



**Friday, June 5, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR
REMOTELY via ZOOM**

**When: Jun 5, 2026 02:00 PM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting**

Join from PC, Mac, iPad, or Android:

<https://zoom.us/j/98968077963?pwd=uasLIXnA6H8A6fZl5FNMFdWSVlt5X.1>

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+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

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International numbers available: <https://zoom.us/u/aMch255P7>

1. Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Draft Minutes

Subject	2.1. Adopt Draft Minutes from 2026-05-12 Collaborative with Planning Commission
Meeting	June 5, 2026 - Ordinance Committee Meeting - Friday, June 5, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	2. Adopt Draft Minutes
Department	Council and Board

Type

Recommended Action

Subject **2.2. Adopt Draft Minutes from 2026-05-21**

Meeting June 5, 2026 - Ordinance Committee Meeting - Friday, June 5, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 2. Adopt Draft Minutes

Department Council and Board

Type

Recommended Action

3. Public Forum

Subject **3.1. Verbal Comments**

Meeting June 5, 2026 - Ordinance Committee Meeting - Friday, June 5, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 3. Public Forum

Department Council and Board

Type

4. Ordinance Chapter 26 Industrial Pollution Prevention Program Discussion

Subject **4.1. Ordinance Chapter 26 Industrial Pollution Prevention Program Discussion**

Meeting June 5, 2026 - Ordinance Committee Meeting - Friday, June 5, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 4. Ordinance Chapter 26 Industrial Pollution Prevention Program Discussion

Department Council and Board

Type

Recommended Action

5. Motorized Bicycle Ordinance Discussion

Subject **5.1. Motorized Bicycle Ordinance Discussion**

Meeting June 5, 2026 - Ordinance Committee Meeting - Friday, June 5, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 5. Motorized Bicycle Ordinance Discussion

Department Council and Board

Type

Recommended Action

6. Any Other Committee Business

Subject **6.1. Any Other Committee Business**

Meeting June 5, 2026 - Ordinance Committee Meeting - Friday, June 5, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 6. Any Other Committee Business

Department Council and Board

Type

Recommended Action

7. Adjournment

Subject **7.1. Motion to adjourn**

Meeting June 5, 2026 - Ordinance Committee Meeting - Friday, June 5, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 7. Adjournment

Department Council and Board

Type

Recommended Action

Burlington Planning Commission & City Council Ordinance Committee Collaborative Working Group on Inclusionary Zoning

Tuesday, May 12, 2026, 6:30 P.M.

Hybrid Meeting via Zoom and in City Hall's Bushor Conference Room

Draft Minutes

Planning Commissioners Present:

- Andy Montroll, Chair
- Michael Gaughan
- Alexander Friend
- Erhard Mahnke
- Erin Malone
- Julia Randall
- Ryan Nick

City Council Ordinance Committee Members Present:

- Councilor Gene Bergman, Chair
- Councilor Mark Barlow
- Councilor Sarah Carpenter

City Staff Present:

- Charles Dillard, Director, City Planning
- Kara Alnasrawi, Director, CEDO
- Kimberlee Sturtevant, Assistant City Attorney
- Scott Gustin, Zoning Division Manager, DPI
- Sarah Morgan, Principal Planner, City Planning
- Stella Jordan, Senior Planner, City Planning
- Nancy Stetson, Senior Policy & Data Analyst, DFA
- Maggie Callaghan, Housing Program Manager, CEDO

Public Attendance: Eric Farrell, Jak Tiano, Liz Curry, Sharon Bushor, Nolan Rogers

1. Agenda

Call to Order: 6:30pm

Changes to Agenda: Councilor Bergman and Andy Montroll clarified that those in attendance are not making up a single body, and are instead two bodies that are working collectively, meaning that the two bodies will adopt the same agenda separately, so that both are happening at the same time. Andy and Gene will switch who will act as chair each meeting. Andy proposed that following the adoption of the agenda, those in the room should introduce themselves. Additionally, there would be two Public Forums held during this meeting – the first Public Forum is intended to be for members of the public to speak to things *not* on the meeting agenda, and the second is to speak on agenda items.

