.)	7-16-08	App. C, § 26
6-11-08(4) (reg.)	—-—08	Amended App. C, § 27(d)—(f)
6-11-08(5) (reg.)	3-23-11	Rpld App. C, § 17(d)(1), (3)—(11), (13)—(18), (20)—(22), (24)—(33), (35), (36), (38), (40)—(42), (45)—(49)
6-11-08(6) (reg.)	3-23-11	Added App. C, § 17(e)(16), (18)—(26), (28)—(33), (35)—(37), (39)—(48), (50), (51), (53), (55)—(57), (60)—(64)
7-9-08(reg.)	8-13-08	Added App. C, § 3(26), (28)
7-9-08(1) (reg.)	8-20-08	Amended App. C, § 7(22), (25)—(27), (29), (30) Repealed App. C, § 7(164), (241), (243)

Amended App. C, § 7(315), (387)

7-9-08(2) (reg.)	8-20-08	Amended App. C, § 27(a)(4), (15)
9-10-08(1) (reg.)	10-15-08	Amended App. C, § 7(73), (167), (332), (334), (335), (418), (483)
9-10-08(2) (reg.)	10-15-08	Amended App. C, § 17(f)(3)
9-10-08(3) (reg.)	10-15-08	Added App. C, § 27(a)(38)

Renumbered App. C, § 27(b)—(f)

as (c)—(g)

Added App. C, § 27(b)

Added App. C, § 27(g)(9)7.

9-10-08(4) (reg.)	6-28-17	Amended App. C, § 27(c)(1)
9-15-08(1)	10-22-08	Amended App. A, § 4.2.2

App. A, § 4.3.1

App. A, § 4.4.1

App. A, §§ 4.4.6, 4.4.7

App. A, § 4.5.4

App. A, § 8.1.12

App. A, Art. 13

9-15-08(2)	10-22-08	Amended App. A, § 4.5.2
		App. A, Art. 13

9-15-08(3)	11-5-08	Amended 30-39
10-8-08(reg.)	11-5-08	Amended App. C, § 27(d)(14)

10-27-08	12-3-08	Amended App. A, §§ 7.1.3
		Added App. A, §§ 7.1.12

Amended App. A, Art. 13

11-12-08(1) (reg.)	12-17-08	Amended 27-33(d)
11-12-08(2) (reg.)	12-17-08	Repealed App. C, § 7(107)

11-12-08(3) (reg.)	12-17-08	Repealed App. C, § 7A(49)
11-12-08(4) (reg.)	12-17-08	Added App. C, §(27)(e)(1), (2)
12-15-08(1)	6-4-08	Amended App. A, § 4.4.4 App. A, § 4.5.2 App. A, App. B
12-15-08(2)	4-1-09	Repealed 26-1—26-4, 26-16—26-20, 26-32—26-44, 26-50—26-58 Added 26-1—26-4, 26-16 6-31—26-40, 26-51—26-60, 26-71—26-76, 26-96—26-98, 26-111—26-117, 26-131—26-138, 26-151—26-160, 26-171—26-174
1-5-09	2-4-09	Added App. A, § 5.4.11 Amended App. A, § 13.1.2
2-23-09	3-25-09	Amended 18-2 18-25 18-72(c) Added 18-112
3-11-09(1) (reg.)	4-29-09	Amended 20-66
3-11-09(2) (reg.)	4-29-09	Amended 27-33
3-11-09(3) (reg.)	4-29-09	Amended App. C, § 12-1
3-11-09(4) (reg.)	4-29-09	Amended App. C, § 23

3-11-09(5) (reg.)	4-29-09	Amended App. C, § 27
3-11-09(6) (reg.)	5-27-09	Added App. C, § 7(79)
3-11-09(7) (reg.)	5-27-09	Repealed App. C, § 9(b)(22)
3-11-09(8) (reg.)	5-27-09	Amended App. C, § 12(46)
3-11-09(9) (reg.)	5-27-09	Added App. C, § 17(a)(14)
3-11-09(10) (reg.)	5-27-09	Added App. C, § 27(a)(39)
3-30-09(1)	5-6-09	Amended App. A, § 2.5.2 App. A, § 4.4.7 App. A, App. A
3-30-09(2)	4-29-09	Amended App. A, § 4.3.2 App. A, § 4.5.2
3-30-09(3)	4-29-09	Amended App. A, § 4.4.1
3-30-09(4)	5-6-09	Amended App. A, § 4.4.5
3-30-09(5)	5-6-09	Amended App. A, § 4.4.5
3-30-09(6)	4-29-09	Amended App. A, § 4.5.2
3-30-09(7)	5-6-09	Amended App. A, § 4.5.2 App. A, § 5.2.6
3-30-09(8)	4-29-09	Amended App. A, § 5.2.1
3-30-09(9)	5-6-09	Amended App. A, § 7.2.1
4-13-09	5-20-09	Amended App. A, § 4.4.2(d)
5-13-09(1) (reg.)	6-24-09	Amended 20-61
5-13-09(2) (reg.)	6-24-09	Amended 20-89
5-13-09(3) (reg.)	6-24-09	Amended 20-105
6-10-09(1) (reg.)	7-8-09	Added App. C, § 7(107)
6-10-09(2) (reg.)	7-8-09	Added App. C, § 7A(49)
6-15-09	8-19-09	Added 21-47

7-8-09(reg.)	9-16-09	Amended App. C, § 13(7)
7-13-09(1)	8-19-09	Added 21-45
7-13-09(2)	8-19-09	Added 21-46
7-13-09(3)	8-19-09	Amended 21-45
7-13-09(4)	8-19-09	Amended 21-47
8-10-09(1)	9-9-09	Amended 21-46
8-10-09(2)	8-19-09	Amended App. A, § 5.5.3
9-9-09(1) (reg.)	11-25- 09	Added 20-39(d)(43)
9-9-09(2) (reg.)	2-3-10	Added App. C, § 7(272)
9-9-09(3) (reg.)	2-3-10	Added App. C, § 7(273)
9-9-09(4) (reg.)	11-25- 09	Added App. C, § 9(b)(22)
9-9-09(5) (reg.)	2-3-10	Added App. C, § 9(b)(26)
10-14- 09(reg.)	12-30- 09	Amended 20-55(e)
10-26-09(1)	11-25- 09	Amended 13-3 Amended 13-5—13-9 Amended 13-11 Amended 13-13, 13-14 Amended 13-16—13-18 Amended 13-20 Added 13-21, 13-22 Amended 13-31, 13-32 Amended 13-34, 13-35 Amended 13-38—13-41 Amended 13-43, 13-44 Amended 13-46 Added 13-47 Amended 13-55—13-60 Added 13-61 Added 13-63—13-68

10-26-09(2)	11-25-09	Amended App. A, § 6.2.2(h)
10-26-09(3)	11-25-09	Amended App. A, § 6.2.2(l)
12-7-09	1-12-10	Amended 8-42, 8-43 8-47—8-49
		Repealed 8-50
12-9-09(reg.)	2-3-10	Added App. C, § 7(277), (278)
12-14-09(reg.)	2-3-10	Amended App. C, § 27(d)(13)
1-12-10	12-7-09	Amended 21-13(e)
1-13-10(reg.)	3-24-10	Repealed App. C, § 7A(150)
1-25-10(1)	2-24-10	Amended App. A, § 3.5.3
1-25-10(2)	2-24-10	Amended App. A, § 7.2.1 Amended App. A, § 7.2.5
2-18-10(1) (reg.)	4-7-10	Added App. C, § 7(103), (104) Amended App. C, § 7(289) Added App. C, § 7(350) Added App. C, § 7(368)
2-18-10(2) (reg.)	4-7-10	Added App. C, § 9(a)(26)
2-18-10(3) (reg.)	4-7-10	Added App. C, § 16(a)(2) Added App. C, § 16(a)(11)
3-22-10(1)	4-28-10	Added 17-8
3-22-10(2)	4-28-10	Amended 26-151 Amended 26-154
4-14-10(1) (reg.)	5-12-10	Added App. C, § 7(376) Added App. C, § 7(381)
4-14-10(2) (reg.)	5-12-10	Added App. C, § 12-1(7)
4-14-10(3) (reg.)	9-22-10	Added App. C, § 7(388)

4-26-10	6-2-10	Amended 13-54 13-58
5-12- 10(reg.)	6-23-10	Added App. C, § 7(387)
6-28-10(1)	7-28-10	Amended App. A, § 3.1.2 Added App. A, § 5.5.4 Amended App. A, § 13.1.2
6-28-10(2)	7-28-10	Amended App. A, Map 4.3.1-1 App. A, § 4.4.2 App. A, App. A
6-28-10(3)	7-28-10	Amended App. A, § 4.5.1
6-28-10(4)	7-28-10	Amended App. A, § 13.1.2 App. A, App. A
7-12-10	8-11-10	Amended 30-21(c) Amended 30-23 Amended 30-28(d), (e) Amended 30-29
7-14- 10(reg.)	8-18-10	Amended App. C, § 7(233)
8-9-10(1)	9-8-10	Amended 21-43(b)
8-9-10(2)	9-8-10	Amended App. A, Map 8.1.3-1
9-10- 10(reg.)	10-19- 11	Added App. C, § 27(e)(3)
9-13-10	10-13- 10	Amended 6-1 Amended 6-3, 6-4 Amended 6-8—6-11 Amended 6-13 Renumbered 6-14 as 6-17 Added 6-14—6-16 Amended 6-25, 6-26 Repealed 6-31 Amended 6-32, 6-33 Amended 9-12 Amended 20-32