Agenda adopted by both City Council Ord. Committee & Planning Commission

2. Adopt Minutes & Accept Communications

Planning Commission Action: No minutes posted to adopt, motion to accept communications

Motion by: A. Friend Seconded by: R. Nick Vote: Unanimous

Notes or Corrections: N/A

City Council Ordinance Committee Action: No Action.

Motion by: N/A Seconded by: N/A Vote: N/A

Notes or Corrections: N/A

3. Director's Report

C. Dillard shared that the development agreement was adopted the night before at the 5/11 City Council meeting and also highlighted the success of the planBTV 2050 Open House on 4/30, which had over 300 attendees. A. Montroll also echoed this success.

4. Public Forum #1

Nolan Rogers: Chose to speak during this first public forum due to another commitment. Thinks these proposed changes illustrate a great step forward. Likes moving the threshold at which zoning applies up to 16 units, and supports simplifying the tiers is a good step in the right direction. Thinks Burlington needs more housing, and that a lot of people feel that way. If we agree we're in a crisis, we need to incentivize building the housing. Challenged attendees to build too much housing, because that's a challenge it probably cannot meet.

5. Review of Collaborative Working Group's Workplan & Process

Staff presented on the goals and process of the collaborative working group, which aims to review proposed zoning amendments before the Planning Commission's public hearing. The working group will meet once a month during Planning Commission meetings, with meeting materials to be posted on Civic Clerk ahead of time.

Discussion Notes:

- No questions or comments from Working Group members

6. Review of Burlington's current Inclusionary Zoning program & policies

City staff presented a comprehensive overview of the ordinance's history, including key amendments and policy updates, highlighting that while the policy successfully produced economically integrated housing, it hasn't kept pace with Burlington's high housing demand. The discussion covered current affordability standards, development thresholds, and challenges in making the program financially feasible for developers. This presentation also noted the importance of nonprofit partnerships and the Housing Trust Fund in supporting affordable housing development, while also noting that neighboring municipalities have higher development thresholds than Burlington's current 5-unit requirement.

Discussion Notes:

- R. Nick asked about South Burlington's IZ threshold, which is at 10+ units.
- A. Friend asked whether staff looked into how many IZ units have been constructed in South Burlington. Staff doesn't have this data but will provide it for the next meeting, and G. Bergman requested that we have that information in relation to how much housing is or has been built. S. Carpenter requested that these numbers also be provided for Winooski.
- E. Mahnke noted that, in reference to "IZ units built by source" chart, the nonprofit developer brings the affordability significantly lower than thresholds for IZ because they are able to bring additional subsidies.
- Also, in reference to "IZ units built by source" chart, M. Gaughan asked whether the application of the IZ requirement was to the affordable housing project. Staff answered that yes, it is 15% of those affordable projects.
- G. Bergman requested that numbers being collected for Winooski and South Burlington also include land cost, so we can identify barriers that impact the construction of housing. If their land costs are significantly less, then we need to consider that. C. Dillard said staff would also look at rent across boundaries, impact fees, and other permit fees.
- S. Carpenter noted that it won't be easy to get land costs. It's a good question, but discussion will need to happen to parse that out. Asked if there is overlap with our density bonuses and other state policies. C. Dillard said that yes, if you are in a designated center, the project can be designated as a priority housing project and receive a 40% density bonus. To become a priority housing project, they need to create an additional 5% at 80% AMI. There is typically a cap on density bonuses, and the developer is typically locked in at a certain FAR or lot coverage bonus.
- S. Carpenter had questions about the three groups in the "IZ units built by source" chart and will speak with staff offline about the distinction.

- In response to the questions about statutory provisions for affordable housing, there's the lower affordability bar at 80%, and it's a higher overall requirement at 20% of the units as opposed to 15%. It can be added on top of the City's IZ bonus, so SECORD got 2 extra stories on those buildings. One for City IZ and another for the Priority Housing Project's statutory requirement. The only reference to this in the CDO is footnote 3 in Table 11.1.5-1
- S. Carpenter requested that, while she appreciates the number of units with partnerships, she would like to see what the projects are.
- E. Malone requested a document comparing our IZ policy to South Burlington and Winooski, similar to the peer city analyses that are done as part of planBTV 2050. S. Morgan responded to say that they are working on a peer city comparison matrix for the next meeting. C. Dillard added that in our research, cities that have IZ are amending their regulations every 3 years to keep up with market conditions. G. Bergman requested a link to all of the documents being referenced during this meeting, which staff assured would be posted on the amendment's online landing page.

7. Overview of Proposed Amendments

City staff presented the proposed amendments to inclusionary zoning and also discussed the administration's three-pronged housing strategy, which includes a more strategic use of the Housing Trust Fund, removing barriers to neighborhood code-enabled units, and pursuing public-private partnerships on city-owned land. Staff also noted that while not included in the initial report, there are additional minor technical changes and clarifications to the ordinance were also being considered.

Discussion Notes:

- Related to Proposal #3, "Allow Off-Site Units Anywhere": A. Friend more rationale and evidence supporting some of the proposed changes, particularly regarding off-site development policies.
- Related to Proposal #6, "Allow Tenure Flexibility in Large Projects": S. Carpenter stated that 200 units is a lot for a single development, and clarified if staff was intending for this to focus on PUDs. C. Dillard replied that this proposal is intended to apply to phased projects that will take place over multiple years, rather than just one building.

8. Public Forum #2

Jak Tiano: Jak, who currently is a renter, commented that the inclusionary zoning (IZ) amendments appear to acknowledge that the current ordinance is making housing development financially difficult. He stated that IZ currently functions like a regressive affordability fee placed on new housing, with costs ultimately passed on to tenants, while existing property owners contribute little. Jak questioned whether the program delivers meaningful affordability benefits, noting he would qualify for an inclusionary unit but the savings on rent would be less than \$100 per month. He also expressed concern that IZ may reduce overall housing production and worsen broader market affordability, and emphasized that increasing housing supply is essential to lowering prices over time and expressed concern that IZ may slow the production needed to achieve that. Jak urged the city to reconsider whether IZ should remain a primary affordability tool and to explore alternatives such as preserving naturally occurring affordable housing.

Liz Curry: Liz provided detailed feedback on the inclusionary zoning document, emphasizing that inclusionary zoning should be viewed as one of many tools rather than a primary driver of affordable housing production. She highlighted concerns about the 5-unit threshold, data supporting claims about IZ's impact on development, and inconsistencies in defining affordable housing income levels.

Ordinance Committee
Thursday, May 21, 2026
Bushor Conference Room, City Hall
or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Bergman (Chair), Councilor Barlow, Councilor Carpenter

Staff Present: Kim Sturtevant (Assistant City Attorney), Erik Ramakrishnan (Assistant City Attorney), Kara Alnasrawi (Interim Chief of Staff), Traci Isham (DFA), Lisa Gerlach (Chief of Staff)

Public Present: Sharon Bushor, Councilor Grant

Meeting called to order at 4:32 PM.

1. Adopt the Agenda

1.1 Adopt the Agenda

Motion to Adopt Agenda.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes

2.1 Adopt Draft Minutes from April 23, 2026

2.2 Adopt Draft Minutes from May 1, 2026

Motion to adopt both sets of draft minutes from April 23 and May 1.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

Sharon Bushor: I looked at the gross receipts tax ordinance change. It is a modest increase and while our businesses are hurting, this change will not make a big difference for them. The revenue is very important for the City.

4. Gross Receipts Ordinance Discussion.

Councilor Bergman said he found a drafting error in the ordinance and the error would actually do the opposite of what the ordinance change intends. He added that he has posted on CivicClerk an updated draft ordinance labelled with GB that has changes to lines 8, 23, and 28 to correct the drafting error.