Amended 27-17—27-19

Amended 27-21

9-15- 10(reg.)	10-20- 10	Added App. C, § 3(52)
9-27-10(1)	10-27- 10	Amended App. A, § 3.1.2 Amended App. A, § 4.5.4 Amended App. A, § 13.1.2
9-27-10(2)	10-27- 10	Amended App. A, § 3.1.2
9-27-10(3)	10-27- 10	Amended App. A, § 5.2.5
10-20-10(1) (reg.)	11-24- 10	Amended 20-43(d)
10-20-10(2) (reg.)	11-24- 10	Added App. C, § 7(80)
10-25-10(1)	11-24- 10	Amended 1-2
10-25-10(2)		Amended App. B, § 11
11-8-10(1)	12-8-10	Amended 9-2 Amended 9-4 Amended 9-7 Repealed 9-20 Amended 9-48 Amended 9-64 Amended 9-70 Amended 9-72 Amended 9-74 Amended 9-76, 9-77 Amended 9-91
11-8-10(2)	12-8-10	Amended App. A, § 3.1.2
11-8-10(3)	12-8-10	Amended App. A, § 5.2.5
11-17-10(1) (reg.)	12-15- 10	Amended App. C, § 3(195)
11-17-10(2) (reg.)	12-15- 10	Added App. C, § 7(82)

11-17-10(3) (reg.)	12-15- 10	Repealed App. C, § 7A(110)
11-17-10(4) (reg.)	12-22- 10	Amended App. C, § 16(a)
11-22-10	12-22- 10	Added 21-48
12-15- 10(reg.)	1-12-11	Added App. C, § 7A(150)
1-10-11(1)	2-9-11	Amended App. A, § 3.1.2
1-10-11(2)	2-9-11	Amended App. A, § 4.5.4 App. A, Map 4.5.4-1
1-10-11(3)	2-9-11	Amended App. A, § 5.4.11
1-12-11(1) (reg.)	2-9-11	Added App. C, § 7(156)
1-12-11(2) (reg.)	2-9-11	Repealed App. C, § 7A(150)
1-12-11(3) (reg.)	2-9-11	Repealed App. C, § 13(5)
1-12-11(4) (reg.)	2-9-11	Added App. C, § 26(7)
1-24-11	2-23-11	Amended 24-14 24-19 24-21(g) 24-21(l) 24-22(j), (k) 24-29(b) 24-41(a)
2-16-11(1) (reg.)	3-23-11	Added App. C, § 7A(38)
2-16-11(2) (reg.)	3-23-11	Repealed App. C, § 7A(77)
2-16-11(3) (reg.)	3-23-11	Added App. C, § 17(b)(7)
3-16-11(1) (reg.)	4-13-11	Added App. C, § 7(83)
3-16-11(2) (reg.)	4-13-11	Amended App. C, § 12-1(43)

3-16-11(3) (reg.)	4-13-11	Repealed App. C, § 16(b)(4)
3-16-11(4) (reg.)	5-18-11	Repealed App. C, § 12-1(43)
3-28-11(1)	4-27-11	Amended App. A, § 4.4.1
3-28-11(2)	4-27-11	Amended App. A, Map 4.3.1-1
		Amended App. A, Map 4.4.3-1
		Amended App. A, Map 4.4.5-1
4-20-11(1) (reg.)	5-25-11	Added App. C, § 3(10)
4-20-11(2) (reg.)	6-8-11	Amended App. C, § 3(10)
4-20-11(3) (reg.)	5-25-11	Added App. C, § 7(84)
4-20-11(4) (reg.)	5-25-11	Added App. C, § 7(87)
4-20-11(5) (reg.)	5-25-11	Added App. C, § 7(88)
4-20-11(6) (reg.)	5-25-11	Amended App. C, § 7(88)
5-2-11	6-1-11	Amended 21-82(b)
		Amended 21-84(d)
5-18-11(1) (reg.)	6-15-11	Repealed App. C, § 2(a)(31)
5-18-11(2) (reg.)	6-15-11	Amended App. C, § 7(83)
6-13-11(1)	7-13-11	Amended 21-82(b)
6-15-11(1) (reg.)	7-20-11	Amended 20-39(d)
6-15-11(2) (reg.)	7-20-11	Added App. C, § 7(124)—(126)
6-15-11(3) (reg.)	7-20-11	Added App. C, § 7(157)
6-15-11(4) (reg.)	7-20-11	Added App. C, § 7A(110)
6-15-11(5) (reg.)	7-20-11	Added App. C, § 10(13), (14)

6-15-11(6) (reg.)	7-20-11	Added App. C, § 11(1)
		Added App. C, § 11(6)
		Added App. C, § 11(11)
6-20-11	7-20-11	Amended App. A, Map 8.1.3-1
7-11-11(1)	8-10-11	Amended 24-21(h)
7-11-11(2)	8-10-11	Rpld 30-1—30-5, 30-16—30-18, 30-20—30-43, 30-47—30-54
		Added 30-1—30-23, 30-25—30-29, 30-33 30-36—30-44, 30-47—30-49, 30-52 30-55—30-57, 30-59—30-72, 30-76—30-90, 30-95 30-99—30-103, 30-107—30-109, 30-113—30-116, 30-120—30-124, 30-126—30-128, 30-132
7-20-11(1) (reg.)	8-31-11	Amended App. C, § 7(260), (261), (452)
		Added App. C, § 7(507), (508), (509)
7-20-11(2) (reg.)	8-31-11	Amended App. C, § 7A(16), (138)
		Added App. C, § 7A(152), (153)
7-20-11(3) (reg.)	8-31-11	Repealed App. C, § 9(a)(26), (66), (96), (b)(3)
		Added App. C, § 9(c)

8-8-11	9-7-11	Amended App. A, § 7.1.3(b)
8-15-11(reg.)	9-21-11	Repealed App. C, § 16(a)(13)
9-6-11(reg.)	10-5-11	Amended App. C, § 7A(138)
10-16-11(1) (reg.)	11-30-11	Amended 20-39(d)
10-16-11(2) (reg.)	1-4-12	Amended App. C, § 7(74)
		Added App. C, § 7(513)—(516)
		Added App. C, § 9(d)
10-16-11(3) (reg.)	12-28-11	Added App. C, § 7(510)—(512)
10-16-11(4) (reg.)	12-28-11	Added App. C, § 17(e)(65)—(70)
10-16-11(5) (reg.)	12-28-11	Added App. C, § 26(13)
10-17-11(1)	11-16-11	Amended App. A, § 7.2.5(e)
10-17-11(2)	11-16-11	Amended App. A, § 11.1.3(b)
10-17-11(3)	11-16-11	Amended App. A, § 13.1.2
10-19-11(1) (reg.)	11-30-11	Added App. C, § 7(138)
10-19-11(2) (reg.)	11-30-11	Added App. C, § 26(10)
11-16-11(1) (reg.)	12-21-11	Added App. C, § 7(417)
11-16-11(2) (reg.)	12-21-11	Added App. C, § 7(463)
11-16-11(3) (reg.)	12-21-11	Amended App. C, § 12(53)
11-16-11(4) (reg.)	12-21-11	Repealed App. C, § 12-1(48)
12-19-11	1-18-12	Amended 13-5
12-21-11(res.)	12-21-11	Amended App. B, §§ 1—21
12-21-11(1) (reg.)	2-1-12	Added App. C, § 7(236), (339), (389)

Amended App. C, § 7(261)

12-21-11(2) (reg.)	2-1-12	Added App. C, § 26(14), (15)
1-6-12(reg.)	3-14-12	Amended App. C, § 17(e)(70)
1-18-12(1) (reg.)	2-15-12	Amended App. C, § 3(60)
		Amended App. C, § 3(180)
1-18-12(2) (reg.)	2-15-12	Added App. C, § 7A(150)
2-10- 12(reg.)	3-14-12	Amended App. C, § 7(245)
2-15- 12(reg.)	3-14-12	Added App. C, § 7A(77)
3-21-12(1) (reg.)	4-25-12	Added App. C, § 3(78)—(81), (83), (85), (87), (95)
3-21-12(2) (reg.)	4-25-12	Repealed App. C, § 11-1(4)
3-21-12(3) (reg.)	5-23-12	Amended App. C, § 12(29)
3-21-12(4) (reg.)	4-25-12	Amended App. C, § 21(17)
3-29- 12(reg.)	4-25-12	Amended App. C, § 7(389)
4-18-12(1) (reg.)	5-23-12	Added App. C, § 7(91)
		Added App. C, § 7(99)
4-18-12(2) (reg.)	5-23-12	Added App. C, § 16(a)(13)
4-18-12(3) (reg.)	5-23-12	Amended App. C, § 25(1)
4-18-12(4) (reg.)	5-23-12	Amended App. C, § 27(e)(3)
5-16- 12(reg.)	6-27-12	Repealed App. C, § 7A(150)
6-4-12(1)	7-4-12	Amended App. A, § 2.7.5
6-4-12(2)	7-4-12	Added App. A, § 3.2.1(d)
		Amended App. A, § 3.5.2(b)
		Amended App. A, § 3.5.4

6-4-12(3)	7-4-12	Amended App. A, § 4.4.2(b), (d)
6-4-12(4)	7-4-12	Amended App. A, Map 4.3.1-1
		Amended App. A, Map 4.4.1-1
		Amended App. A, Figure 4.4.1-3
		Amended App. A, Map 4.4.5-1
6-4-12(5)	7-4-12	Amended App. A, § 4.4.2(d)
6-20-12(1) (reg.)	8-8-12	Amended App. C, § 7(390)
6-20-12(2) (reg.)	8-8-12	Added App. C, § 7A(154)
6-20-12(3) (reg.)	8-8-12	Added App. C, § 10(15)
6-25-12	7-25-12	Amended 8-28(a)
		Amended 12-26(a)
		Amended 25-12
7-11-12(1) (reg.)	8-29-12	Amended App. C, § 7(82)
7-11-12(2) (reg.)	8-29-12	Amended App. C, § 7A(46)
		Repealed App. C, § 7A(119)
7-16-12	8-15-12	Added 21-111—21-115
9-6-12(reg.)	10-31- 12	Repealed App. C, § 7A(136)
		Amended App. C, § 7A(150)
9-10-12(1)	10-10- 12	Amended 5-14
		Amended 22-13
9-10-12(2)	10-10- 12	Amended 18-31(a)
		Amended 18-106
		Added 18-111(h)
9-19-12(1) (reg.)	10-31- 12	Amended App. C, § 7(195), (196), (274)
9-19-12(2) (reg.)	10-31- 12	Amended App. C, § 11(a)(4)
10-17-12(1) (reg.)	11-14- 12	Amended App. C, § 3(13)

10-17-12(2) (reg.)	11-14- 12	Repealed App. C, § 26(15)
11-26-12(1)	12-26- 12	Amended App. A, § 4.4.5(d)(5)(C)
11-26-12(2)	12-26- 12	Amended App. A, § 7.1.12
11-28-12(1) (reg.)	1-2-13	Amended App. C, § 3(133)
11-28-12(2) (reg.)	1-2-13	Amended App. C, § 7A(95)
		Added App. C, § 7A(155)
11-28-12(3) (reg.)	1-2-13	Added App. C, § 11(a)(12)
11-28-12(4) (reg.)	1-2-13	Amended App. C, § 12(2)
12-19-12(1) (reg.)	1-30-13	Amended App. C, § 3(123)
12-19-12(2) (reg.)	1-30-13	Added App. C, § 7A(156)
12-19-12(3) (reg.)	1-30-13	Amended App. C, § 9(16)
1-16-13(1) (reg.)	2-27-13	Amended App. C, § 7(373)
1-16-13(2) (reg.)	2-27-13	Repealed App. C, § 9(94)
2-11-13	3-13-13	Added 21-49
2-20-13(1) (reg.)	3-27-13	Added App. C, § 3(54), (75)
2-20-13(2) (reg.)	3-27-13	Added App. C, § 7(109), (115)
3-20-13(1) (reg.)	5-8-13	Added App. C, § 7(209), (392)
		Amended App. C, § 7(326)
3-20-13(2) (reg.)	5-8-13	Added App. C, § 17(e)(49), (52)
4-17- 13(reg.)	5-15-13	Added App. C, § 26(15)
5-15- 13(reg.)	6-12-13	Added App. C, § 7(176)

5-20-13	9-24-14	Amended 8-8
6-5-13(reg.)	7-3-13	Amended 20-66, 20-79
6-10-13(1)	7-10-13	Amended App. A, § 4.4.5(d) Amended App. A, § 6.2.2(h)
6-10-13(2)	7-10-13	Amended App. A, § 10.1.5 Amended App. A, § 13.1.2
6-19-13(1) (reg.)	7-24-13	Added App. C, § 3(281)—(303)
6-19-13(2) (reg.)	7-24-13	Added App. C, § 7A(157)
6-19-13(3) (reg.)	7-24-13	Repealed App. C, § 12-1(39)
6-19-13(4) (reg.)	7-24-13	Added App. C, § 17(a)(15)
6-19-13(5) (reg.)	7-24-13	Amended App. C, § 27(e)(1)
7-11- 13(reg.)	8-7-13	Amended App. C, § 7A(46)
7-15-13(1)	8-14-13	Amended App. A, Table 4.4.5-3 Amended App. A, § 5.2.5 Amended App. A, § 5.3.5(a)
7-15-13(2)	8-14-13	Amended App. A, § 5.3.5(b)
7-15-13(3)	8-14-13	Amended App. A, App. A
9-9-13(1)	10-16- 13	Amended 14-14(II)
9-9-13(2)	10-9-13	Amended App. A, § 4.4.1(d)
9-9-13(3)	10-9-13	Amended App. A, § 5.4.5
9-18-13(1) (reg.)	10-23- 13	Amended 20-55(a)(1)
9-18-13(2) (reg.)	10-23- 13	Added App. C, § 3(304)—(306)
9-18-13(3) (reg.)	10-23- 13	Amended App. C, § 7(116), (120)
9-18-13(4) (reg.)	10-23- 13	Amended App. C, § 7(117)
9-18-13(5) (reg.)	10-23- 13	Amended App. C, § 7A(90)

9-18-13(6) (reg.)	10-23- 13	Added App. C, § 10(16)
9-18-13(7) (reg.)	10-23- 13	Amended App. C, § 11-1(4)
9-18-13(8) (reg.)	10-23- 13	Amended App. C, § 12(28), 12-1(8)
9-18-13(9) (reg.)	10-23- 13	Amended App. C, § 16(b)(2)
9-18-13(10) (reg.)	6-10-15	Amended App. C, § 7(116), (120)
10-21-13	11-27- 13	Added 21-88, 21-89 Amended 21-80—21-87
10-30-13(1) (reg.)	12-4-13	Amended App. C, § 7(216), (239)
10-30-13(2) (reg.)	12-4-13	Amended App. C, § 7A(130)
10-30-13(3) (reg.)	12-4-13	Amended App. C, § 12-1(12), (13)
11-4-13(1)	12-4-13	Amended App. A, Map 4.3.1-1 App. A, Map 4.4.1-1 App. A, Map 4.4.5-1 App. A, Map 8.1.3-1
11-4-13(2)	12-4-13	Amended App. A, § 4.4.5
11-4-13(3)	12-4-13	Amended App. A, Use Table
11-20-13(1) (reg.)	1-1-14	Amended App. C, § 3(43)
11-20-13(2) (reg.)	1-1-14	Added App. C, § 7(517), (518)
11-20-13(3) (reg.)	1-1-14	Amended App. C, § 9(a)(15), (b)(27)
11-20-13(4) (reg.)	1-1-14	Amended App. C, § 12-1(19), (32), (33), (51)
12-4-13(1) (reg.)	1-8-14	Amended App. C, § 7(241)
12-4-13(2) (reg.)	1-8-14	Amended App. C, § 7A(46)
12-9-13	1-8-14	Amended 18-30(a)

12-16-13(1)	1-29-14	Added App. C, § 7(519)
12-16-13(2)	1-29-14	Amended App. C, § 27(a)(4), (15)
12-18-13(1) (reg.)	2-5-14	Added App. C, § 27(e)(4)—(6)
12-18-13(2) (reg.)	2-5-14	Amended App. A, Table 8.1.8-1
1-13- 14(reg.)	2-12-14	Amended App. C, § 17(e)(8), (17)
1-15- 14(reg.)	2-26-14	Amended App. C, § 3(102), (106), (115)
2-18-14	3-19-14	Amended App. A, 4.4.6(b), (d)
2-19-14(1) (reg.)	4-23-14	Amended 20-83—20-94, 20-101—20-107
2-19-14(2) (reg.)	4-16-14	Amended App. C, § 7(108)
		Added App. C, § 7(520)
2-19-14(3) (reg.)	4-16-14	Added App. C, § 7A(158)
3-19-14(1) (reg.)	4-23-14	Added App. C, § 7(521), (522)
3-19-14(2) (reg.)	4-23-14	Added App. C, § 9(b)(29)
4-16-14(1) (reg.)	5-14-14	Added App. C, § 9(b)(30)—(32)
4-16-14(2) (reg.)	5-14-14	Amended App. C, § 12(a)
		Added App. C, § 12(b)
4-16-14(3) (reg.)	5-14-14	Added App. C, § 7(523)
5-21-14(1) (reg.)	4-8-15	Added App. C, § 11-1(13)
		Repealed App. C, § 25(3)
5-21-14(2) (reg.)	4-29-15	Amended App. C, § 11-1(13)
5-21-14(3) (reg.)	6-10-15	Amended App. C, § 27(a)(31)

Added App. C, § 27(a)(40)

Amended App. C, § 27(d)(1)

5-22-14(1) (reg.)	7-2-14	Amended App. C, § 7(241)
5-22-14(2) (reg.)	7-2-14	Added App. C, § 11(d)
5-22-14(3) (reg.)	7-2-14	Added App. C, § 11-1(12)
5-22-14(4) (reg.)	7-2-14	Amended App. C, § 12-1(13), (21)
5-22-14(5) (reg.)	7-2-14	Added App. C, § 17(a)(16), (17)
7-14-14(1)	8-13-14	Amended App. A, Map 4.3.1-1 Amended App. A, Map 4.4.2-1 Amended App. A, Map 4.4.5-1 Amended App. A, Map 8.1.3-1
7-14-14(2)	8-13-14	Amended App. A, § 4.4.5(d) Amended App. A, § 13.1.2
7-14-14(3)	8-13-14	Amended App. A, Use Table
7-16-14(1) (reg.)	9-17-14	Amended 20-88
7-16-14(2) (reg.)	11-19- 14	Amended App. C, § 3(128), (210)
7-16-14(3) (reg.)	9-17-14	Amended App. C, § 7A
7-16-14(4) (reg.)	9-17-14	Amended App. C, § 16(17)
7-16-14(5) (reg.)	9-17-14	Added App. C, § 17(g) Amended App. C, § 17(b)(3), (5), (d), (e)(16), (19), (22), (25), (29), (31), (33), (35), (47), (48), (50), (51), (57)
7-16-14(6) (reg.)	9-17-14	Amended App. C, § 18(b)(4), (c)(2), (3)
7-16-14(7) (reg.)	9-17-14	Added App. C, § 19(f) Amended App. C, § 19(a)(2), (b), (c), (d), (e)
7-16-14(8) (reg.)	9-17-14	Added App. C, § 27(e)(7)