Councilor Barlow said he has been working with Council President Traverse on this ordinance. He continued that they propose to eliminate the gross receipts tax on admissions and amusements which would be striking sections 2D and 2E. Chief Administrative Officer Schad estimated that this elimination would reduce revenues by \$115,000 for FY27. He also proposed further review to other ordinances that would ease conditions and fees for promoters to use Waterfront Park.

Councilor Barlow continued that he is proposing setting aside 10% of collected rooms and meals and related taxes to create a fund to help businesses through increased events, security, and marketing. CAO Schad estimated that this would set aside an estimated \$621,000 for FY27 for this purpose. The City already does spend money on these items each year and this fund would cover such expenses.

Attorney Ramakrishnan said that some of the expenses discussed that would be covered by the 10% of gross receipts ordinance change are covered by non-General Fund funds.

Councilor Bergman said he does not agree with eliminating gross receipts tax on admissions and amusements and losing an estimated \$115,000 in revenue. He added that he is favor of looking holistically at the local taxes to promote events and business, but that this ordinance is not the place to do it.

Councilor Carpenter asked for a breakdown of how a potential Vitality Fund would have its funds allocated based on what the City is already doing.

Councilor Bergman said the idea of a Vitality Fund is underprepared and not a good idea to create so late in the budgeting process.

Councilor Barlow said that there has been discussion of the lowering of the admissions and amusements tax for months, and only recently did it evolve into the elimination of the local option tax.

Motion to refer the draft ordinance back to the full City Council as amended, including eliminating sunset, increase gross receipts to 2.5%, removal of admissions gross receipt tax, and keeping other undisputed changes, for second reading.

Motion by Councilor Carpenter, Seconded by Councilor Barlow.

Final Resolution: Motion Passes

Yes: Unanimous

Attorney Sturtevant said she would make the changes and circulate the draft so each change is approved.

5. Any Other Committee Business

None

6. Adjournment

Motion to adjourn by Councilor Bergman, without objection.

The meeting was adjourned at 5:58 PM.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Department of Public Works

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Six

An Ordinance in Relation to

BCO Chapter 26 Industrial Pollution Prevention Program Update

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That ...

2 26-71 Use of Public Sewers Generally

3 (a) Every person owning or having the care of buildings abutting on a street in this city through which a
4 sanitary or combined sewer has been or shall hereafter be constructed shall drain such buildings
5 wastewater into the sanitary or combined sewer, at their own expense, provided that all connections
6 into the public sewers be made under the direction of the director upon the written application of such
7 person. The director shall supervise the making of all such connections.

8 (b) Every person owning or having the care of lands and buildings abutting on a street in this city
9 through which a storm or combined sewer has been or shall hereafter be constructed shall drain
10 stormwater from such land and buildings after treatment and/or attenuation into the storm or
11 combined sewer or natural outlet, at his own expense, provided that all connections into the public
12 sewers and natural outlets be made under the direction of the director upon the written application of
13 such person and in accordance with the provisions of this chapter. The director shall supervise the
14 making of all such connections.

15 (c) Adoption of regulations.

16 (1) Use of the city's sewers is subject to compliance with such regulations as the public works
17 commission may deem necessary or convenient to protect public health, safety, and welfare or
18 the environment, to comply with state and federal law, or to safeguard the city's treatment
19 works.

20 (2) Such regulations shall be adopted at the recommendation of the public works director or
21 designee following a public hearing.

22 (3) Notice of the hearing shall be included in the warned agenda for said meeting, and it shall be
23 posted on the city's website and published in a newspaper of general circulation within the