7-16-14(9) (reg.)	1-28-15	Repealed App. C, § 3(117)
7-16-14(10) (reg.)	4-26-17	Amended 27-33(d)
8-11-14(1)	9-17-14	Amended 14-14(II)(a)
8-11-14(2)	9-17-14	Amended App. A, § 5.2.2, 5.3.6(a), (b)
10-15-14(1) (reg.)	11-19- 14	Amended App. C, § 7A(48)
10-15-14(2) (reg.)	11-19- 14	Added App. C, § 7A(159)
10-15-14(3) (reg.)	11-19- 14	Added App. C, § 9(c)(9)
10-15-14(4) (reg.)	11-19- 14	Added App. C, § 16(a)(20)
10-15-14(5) (reg.)	1-28-15	Amended App. C, § 7A(159)
10-15-14(6) (reg.)	7-15-15	Amended App. C, § 9(a)(111)
10-20-14	11-19- 14	Amended 21-111—21-115
11-10-14	12-17- 14	Added 17-8B
12-1-14(1)	12-31- 14	Amended 18-2 18-18—18-20 Repealed 18-20.1 Amended 18-26—18-28 18-30 18-70 18-92 18-95 18-105 18-111 12-1-14(2)
	1-7-15	Amended 18-36—18-40 Repealed 18-41 Amended 18-49 18-51

		18-52
		18-55
		18-57
		18-120
12-17-14(1) (reg.)	1-28-15	Added App. C, § 3(307)
12-17-14(2) (reg.)	2-25-15	Added App. C, § 7A(160)
12-19- 14(reg.)	2-25-15	Repealed App. C, § 12-1(49)
2-9-15	3-18-15	Amended App. A, § 3.1.2(c)
		App. A, § 4.4.5(d)(4)
		App. A, § 5.1.1(g)—(i)
		App. A, § 5.1.2(f)
		App. A, § 13.1.2
		App. A, Use Table
2-18-15(1) (reg.)	3-25-15	Added App. C, § 7A(161)
2-18-15(2) (reg.)	3-25-15	Repealed App. C, § 16(20)
3-23-15	4-29-15	Amended App. A, § 4.4.5(d)(4)
4-15-15(1) (reg.)	6-17-15	Amended App. C, § 7A(94)
4-15-15(2) (reg.)	6-10-15	Amended App. C, § 7A(140)
4-15-15(3) (reg.)	7-15-15	Amended App. C, § 9(b)(22)
4-15-15(4) (reg.)	7-15-15	Amended App. C, § 12-1(10)
4-15-15(5) (reg.)	7-15-15	Added App. C, § 17(a)(18)
4-15-15(6) (reg.)	6-10-15	Amended App. C, § 17(e)(16)
4-15-15(7) (reg.)	6-10-15	Amended App. C, § 27(e)(1), (5)
5-20- 15(reg.)	9-9-15	Amended App. C, § 7A(117)

6-15-15	7-15-15	Amended App. A, Use Table
6-17-15(1)	8-12-15	Added App. C, § 3(308)
6-17-15(2)	8-12-15	Added App. C, § 3(309)
6-17-15(3)	8-12-15	Added App. C, § 7(524)
6-29-15	7-29-15	Amended 14-14
7-15-15(1) (reg.)	8-19-15	Amended App. C, § 4(18)
7-15-15(2) (reg.)	8-19-15	Added App. C, § 7(525)
7-15-15(3) (reg.)	8-19-15	Added App. C, § 12(b)(2)
7-15-15(4) (reg.)	8-19-15	Amended App. C, § 16(a)(17), (20)
8-10-15(1)	9-9-15	Amended 31-39—31-50
8-10-15(2)	9-9-15	Amended App. A, §§ 3.3.3—3.3.10
8-10-15(3)	9-9-15	Amended App. A, § 3.5.2(a)
		App. A, § 3.5.3
		App. A, § 3.5.6
		App. A, § 4.4.5(d)(5)(C)
		App. A, § 9.1.5
		App. A, § 9.1.8—9.1.21
		App. A, § 9.2.3
		App. A, § 9.2.5
		App. A, § 9.2.9
		App. A, § 9.2.10
		App. A, § 11.1.3—11.1.7
8-10-15(4)	9-9-15	Amended App. A, §§ 4.4.1—4.4.3
8-10-15(5)	9-9-15	Amended App. A, § 5.1.2(f)
8-10-15(6)	9-9-15	Amended App. A, Use Table
9-16-15(1) (reg.)	10-14- 15	Added App. C, § 7(526)
9-16-15(2) (reg.)	10-14- 15	Amended App. C, § 7A(43), (44), (75), (90)
		Added App. C, § 7A(162), (163)
10-13-15(1)	11-18- 15	Added 17-11—17-72

10-13-15(2)	11-18-15	Added 17-73
10-13-15(3)	11-11-15	Amended 23-3
		23-4
		23-6
		23-9
		23-10
10-21-15(reg.)	11-25-15	Added App. C, § 7(527)
10-26-15	11-25-15	Amended 20-55(f)
11-18-15(1) (reg.)	12-30-15	Added App. C, § 3(310)
11-18-15(2) (reg.)	1-13-16	Amended App. C, § 7(526)
11-18-15(3) (reg.)	12-30-15	Amended App. C, § 7A(81), (117)
11-18-15(4) (reg.)	12-30-15	Added App. C, § 27(e)(8)
12-16-15(1) (reg.)	1-13-16	Added App. C, § 3(311)
12-16-15(2) (reg.)	1-13-16	Added App. C, § 4(19)
12-16-15(3) (reg.)	1-13-16	Added App. C, § 5(42)
12-16-15(4) (reg.)	1-13-16	Amended App. C, § 16(a)(15)
1-20-16(reg.)	3-16-16	Amended App. C, § 7
2-16-16	4-13-16	Amended Ch. 30
2-17-16(1) (reg.)	6-8-16	Added App. C, § 7(530)
2-17-16(1a) (reg.)	1-31-18	Amended App. C, § 7(530)
2-17-16(2) (reg.)	6-8-16	Added App. C, § 7A(164)
3-7-16(1)	4-13-16	Amended 13-47

3-7-16(2)	4-13-16	Amended 21-36
3-7-16(3)	4-13-16	Amended App. A, Art. 5, Pt. 4 Added App. A, § 5.4.12 Amended App. A, § 13.1.2 App. A, Use Table
3-7-16(4)	4-13-16	Amended App. A, Use Table
4-20-16(1) (reg.)	6-1-16	Amended 20-74(a)
4-20-16(2) (reg.)	6-8-16	Amended App. C, §§ 7(238), (240) Added App. C, §§ 7(534)—(538)
4-20-16(3) (reg.)	6-1-16	Added App. C, §§ 7(531)—(533)
4-20-16(4) (reg.)	6-1-16	Amended App. C, § 27(a)(14)
5-18-16(1) (reg.)	6-15-16	Amended App. C, §§ 9(a)(92), (b)(5)
5-18-16(2) (reg.)	6-15-16	Amended App. C, § 12-1(27)
5-18-16(3) (reg.)	6-15-16	Amended App. C, §§ 27(a)(4), (21)
6-15-16(1) (reg.)	7-27-16	Amended App. C, § 7A(39)
6-15-16(2) (reg.)	7-27-16	Added App. C, §§ 7A(165), (166)
6-15-16(3) (reg.)	7-27-16	Repealed App. C, § 12-1(7) Added App. C, § 12-1(52)
6-15-16(4) (reg.)	7-27-16	Amended 20-55(a)(3)
7-20-16(a) (reg.)	6-27-18	Amended App. C, § 7(343) Added App. C, § 7(545)
7-20-16(1) (reg.)	8-24-16	Added App. C, § 7(539)
7-20-16(1a) (reg.)	6-27-18	Added App. C, § 7A(168)

7-20-16(2) (reg.)	8-24-16	Amended App. C, § 12-1(21)
7-20-16(2.1) (reg.)	6-27-18	Amended App. C, § 17(e)(28)
7-20-16(2a) (reg.)	8-24-16	Added App. C, §§ 17(g)(11), (12)
7-20-16(3) (reg.)	8-24-16	Repealed App. C, § 26(14)
8-15-16(1)	9-21-16	Amended App. A, § 2.3.2 App. A, § 2.3.3(c)
8-15-16(2)	9-21-16	Amended App. A, § 4.3.2 App. A, § 4.5.2 App. A, § 7.2.1 App. A, Map 4.5.2-1 App. A, Map 4.5.2-2 App. A, Map 4.5.2-3 App. A, Map 4.5.2-4 App. A, Appendix B
8-15-16(3)	9-21-16	Amended App. A, § 4.4.5(d)(3) App. A, § 6.2.2(i) App. A, § 13.1.2
8-15-16(4)	9-21-16	Amended App. A, § 4.5.4 App. A, Map 4.5.4-1
8-15-16(5)	9-21-16	Amended App. A, § 10.1.9(a) App. A, § 10.1.11(a)
8-15-16(6)	9-21-16	Amended App. A, Use Table
9-12-16	10-12- 16	Amended 20-55(e)
9-21-16(1) (reg.)	10-19- 16	Amended App. C, § 7
9-21-16(1a) (reg.)	10-19- 16	Amended App. C, § 7A(55)
9-21-16(2) (reg.)	10-19- 16	Repealed App. C, § 16(a)(1)
9-21-16(3) (reg.)	10-19- 16	Added App. C, § 17(f)(12)

9-21-16(4) (reg.)	10-19-16	Amended 20-55(a)(4)
9-21-16(5) (reg.)	11-2-16	Added App. C, §§ 27(a)(41), (42), (h)
9-26-16(1)	11-2-16	Amended App. A, § 8.1.15
9-26-16(2)	11-2-16	Amended App. A, Use Table
9-29-16	11-8-16	Amended App. A, § 4.2.1 App. A, § 4.2.2 App. A, § 4.3.2 Added App. A, § 4.5.8 Amended App. A, § 5.2.6
10-19-16(1) (reg.)	6-7-17	Amended App. C, § 7A(144) App. C, § 9(a)
10-19-16(2) (reg.)	4-5-17	Added App. C, § 11-1(14)
11-28-16(1)	12-28-16	Amended App. A, § 4.3.1(b) App. A, § 4.4.2 App. A, § 9.1.8 App. A, § 9.1.12(a) App. A, § 9.1.13 App. A, § 9.1.14(e) App. A, § 9.1.15 App. A, § 9.1.16 App. A, Map 4.3.1-1 App. A, Map 4.4.2-1 App. A, Map 4.4.5-1 App. A, Map 4.4.5-2 App. A, Map 8.1.3-1 App. A, Use Table
11-28-16(2)	12-28-16	Amended App. A, § 8.1.12(a) App. A, § 8.1.15 App. A, § 13.1.2

12-19-16(1)	2-1-17	Amended App. A. § 2.2.1 Amended App. A. § 2.2.2
12-19-16(2)	2-1-17	Amended App. A, Map 4.3.1-1 Amended App. A, Map 4.4.2-1 Amended App. A, Map 4.4.5-1
12-19-16(3)	2-1-17	Added App. A, § 2.7.8 Renumbered App. A, §§ 2.7.8—2.7.11 as §§ 2.7.9—2.7.12
12-21-16(1) (reg.)	4-26-17	Added App. C, § 18(d)
12-21-16(2) (reg.)	4-26-17	Added 20-55(a)(16)
1-18-17(1) (reg.)	2-15-17	Amended App. C, §§ 17(e)(8), (14), (17), (62) Added App. C, § 17(e)(71)
1-18-17(2) (reg.)	2-15-17	Amended App. C, § 17(f)(10) Added App. C, §§ 17(f)(13)—(19)
1-18-17(3) (reg.)	2-22-17	Amended 20-67(b)
1-30-17(1)	3-1-17	Added App. A, § 3.1.2(c)(10) Amended App. A, § 5.4.1 App. A, Use Table
1-30-17(2)	3-1-17	Amended App. A, Use Table
2-6-17	3-15-17	Amended 17-8A
2-15-17(1) (reg.)	4-5-17	Amended App. C, § 7(4)
2-15-17(2) (reg.)	4-5-17	Amended App. C, §§ 17(b)(3), (5)
3-13-17	4-19-17	Amended App. A, § 3.2.1(d) App. A, § 3.5.1 App. A, § 3.5.2(b) App. A, § 3.5.3
3-15- 17(reg.)	4-26-17	Amended App. C, § 3(117)
3-27-17(1)	3-28-17	Amended App. B, § 8
3-27-17(2)	3-28-17	Amended App. B, § 9

4-19-17(1) (reg.)	5-24-17	Amended App. C, §§ 7(162), (164)
4-19-17(2) (reg.)	5-24-17	Amended App. C, § 7(460)
5-15-17	6-21-17	Amended App. A, Map 4.3.1-1 App. A, Map 4.4.4-1 App. A, Map 4.4.5-1 App. A, Map 8.1.3-1
5-17-17(1) (reg.)	6-28-17	Amended App. C, § 9(a)(11)
5-17-17(2) (reg.)	6-28-17	Amended App. C, § 20(a)(8)
6-5-17	7-5-17	Amended 18-105 18-111
6-21-17(a) (reg.)	6-27-18	Amended App. C, §§ 5(3), (22)
6-21-17(1) (reg.)	8-2-17	Amended App. C, § 7
6-21-17(1a) (reg.)	6-27-18	Amended App. C, § 7(238)
6-21-17(1b) (reg.)	1-29-20	Amended App. C, § 18
6-21-17(2) (reg.)	8-16-17	Added App. C, § 28
7-13-17(1) (reg.)	10-11- 17	Amended App. C, § 3(128)
7-13-17(2) (reg.)	10-11- 17	Amended App. C, § 3(131)
7-13-17(3) (reg.)	10-11- 17	Amended App. C, §§ 7(169), (172)
7-13-17(4) (reg.)	10-11- 17	Amended App. C, § 7(173)
7-13-17(4a) (reg.)	5-15-19	Amended App. C, § 7(407)
7-13-17(5) (reg.)	10-11- 17	Added App. C, § 9-2
7-13-17(6) (reg.)	10-11- 17	Amended App. C, § 13(1)

8-7-17(1)	9-6-17	Added 18-111(h)
8-7-17(2)	9-6-17	Amended App. A, § 3.1.2 App. A, Table 4.4.2-2 App. A, Table 4.4.5-1 App. A, § 4.4.6(d) App. A, § 4.5.2(c) App. A, §§ 4.5.4(c), (d), (e), (f) App. A, § 5.2.6(c) App. A, § 5.3.6 App. A, §§ 6.1.2(b), (e) App. A, § 6.2.2(m) App. A, § 11.1.3 App. A, § 13.1.2 App. A, Use Table Repealed App. A, Appendix B
8-7-17(3)	9-6-17	Amended App. A, § 7.2.1 App. A, § 7.2.5
8-7-17(4)	9-6-17	Amended App. A, § 13.1.2 App. A, Use Table
8-17-17(reg.)	12-20-17	Amended App. C, § 3(244)
9-20-17(1)(reg.)	11-29-17	Amended App. C, § 7(322)
9-20-17(2)(reg.)	11-29-17	Amended App. C, §§ 7A(75), (90), (131)
9-20-17(3)(reg.)	11-29-17	Added App. C, § 9-2(2)
9-20-17(4)(reg.)	5-30-18	Amended App. C, §§ 9-2(2), (3)
9-20-17(5)(reg.)	11-29-17	Added App. C, § 27(i)
10-18-17(1)(reg.)	1-31-18	Amended App. C, § 7(449)
10-18-17(2)(reg.)	11-29-17	Amended App. C, § 7A(150)

10-18-17(3) (reg.)	11-29- 17	Added App. C, § 11-1(15)
10-18-17(4) (reg.)	11-29- 17	Amended App. C, §§ 16(a)(1), (21), (b)(2)
11-13-17	1-3-18	Amended App. A, § 3.2.1
		App. A, § 3.2.2
		App. A, § 3.2.3
		App. A, § 3.2.7
		App. A, § 3.4.2
		App. A, § 3.5.2
		App. A, § 4.3.1
		App. A, § 4.3.2
		App. A, § 4.4.1
		App. A, § 4.4.5
		App. A, § 4.5.1
		Repealed App. A, § 4.5.8
		Amended App. A, § 6.0.1
		App. A, § 7.2.1
		App. A, § 7.2.3
		App. A, § 7.2.4
		App. A, § 7.3.1
		App. A, § 7.3.2
		App. A, § 8.1.12
		App. A, § 8.1.15
		App. A, § 9.1.8
		App. A, § 9.1.12
		App. A, § 9.2.2
		App. A, § 11.1.3
		App. A, § 13.1.2
		Added App. A, Art. XIV
		Amended App. A, Use Table

11-15-17(1)
(reg.) 1-31-18 Amended 20-88

11-15-17(2)
(reg.) 1-31-18 Amended App. C, §§ 17(a), (b)

11-27-17(1)	12-27-17	Amended App. A, § 4.4.2
		Amended App. A, § 4.4.5
11-27-17(2)	12-27-17	Amended App. A, § 5.2.3
		Amended App. A, § 13.1.2
11-27-17(3)	12-27-17	Amended App. A, § 5.4.4
		Added App. A, § 5.4.13
		Amended App. A, § 8.1.8
		Amended App. A, § 13.1.2
		Amended App. A, Use Table
11-27-17(4)	12-27-17	Amended App. A, § 5.4.12
11-27-17(5)	12-27-17	Amended App. A, § 8.1.8
		Amended App. A, Use Table
12-20-17(1) (reg.)	6-27-18	Amended App. C, §§ 7(146), (147), (503)
12-20-17(2) (reg.)	6-27-18	Added App. C, §§ 26(16)—(18)
1-8-18(1)	2-7-18	Amended App. A, Map 4.3.1-1
		App. A, Map 4.4.2-1
		App. A, Map 4.4.5-1
		App. A, Map 8.1.3-1
1-8-18(2)	2-7-18	Amended App. A, Table 8.1.8-1
1-17-18(1) (reg.)	2-21-18	Added App. C, §§ 3(312)—(319)
1-17-18(2) (reg.)	2-21-18	Amended App. C, § 7A(136)
1-17-18(3) (reg.)	4-25-18	Added App. C, § 17(b)(26)
1-22-18(1)	2-21-18	Amended 24-14
		24-21(h)
		24-22(a)
		24-26(a)
		24-40(a)

24-42

1-22-18(2)	2-21-18	Amended	25-1—25-45
2-21-18(1) (reg.)	4-25-18	Amended	App. C, § 7(164)
2-21-18(1a) (reg.)	6-27-18	Added	App. C, §§ 7(542)—(544)
2-21-18(2) (reg.)	4-25-18	Added	App. C, §§ 10(17), (18)
2-21-18(3) (reg.)	4-25-18	Amended	App. C, § 12-1(7)
2-21-18(4) (reg.)	6-27-18	Added	App. C, § 17(f)(21)
3-12-18	4-11-18	Repealed	21-8
			21-9
			21-21—21-23
			21-25—21-27
			21-40
3-21-18(1) (reg.)	5-9-18	Amended	App. C, §§ 7(136), (400)
3-21-18(2) (reg.)	5-9-18	Added	App. C, § 11-1(16)
3-21-18(3) (reg.)	5-9-18	Amended	App. C, §§ 25(2)—(9)
3-21-18(4) (reg.)	1-30-19	Amended	App. C, § 7(136)
3-26-18	4-25-18	Amended	App. A, § 5.2.5(b)
			App. A, § 6.2.2(m)
			App. A, § 13.1.2
4-18-18(1) (reg.)	5-16-18	Added	App. C, § 7A(167)
4-18-18(2) (reg.)	5-16-18	Amended	App. C, § 9(b)(3)
4-18-18(3) (reg.)	5-16-18	Added	App. C, § 12(3)
4-18-18(4) (reg.)	5-16-18	Amended	App. C, § 17(e)(38)
4-18-18(5) (reg.)	5-16-18	Added	App. C, § 17(f)(20)