- 24 city at least three calendar days prior to the hearing. The published hearing notice shall
25 include a link to the draft regulations.
- 26 (4) The hearing may be continued from time to time, and republication of the hearing notice shall
27 not be required if the continued hearing date, time, and location are announced on the record
28 at the time of the continuance. A final decision of the commission shall be made at the same
29 or a subsequent meeting as the meeting where the hearing was conducted.
- 30 (5) The record for the commission's decision shall consist of the draft regulations, any written or
31 oral staff report, public comments received at the hearing, and any written comments received
32 at least twenty-four (24) hours prior to the opening of the hearing.
- 33 (6) Regulations approved by the commission shall take effect seven (7) calendar days after
34 publication on the city's website.
- 35 (7) A violation of the commission's regulations may be enforced pursuant to section 26-4 of this
36 code.
- 37 (d) Express prohibitions.
- 38 (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary
39 manner on public or private property within the city or in any area under the jurisdiction of the
40 city, any human or animal excrement, garbage, or objectionable waste.
- 41 (2) Except as provided herein, it shall be unlawful to construct or maintain any privy, privy vault,
42 septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- 43 (3) No person shall discharge, cause or permit to be discharged any stormwater, surface water,
44 groundwater, foundation drains, roof runoff, subsurface drainage, cooling water, or industrial
45 process waters to any sanitary sewer. This prohibition does not apply to the combined or separate
46 storm sewers.
- 47 (4) No person shall discharge or cause to be discharged any of the following described waters or
48 wastes to any public sewers or natural outlet:
- 49 a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- 50 b. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either
51 singly or by interaction with other wastes, to injure or interfere with any waste treatment
52 process, constitute a hazard to humans, animals or property, create a public nuisance, or create
53 any hazard, including fire or explosion, in the receiving waters of the wastewater treatment
54 plant or wastes exerting an excessive chlorine requirement. The limiting concentrations of
55 such substances that create hazards as aforesaid are subject to modification by the director as
56 affected by applicable state or federal regulations or guidelines.

- 57 c. Any waters (except acidic rainfall) or wastes having a pH lower than five (5) or greater than
58 nine and five tenths (9.5), or which due to its nature or content, becomes less than five (5) or
59 greater than nine and five tenths (9.5) during transmission through the sewers, or having any
60 other corrosive property capable of causing damage or hazard to structures, equipment, and
61 personnel of the wastewater facilities or treatment works.
- 62 d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the
63 flow in sewers, or other interference with the proper operation of the wastewater facilities
64 such as, but not limited to, animal waste, ashes, bones, cinders, sand, mud, sediment, straw,
65 shavings, metal, glass, rags, feathers, tar, plastics, wood or cellulose, unground garbage,
66 whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk
67 containers, either whole or ground by garbage grinders.
- 68 e. Radioactive materials of such half-life or concentration as may exceed limits established by
69 the director of water pollution control in compliance with applicable state or federal
70 regulations.
- 71 f. Wastewater that has or may cause an offensive odor or nuisance in the wastewater facilities
72 and treatment works, and without limiting the generality of the foregoing, wastewater
73 containing hydrogen sulfide, carbon disulfide, ammonia, trichloroethylene, sulfur dioxide,
74 formaldehyde, chlorine, bromine, or pyridine.
- 75 g. Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit
76 (sixty-five (65) degrees Celsius).
- 77 h. Wastewater containing more than fifteen (15) milligrams per liter, whether emulsified or not,
78 of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- 79 i. Wastewater containing more than one hundred (100) mg/l of oil, fat and grease of animal and
80 vegetable origin.
- 81 j. Wastewater containing floatable oils, fat or grease.
- 82 k. Wastewater containing pharmaceuticals or endocrine disrupters.
- 83 (e) The owner(s) of all houses or buildings, used for human occupancy, employment, recreation, or other
84 purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is
85 now located or may in the future be located a public sanitary or combined sewer of the city is hereby
86 required, at the owner(s)' expense, to install suitable toilet facilities therein, and to connect such
87 facilities directly with the proper public sewer in accordance with the provisions of this article within
88 ninety (90) days after date of official notice to do so, provided that said public sewer is within a
89 reasonable distance of the property line as determined by the director.