4-18-18(6) (reg.)	5-16-18	Amended App. C, § 20(a)(9)
4-18-18(7) (reg.)	5-16-18	Amended App. C, §§ 25(4), (9)
5-14-18	6-13-18	Amended 21-24 21-38(a), (b) 21-56(b)
5-16-18(1) (reg.)	6-27-18	Added App. C, § 7(546)
5-16-18(2) (reg.)	6-27-18	Amended App. C, §§ 7A(26), (80), (89), (119)
5-16-18(3) (reg.)	6-27-18	Amended App. C, §§ 12-1(13), (22), (23)
5-16-18(4) (reg.)	6-27-18	Amended App. C, § 18(a)(5)
5-16-18(5) (reg.)	6-27-18	Amended App. C, § 19(b)(4)
5-16-18(6) (reg.)	6-27-18	Added App. C, § 26(19)
5-21-18	6-27-18	Amended 21-42(a), (b)
6-18-18(1)	7-18-18	Amended 14-14(II)(b)
6-18-18(2)	7-18-18	Amended 18-30
6-20-18(1) (reg.)	8-1-18	Amended App. C, §§ 2(a)(67), (71)
6-20-18(2) (reg.)	8-1-18	Amended App. C, § 7(390)
6-20-18(3) (reg.)	8-1-18	Amended App. C, §§ 7A(3), (42), (44), (82), (100) Added App. C, § 7A(169)
6-20-18(4) (reg.)	8-1-18	Amended App. C, § 7A(160)
6-20-18(5) (reg.)	8-1-18	Amended App. C, § 26(8)
6-25-18(1)	7-25-18	Amended 13-4 13-5 13-8 13-14

		13-16
		13-20—13-22
		13-35—13-37
		13-40
		13-43
		13-44
		13-47
		13-52—13-54
		13-58—13-62
		13-65
6-25-18(2)	7-25-18	Amended 18-2
		Rpld&Rplcd 18-20
7-18-18(1) (reg.)	8-29-18	Added App. C, § 7A(170)
7-18-18(2) (reg.)	8-29-18	Amended App. C, § 13(2)
7-18-18(2a) (reg.)	10-17- 18	Amended App. C, § 13(2)
7-18-18(3) (reg.)	8-29-18	Amended App. C, § 13(4)
7-18-18(3a) (reg.)	2-19-20	Amended App. C, § 13(4)
7-18-18(4) (reg.)	8-29-18	Amended App. C, §§ 17(e)(19), (22)
7-18-18(4a) (reg.)	7-24-19	Amended App. C, § 18(a)(7)
7-18-18(4b) (reg.)	7-24-19	Amended App. C, § 18(b)(4)
9-19-18(1) (reg.)	10-17- 18	Amended App. C, § 7(279)
9-19-18(2) (reg.)	10-17- 18	Added App. C, § 18(5)
10-15-18	11-28- 18	Amended 18-20
10-18-18(1) (reg.)	11-21- 18	Amended App. C, § 7(290)

10-18-18(1a) (reg.)	2-5-20	Amended App. C, § 7(290)
10-18-18(2) (reg.)	11-21- 18	Amended App. C, § 7(305)
11-13-18(1)	12-12- 18	Amended App. A, § 3.2.5
		App. A, § 3.2.7
		App. A, § 3.2.9(b), (d), (e)
11-13-18(2)	12-12- 18	Amended App. A, §§ 8.2.1—8.2.8
11-13-18(3)	12-12- 18	Amended App. A, Use Table
11-28-18(1) (reg.)	1-9-19	Added App. C, §§ 7(547)—(549)
11-28-18(2) (reg.)	1-9-19	Amended App. C, § 7A(168)
11-28-18(3) (reg.)	1-9-19	Amended App. C, § 27
		Added App. C, § 29
11-28-18(4) (reg.)	5-8-19	Amended App. C, § 29
12-19-18(1) (reg.)	1-30-19	Added App. C, § 9-1
12-19-18(2) (reg.)	1-30-19	Amended App. C, § 11-1(16)
1-16- 19(reg.)	2-20-19	Added App. C, § 7(44)
1-28-19(1)	2-27-19	Amended App. A, § 3.5.3
1-28-19(2)	2-27-19	Amended App. A, § 5.2.7(a)
2-11-19 (res.)	2-11-19	Amended App. B, §§1—21
2-20- 19(reg.)	4-3-19	Added App. C, § 7(138)
3-20-19(1) (reg.)	4-24-19	Added App. C, § 7(550)
3-20-19(1a) (reg.)	5-22-19	Amended App. C, §§ 17(e)(7), (g)(7), (9)
3-20-19(2) (reg.)	4-24-19	Added App. C, § 27(f)(10)

3-20-19(3) (reg.)	4-24-19	Amended App. C, § 29(1)
4-16-19(1) (reg.)	5-22-19	Amended App. C, § 7(187)
4-16-19(1a) (reg.)	9-11-19	Added App. C, § 7(551)
4-16-19(2) (reg.)	5-29-19	Added App. C, § 7(552)
4-16-19(3) (reg.)	5-29-19	Amended App. C, § 9(b)(14)
4-16-19(4) (reg.)	5-22-19	Amended App. C, § 27
4-16-19(5) (reg.)	9-11-19	Added App. C, § 29(7)
5-15-19(1) (reg.)	9-11-19	Amended App. C, § 7(50), (60), (66), (167), (332), (335)
		Amended App. C, § 8(5)
5-15-19(2) (reg.)	6-19-19	Added App. C, § 7(553)
6-17-19(1)	7-24-19	Amended App. A, § 4.4.3(c)
		Amended App. A, § 8.1.8
		Amended App. A, § 13.1.2
		Amended App. A, § 14.3.4
		Amended App. A, § 14.3.5
		Amended App. A, Use Table
6-17-19(2)	7-24-19	Amended App. A, § 4.4.3(d)
		Amended App. A, Use Table
6-19-19(1) (reg.)	7-24-19	Amended App. C, §§ 1a(22), (25)
		Amended App. C, §§ 3(132), (151)
		Amended App. C, § 7(62)
6-19-19(2) (reg.)	7-24-19	Amended App. C, § 7(50)
6-19-19(3) (reg.)	7-24-19	Added App. C, § 7(554)
6-19-19(4) (reg.)	7-24-19	Amended App. C, §§ 9(a)(116), (117)

Added App. C, §§ 9(b)(33), (34)

6-19-19(5) (reg.)	7-24-19	Amended App. C, § 9(b)(22)
6-19-19(6) (reg.)	7-24-19	Added App. C, § 16(a)(22)
6-19-19(7) (reg.)	7-24-19	Amended App. C, § 17(e)(5)
7-17-19(1) (reg.)	9-11-19	Amended App. C, § 5(12), (13)
7-17-19(2) (reg.)	10-30- 19	Added App. C, § 7(555)
7-17-19(3) (reg.)	10-30- 19	Amended App. C, § 23(2)
8-26-19	10-2-19	Amended App. A, § 3.1.2(a)(9), (c) Amended App. A, § 4.4.6(d) Amended App. A, § 5.5.4 Amended App. A, § 6.2.2(p) Amended App. A, § 13.1.2 Amended App. A, Use Table
9-9-19(1)	10-9-19	Amended 8-28(a)
9-9-19(2)	10-9-19	Amended 18-111
9-18-19(1) (reg.)	10-30- 19	Added App. C, § 7(556)
9-18-19(2) (reg.)	10-30- 19	Added App. C, § 7(557)
9-18-19(3) (reg.)	10-30- 19	Added App. C, § 7(558)
9-18-19(4) (reg.)	10-30- 19	Added App. C, § 7(559)
9-18-19(5) (reg.)	10-30- 19	Amended App. C, § 7A(15)
9-18-19(6) (reg.)	10-30- 19	Amended App. C, § 9(b)(33), (34) Amended App. C, § 27(a)(15)
9-18-19(7) (reg.)	10-30- 19	Amended App. C, § 18(a)(6)
9-18-19(8) (reg.)	10-30- 19	Amended App. C, § 19(b)(5)

9-18-19(9) (reg.)	10-30- 19	Added App. C, § 23(7)
10-7-19	11-14- 19	Amended App. A, Map 4.3.1-1 Amended App. A, Map 4.4.1-1 Amended App. A, Map 4.4.5-1 Amended App. A, Map 8.1.3-1 Amended App. A, § 14.2, Maps 1, 2, 3
10-23- 19(reg.)	12-11- 19	Amended App. C, § 7A(160)
10-28-19(1)	11-27- 19	Repealed 8-76—8-95
10-28-19(2)	11-27- 19	Amended App. A, § 2.3.2
10-28-19(3)	11-27- 19	Amended App. A, § 3.3.3 Amended App. A, § 4.4.5(d)(7) Amended App. A, § 8.1.8 Amended App. A, §§ 9.1.1—9.1.20
10-28-19(4)	11-27- 19	Amended App. A, §§ 7.1.1—7.1.11 Repealed App. A, § 7.1.12 Amended App. A, §§ 7.2.1—7.2.6 Added App. A, §§ 7.2.7—7.2.14 Amended App. A, §§ 7.3.1—7.3.5 Amended App. A, § 13.1.2
11-20-19(1) (reg.)	1-1-20	Added App. C, § 7(560)—(563)
11-20-19(2) (reg.)	1-29-20	Amended App. C, § 7A(41) Added App. C, § 7A(171)
11-20-19(3) (reg.)	1-1-20	Amended App. C, § 9(b)(32) Amended App. C, § 12(b)(1)
11-20-19(4) (reg.)	1-1-20	Amended App. C, § 11(a)(13)

12-18-19(reg.)	1-29-20	Amended App. C, § 7A(163)
1-15-20(1) (reg.)	2-19-20	Amended App. C, § 7A(81)
1-15-20(2) (reg.)	2-19-20	Amended App. C, § 9(b)(26)
1-15-20(3) (reg.)	2-19-20	Added App. C, § 11-1(17)
1-15-20(4) (reg.)	2-19-20	Amended App. C, § 12-1(45)
1-15-20(5) (reg.)	2-19-20	Amended App. C, § 13(6)
1-15-20(6) (reg.)	2-19-20	Amended App. C, § 27(a)(1), (2)
2-18-20(1)	4-1-20	Amended 21-5 Amended 27-63 Repealed 27-64—27-66 Amended 27-67 27-68 Repealed 27-69—27-71
2-18-20(2)	4-1-20	Amended 27-100—27-108
2-18-20(3)	4-1-20	Amended App. A, § 5.2.3 App. A, § 5.3.4 App. A, § 5.3.5 App. A, § 5.4.5 App. A, § 8.1.14 App. A, § 13.1.2 App. A, Use Table
2-19-20(1) (reg.)	3-25-20	Amended App. C, § 7A(33)
2-19-20(2) (reg.)	3-25-20	Amended App. C, § 10(4)
2-19-20(3) (reg.)	3-25-20	Added App. C, § 11(e)
2-19-20(4) (reg.)	3-25-20	Amended App. C, § 11-1(14)

2-19-20(5) (reg.)	3-25-20	Amended App. C, § 12-1(27)
3-9-20(1)	4-29-20	Rpld&Rplcd 21-43
3-9-20(2)	4-29-20	Amended App. A, § 3.1.2 App. A, § 4.4.5 App. A, § 5.1.2 App. A, § 11.1.6 App. A, § 13.1.2 App. A, § 14.8
4-27- 20(res.)	4-27-20	Amended App. B, § 15
5-18-20	7-8-20	Amended 27-29—27-37
5-20-20(1) (reg.)	7-29-20	Added App. C, § 30
5-20-20(2) (reg.)	7-29-20	Added App. C, § 31
6-15-20	7-22-20	Added 27-39
7-8-20(reg.)	7-29-20	Repealed 9-11 20-39 20-40 22-17
7-15-20(1) (reg.)	9-9-20	Amended App. C, § 7A(80)
7-15-20(2) (reg.)	9-9-20	Amended App. C, § 19(d)
8-10-20	9-16-20	Amended App. A, Use Table
8-24-20	10-7-20	Amended 18-31(a)
9-14-20(1)	10-21- 20	Amended 14-14(II)(b)
9-14-20(2)	10-21- 20	Amended App. A, § 8.1.3 Amended App. A, § 8.1.6 Amended App. A, §§ 8.1.8—8.1.15 Added App. A, § 8.1.16
9-15- 20(reg.)	10-14- 20	Amended App. C, § 5(30)

Amended App. C, §§ 7(149), (152)

9-16-
20(reg.) 11-18-
 20 Amended 20-56

Amended App. C, §5(8)

10-5-20 11-25-
 20 Added 21-45A

11-9-20(1) 12-16-
 20 Amended App. A, § 4.4.2(d)

Amended App. A, § 4.4.5(d)

11-9-20(2) 12-16-
 20 Amended App. A, Map 4.3.1-1

Amended App. A, § 4.4.5(d)

Amended App. A, Map 4.4.5-1

Amended App. A, § 4.4.6(b)

Amended App. A, Map 4.4.6-1

11-9-20(3) 12-16-
 20 Amended App. A, § 5.1.2(f)

11-9-20(4) 12-16-
 20 Amended App. A, § 5.4.1

Amended App. A, Table 8.1.8-1

Amended App. A, § 13.1.2

Amended App. A, Use Table

11-9-20(5) 12-16-
 20 Amended App. A, § 6.2.2(i)

Amended App. A, § 8.1.12(c)
[App. A, § 8.1.12(b)]

11-18-20(1)
(reg.) 2-3-21 Amended App. C, § 7A(159)

11-18-20(2)
(reg.) 2-3-21 Amended App. C, § 9(a)(38),

Added App. C, § 9(c)(10)

11-18-20(3)
(reg.) 2-3-21 Amended App. C, § 12(b)(2)

Amended App. C, § 12-1(29)

12-16-
20(reg.) 2-3-21 Added App. C, §§ 10(19), (20)

Amended App. C, § 12-1(9)

Amended App. C, § 13(7)

1-20- 21(reg.)	8-25-21	Added App. C, § 7(569)—(577)
2-16-21	3-24-21	Amended 5-16
2-17-21(a) (reg.)	6-16-21	Amended 6-1 Added 6-3(f), (g)
2-17-21(b) (reg.)	6-16-21	Amended 20-1 Amended 20-121 Added 20-125 Added 20-126
2-17-21(c) (reg.)	6-16-21	Repealed App. C, § 2(b)
2-17-21(1) (reg.)	3-17-21	Amended App. C, § 3(152)
2-17-21(2) (reg.)	3-17-21	Amended App. C, §§ 7(60), (194), (200)
2-17-21(3) (reg.)	3-17-21	Amended App. C, § 7A(163)
2-17-21(4) (reg.)	3-17-21	Amended App. C, §§ 12-1(47)—(51)
2-17-21(5) (reg.)	3-17-21	Added App. C, §§ 15(26)—(28)
2-17-21(6) (reg.)	3-17-21	Added App. C, § 16(a)(23)
2-17-21(7) (reg.)	3-17-21	Amended App. C, § 31
3-17-21(1) (reg.)	5-12-21	Repealed App. C, § 7A(146)
3-17-21(2) (reg.)	5-12-21	Amended App. C, § 19(b)(8), (b)(9) Repealed App. C, § 19(b)(10)
3-17-21(3) (reg.)	5-12-21	Amended App. C, § 31(b)
4-12-21	6-2-21	Added 21-14
4-21- 21(reg.)	9-8-21	Added App. C, § 7(578)—(580)

4-26-21(1)	6-2-21	Amended 21-14(b)(1), (c)(3)
4-26-21(2)	6-2-21	Amended App. A, Map 4.3.1-1
		Amended App. A, Map 4.4.5-1
		Amended App. A, Map 4.4.6-1
		Amended App. A, Map 4.5.1-1
4-26-21(3)	6-2-21	Amended App. A, § 4.4.5(b)
		Amended App. A, § 4.5.4(a), (c)
4-26-21(4)	6-2-21	Amended App. A, § 5.5.2(f)
5-10-21	6-16-21	Amended 18-2
		Added 18-71(d)
		Added 18-73(f)
		Added 18-86(d)
		Added 18-130—18-132
		Added 18-512
5-19-21(1) (reg.)	6-23-21	Added App. C, § 7(564)
5-19-21(2) (reg.)	6-23-21	Added App. C, § 7(565)
5-19-21(3) (reg.)	6-23-21	Added App. C, §§ 7A(172), (173)
5-19-21(4) (reg.)	6-23-21	Repealed App. C, § 10(5)
5-24-21	6-30-21	Amended 26-53
		Amended 26-54
		Amended 26-56
		Amended 31-45
		Amended 31-47
		Amended 31-48
		Added 31-61
		Amended 31-63—31-65
6-7-21	7-14-21	Amended 14-14(II)(b)
6-16- 21(reg.)	7-14-21	Amended App. C, § 7A(125)
6-28-21(1)	9-8-21	Added 8-76—8-79
6-28-21(2)	7-28-21	Amended 21-81(e), 21-84(c)

6-28-21(3)	7-28-21	Added 21-120, 21-121, 21-122, 21-123, 21-124
7-21-21(reg.)	8-18-21	Added App. C, § 7(566)—(568)
9-16-21(reg.)	10-20-21	Added App. C, § 17(b)(27)
10-20-21(a) (reg.)	12-22-21	Amended 20-67
10-20-21(1) (reg.)	11-24-21	Amended App. C, § 3(166)
10-20-21(2) (reg.)	11-24-21	Added App. C, § 16(c)
		Amended 20-79
		Added 20-80
10-25-21(1)	11-23-21	Amended 30-4(c)
10-25-21(2)	11-24-21	Amended App. A, § 5.2.1
		Amended App. A, § 5.2.3(b)(10)
		Amended App. A, § 5.4.5(a)
		Amended App. A, § 13.1.2
		Amended App. A, Use Table
10-25-21(3)	11-24-21	Amended App. A, § 5.2.6
		Amended App. A, § 6.3.2(a)
		Amended App. A, § 13.1.2
10-25-21(4)	11-24-21	Amended App. A, § 14.1.3
		Amended App. A, § 14.2, Map 3
		Amended App. A, § 14.3.4-C
		Amended App. A, § 14.3.4-E
		Amended App. A, § 14.3.4-F
		Amended App. A, § 14.3.4-G
		Amended App. A, § 14.3.5-C
		Amended App. A, § 14.3.5-E
		Amended App. A, § 14.3.5-F
		Amended App. A, § 14.3.5-G

		Added App. A, § 14.3.6-I
		Amended App. A, § 14.4.13(a)
		Amended App. A, § 14.4.13-A
		Amended App. A, § 14.5.8-C
		Amended App. A, § 14.5.8-D
		Amended App. A, § 14.5.15-D
		Amended App. A, § 14.6.4(d), (e)
		Amended App. A, § 14.6.7(e), (g)(iii)
		Amended App. A, § 14.6.8(b)(v)
		Amended App. A, § 14.7.1(b), (d), (f)
		Amended App. A, § 14.7.2
		Amended App. A, § 14.7.3
		Amended App. A, § 14.8
11-17-21(1)	12-22-21	Amended App. C, § 4(1), (2)
11-17-21(2)	12-22-21	Amended App. C, § 7(50)
11-17-21(3)	12-22-21	Amended App. C, § 7(332), (333), (335)
11-17-21(4)	12-22-21	Amended App. C, § 27
12-15-21(1) (reg.)	6-8-22	Amended App. C, § 5(1)
		Amended App. C, § 7(210)
12-15-21(2) (reg.)	10-26-22	Added App. C, § 7(581)
		Amended App. C, § 8(6)
12-15-21(3) (reg.)	9-20-23	Added App. C, § 29(f)
1-10-22(1)	2-23-22	Amended 18-130
1-10-22(2)	2-23-22	Amended 21-67—21-74, 21-76—21-78
1-19-22(reg.)	2-16-22	Amended App. C, § 7(152)
2-16-22(reg.)	8-31-22	Amended App. C, § 7(422), (449), (500)
		Amended App. C, § 7A(147)