90 (f) Stormwater and other unpolluted drainage may be discharged to a storm sewer or to a natural outlet
91 as approved by the director when suitable treatment and/or attenuation has been provided in
92 accordance with the provisions of this chapter. Stormwater and other unpolluted drainage may be
93 allowed to be discharged to a combined sewer as approved by the director provided that it does not
94 violate wastewater facility NPDES permit requirements. Industrial cooling or unpolluted process
95 waters may be discharged to a storm sewer or natural outlet as approved by the director provided that
96 these waters do not result in adverse undue thermal impacts to receiving waters.

97 (g)

98 (1) The following described substances, materials, waters or wastes shall be limited in discharges
99 to municipal systems to concentrations or quantities which will not harm either the sewers,
100 wastewater treatment process or equipment, will not have an adverse effect on the receiving
101 stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance.

102 (2) The director may set limitations lower than the limitations established in the regulations
103 below if in his opinion such more severe limitations are necessary to meet the above
104 objectives. In forming this opinion as to the acceptability, the director will give consideration
105 to such factors as the quantity of subject waste in relation to flows and velocities in the
106 sewers, materials of construction of the sewers, the wastewater treatment process employed,
107 capacity of the wastewater treatment plant, degree of treatability of the waste in the
108 wastewater treatment plant, and other pertinent factors.

109 (3) The limitations or restrictions on materials or characteristics of waste or wastewaters
110 discharged to the sanitary sewers which shall not be violated without approval of the director
111 are as follows:

112 a. Wastewater of which the BOD5 exceeds four hundred (400) milligrams per liter.

113 b. Wastewater in which suspended solids exceed five hundred (500) milligrams per liter, or
114 the organic content of such suspended solids or of dissolved solids is unusually small.

115 c. Any garbage that has not been properly shredded. Garbage grinders may be connected to
116 sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering
117 establishments, or similar places where garbage originates from the preparation of food in
118 kitchens for the purpose of consumption on the premises or when served by caterers.

119 d. Quantities of flow, concentrations, or both which constitute a slug as defined herein.

120 e. Waters or wastes containing substances which are not amenable to treatment or reduction
121 by the wastewater treatment processes employed, or are amenable to treatment only to
122 such degree that the wastewater treatment plant effluent cannot meet the requirements of
123 other agencies having jurisdiction over discharge to the receiving waters.

- 124 f. Any water or wastes which, by interaction with other water or wastes in the public sewer
125 system, release obnoxious gases, form suspended solids which interfere with the
126 collection system, or create a condition deleterious to structures and treatment processes.
- 127 (h) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which
128 waters contain the substances or possess the characteristics, enumerated in subsections (d)(4) and (l)
129 above, and which in the judgment of the director may have a deleterious effect upon the wastewater
130 facilities or treatment works, processes, equipment, or receiving waters, or which otherwise create a
131 hazard to life or constitute a public nuisance, the director may:
- 132 (1) Reject the wastes.
- 133 (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- 134 (3) Require control over the quantities and rates of discharge.
- 135 (4) If the director permits the pretreatment or equalization of waste flows, the design and installation
136 of the plants and equipment shall be subject to the review and approval of the director, and subject
137 to the requirements of all applicable codes, ordinances, laws, and the municipal discharge permit.
138 Further, such pretreatment installations must be consistent with the requirements of any state
139 pretreatment permit issued to the owner.
- 140 (i) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are
141 necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts
142 or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be
143 required for private living quarters or dwelling units. All interceptors shall be of a type and capacity
144 approved by the director, and shall be located as to be readily and easily accessible for cleaning and
145 inspection. In the maintaining of these interceptors the owner shall be responsible for the proper
146 removal and disposal by appropriate means of the captured material and shall maintain records of the
147 dates and means of disposal which are subject to review by the director. Any removal and hauling of
148 the collected materials not performed by owner's personnel must be performed by qualified waste
149 disposal firms.
- 150 (j) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes,
151 they shall be maintained continuously in satisfactory and effective operation by the owner at his sole
152 expense.
- 153 (k) When required by the director, the owner of any property serviced by a building sewer carrying
154 industrial wastes shall install a suitable structure together with such necessary meters and other
155 appurtenances in the building sewer to facilitate observation, sampling, and measurement of the
156 wastes. Such structure when required, shall be accessibly and safely located and shall be constructed
157 in accordance with plans approved by the director. The structure shall be installed by the owner at his
158 sole expense and shall be maintained by him so as to be safe and accessible at all times.