2-22-22(1)	4-6-22	Amended App. A, § 3.1.2 Amended App. A, § 4.5.4(f)
2-22-22(2)	4-6-22	Amended App. A, § 4.4.5(d) Amended App. A, § 5.3.4(a) Amended App. A, § 5.4.8
2-22-22(3)	4-6-22	Amended App. A, § 13.1.2
3-16-22(1) (reg.)	5-4-22	Repealed App. C, § 3(186), (187)
3-16-22(2) (reg.)	5-4-22	Repealed App. C, § 4(4), (5)
3-16-22(3) (reg.)	5-4-22	Added App. C, § 7(201)
3-16-22(4) (reg.)	5-4-22	Repealed App. C, § 7A(90)
3-16-22(5) (reg.)	5-4-22	Amended App. C, § 18(b)(1)
3-16-22(6) (reg.)	5-4-22	Amended App. C, § 19(b)(8), (c)
3-16-22(7) (reg.)	5-4-22	Amended App. C, § 30(b)(3)
4-27-22(1) (reg.)	6-1-22	Amended 20-74
4-27-22(2) (reg.)	6-1-22	Amended App. C, § 18(b) Added App. C, § 18(b)(6) Amended App. C, § 19(c) Added App. C, § 19(c)(3)
5-9-22(res.)	5-9-22	Amended App. B, § 4(a)
5-18- 22(reg.)	6-22-22	Amended App. C, § 29(b)
6-6-22(1)	7-13-22	Added 2-9
6-6-22(2)	7-13-22	Amended 22-23
6-22- 22(reg.)	7-20-22	Amended App. C, § 9(a)(44) Amended App. C, § 12-1(9)
6-27-22	8-3-22	Amended 18-2 Amended 18-15

		Amended 18-16
		Added 18-29a(d)
		Amended 18-30(a)
		Added 18-113
		Added 18-302(c)
		Amended 21-31(I), (II)
7-18-22	8-17-22	Amended 12-5, 12-6, 12-8, 12-9, 12-21, 12-22, 12-26, 12-45, 12-60
8-24-22(1) (reg.)	9-21-22	Added App. C, § 3(193)
8-24-22(2) (reg.)	9-21-22	Added App. C, § 7(214)
8-24-22(3) (reg.)	9-21-22	Added App. C, § 7(243)
		Repealed App. C, § 16(b)(1)
8-24-22(4) (reg.)	9-21-22	Added App. C, § 7(290)
8-24-22(5) (reg.)	9-21-22	Repealed App. C, § 9(21)
		Added App. C, §§ 12-1(39), (40)
		Amended App. C, § 7(468)
8-24-22(6) (reg.)	9-21-22	Repealed App. C, § 7A(137)
8-24-22(7) (reg.)	9-21-22	Repealed App. C, § 9(a)(107)
8-24-22(8) (reg.)	9-21-22	Repealed App. C, § 9(b)(28)
		Added App. C, § 11(f)
8-24-22(9) (reg.)	9-21-22	Repealed App. C, § 12-1(21)
9-21-22(1) (reg.)	10-26- 22	Added App. C, § 7A(90)
9-21-22(2) (reg.)	10-26- 22	Amended App. C, § 11-1(4)
9-21-22(3) (reg.)	10-26- 22	Amended App. C, § 18(c)(3)
10-24-22(1)	12-7-22	Amended 2-9
10-24-22(2)	12-7-22	Added 22-1(38)

11-7-22	12-14-22	Amended Ch. 14, Art. I
11-16-22(1) (reg.)	12-14-22	Amended 20-56(f)
11-16-22(2) (reg.)	12-14-22	Amended App. C, § 26(14)
11-16-22(3) (reg.)	12-14-22	Amended App. C, §§ 7(60), 12-1(45)—(51)
11-16-22(4) (reg.)	11-29-23	Amended App. C, § 7(252)
12-12-22(1)	1-11-23	Amended 8-44, 8-45, 8-46, 8-47, 8-49
12-12-22(2)	1-11-23	Amended 9-50(a)
12-12-22(3)	1-11-23	Repealed 22-21
12-21-22 (reg.)	2-1-23	Amended App. C, § 7A(28), (139)
1-18-23(1) (reg.)	2-15-23	Amended App. C, § 3(124)
1-18-23(2) (reg.)	2-15-23	Amended App. C, § 17(b)(3), (b)(23), (f)(17), (f)(18)
2-15-23(a) (reg.)	9-6-23	Amended 20-67(c), 20-80
2-15-23(b) (reg.)	6-14-23	Added App. C, § 10-1
		Amended App. C, §§ 7(114), (287), (366), (451), (501), (557), 7A(148), 9(a)(43), (61), (76), (b)(20), 10(19), 11(a)(12), 11-1(16), 12-1(29), (30)
2-15-23(1) (reg.)	3-15-23	Amended App. C, § 15(26)
2-15-23(2) (reg.)	3-15-23	Added App. C, § 17(b)(28)
		Amended App. C, § 17(g)(4)
2-15-23(3) (reg.)	3-15-23	Amended App. C, § 19(d)(6)
3-15-23(1) (reg.)	5-3-23	Amended App. C, § 18(a), (b)
3-15-23(2) (reg.)	5-3-23	Amended App. C, § 19(e)
3-27-23	3-27-23	Amended App. B, §§ 1—22
3-31-23(reg.)	5-3-23	Amended App. C, §§ 7(15), (99), (274), (343), (390), (479)—(481), (495), (551), 29

4-17-23(1)	5-24-23	Amended 5-13
4-17-23(2)	5-24-23	Amended 22-23, App. D, § 4
4-19-23(1) (reg.)	5-24-23	Amended App. C, § 4(3)
4-19-23(2) (reg.)	5-24-23	Amended App. C, § 7(309)
		Added App. C, § 26(20)
4-19-23(3) (reg.)	5-24-23	Amended App. C, §§ 9(a)(13), 12-1(33)
5-17-23(1) (reg.)	6-28-23	Added 20-66(b)(9)
5-17-23(2) (reg.)	7-12-23	Amended App. C, §§ 7(228), (271), (291)
		Added App. C, § 17(e)(73)
5-17-23(3) (reg.)	7-12-23	App. C, §§ 7(149), (310), (392), (432), (459), (512), (518), (531), Amended (564), 7A(83), (153), 9(a)(23), (106), 10(2), 11(a)(7), 12(a)(19), 12- 1(44), (46), 17(b)(18), (c)(16), (e)(49), (52), (66), (f)(5), 26(13), (17)
5-17-23(3a) (reg.)	8-16-23	Added App. C, § 12-1(53)
		Amended App. C, §§ 7(471), (513), (516), 9(d), 12(a)(1), (41), 12-1(36), (41)
5-17-23(4) (reg.)	7-12-23	Amended App. C, §§ 9(a)(110), 12-1(10), (14), 16(a)(1)
		Added App. C, §§ 16(a)(24), (25), 17(e)(72)
5-17-23(5) (reg.)	6-28-23	Amended App. C, § 11-1(10)
5-17-23(6) (reg.)	6-28-23	Added App. C, § 17(b)(29), (30)
6-20-23	7-26-23	Amended 22-23
6-21-23(1) (reg.)	7-19-23	Amended App. C, § 7(15)
6-21-23(2) (reg.)	7-19-23	Amended App. C, §§ 7A(28), 9(a)(11)
6-21-23(3) (reg.)	7-19-23	Amended App. C, §§ 9(b)(13), 12-1(21)
6-21-23(4) (reg.)	7-19-23	Amended App. C, § 10(4)
6-21-23(5) (reg.)	7-19-23	Amended 20-66(a), (b)(9)

7-24-23	8-23-23	Added App. A, § 4.5.8
		Amended App. A, §§ 4.4.3, 9.1.12, 9.1.13, 11.1.3, 13.1.2
7-26-23(1) (reg.)	9-6-23	Added App. C, §§ 5(43), (44), 12-1(54)
		Amended App. C, § 7(135)
7-26-23(2) (reg.)	9-6-23	Amended App. C, § 7(99)
7-26-23(3) (reg.)	9-6-23	Added App. C, §§ 7(582), (583)
		Amended App. C, § 7(402)
7-26-23(4) (reg.)	9-6-23	Added App. C, § 7(584)
7-26-23(5) (reg.)	9-6-23	Amended App. C, § 7A(158)
7-26-23(6) (reg.)	9-6-23	Amended App. C, § 12-1(18)
9-11-23	9-11-23	Amended 30-15(b)
9-20-23(1) (reg.)	11-1-23	Amended App. C, § 7(412)
9-20-23(2) (reg.)	11-1-23	Added App. C, § 7A(163)
9-20-23(3) (reg.)	11-1-23	Added App. C, § 26(21)
10-10- 23(res.)	10-10- 23	Amended App. B, § 16(c)
10-18- 23(reg.)	11-15- 23	Added App. C, § 26(22), (23)
10-23-23(1)	11-29- 23	Amended App. A, §§ 5.2.5, 6.2.2(h), 14.4.13
10-23-23(2)	11-29- 23	Amended App. A, § 5.1.2
10-23-23(3)	11-29- 23	Amended App. A, Maps 4.3.1-1, 4.4.2-1, 4.4.5-1
11-20-23	12-27- 23	Amended 8-76—8-80
12-20- 23(reg.)	1-31-24	Amended App. C, § 19
1-29-24	2-28-24	Amended 2-9