159 (l) All industries discharging into a public sewer shall perform such monitoring of their discharges as the
160 director and/or other duly authorized employees of the city may reasonably require, including
161 installation, use, and maintenance of monitoring equipment, keeping records, and reporting results of
162 such monitoring to the director. Where industrial pretreatment permits are issued by the State of
163 Vermont, monitoring records must also be submitted to the secretary in accord with such permit.
164 Such records of any monitoring shall be made available upon request by the director to the secretary
165 or to other agencies having jurisdiction over discharges to the receiving waters.

166 The director shall require forty-five (45) days' prior notification by any person or persons of a
167 proposed substantial change in volume or character of pollutants over that being discharged into the
168 treatment works; a proposed new discharge into the treatment works of pollutants from any source
169 which would be a new source as defined in the federal Water Pollution Control Act as amended, if
170 such source were discharging pollutants; or a proposed new discharge into the treatment works of
171 pollutants from any source which would be subject to the federal Water Pollution Control Act, as
172 amended, if it were discharging such pollutants.

173 (m) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is
174 made in this article shall be determined in accordance with the latest edition of "Standard Methods
175 for the Examination of Water and Wastewater," published by the American Public Health
176 Association. Sampling methods, location, times, durations, and frequencies are to be determined on
177 an individual basis subject to approval by the director.

178 (n) No statement contained in this division shall be construed as preventing any special agreement or
179 arrangement between the city and any industrial concern whereby an industrial waste of unusual
180 strength or character may be accepted by the city for treatment, to an extent fixed by agreement with
181 the city under such conditions with respect to payment or otherwise as may be necessary to
182 compensate for any additional costs of treatment; provided that such agreements do not contravene
183 any requirements or existing federal laws and are compatible with any user charge and industrial cost
184 recovery system in effect. Any such agreement shall be subject to the approval of the state
185 department of environmental conservation.

186 (o) No statement contained in this division shall be construed to interfere with any additional
187 requirements that may be imposed by the city health officer.

188 (p) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or
189 disturb any public sewer or appurtenance thereof without first obtaining a written permit from the
190 director per Division 1 of this article. Any person proposing a new discharge into the system, or a
191 substantial change in the volume or character of pollutants that are being discharged into the system,
192 shall notify the director at least forty-five (45) days prior to the proposed change or connection.

193 (q) Applications for a plumbing permit shall be filed with the department of public works and must be
194 approved before any work commences. Fees associated with this permit are outlined in the permit
195 application.

- 196 (r) All costs and expenses incidental to the installation and connection of the building sewer shall be
197 borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or
198 indirectly be occasioned by the installation of the building sewer.
- 199 (s) A separate and independent building sewer shall be provided for every building; except where one (1)
200 building stands at the rear of another on an interior lot and no private sewer is available or can be
201 constructed to the rear building through an adjoining alley, court, yard, or driveway, the front
202 building may be extended to the rear building and the whole considered as one (1) building sewer,
203 but the city does not and will not assume any obligation or responsibility for damage caused by or
204 resulting from any such single connection.
- 205 (t) Old building sewers may be used in connection with new buildings only when they are found, on
206 examination and test by the director to meet all requirements of this article.
- 207 (u) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used
208 in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the
209 requirements of the building and plumbing code or other applicable rules and regulations of the city.
- 210 (v) Whenever possible, the building sewer shall be brought to the building at an elevation below the
211 basement floor. In all buildings in which any building drain is too low to permit gravity flow to the
212 public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and
213 discharged to the building sewer.
- 214 (w) The connection of any building sewer into the public sewer shall conform to the requirements of the
215 building and plumbing code and all other applicable rules and regulations of the city. All such
216 connections shall be made gastight and watertight and verified by proper testing. Any deviation from
217 the prescribed procedures and materials must be approved by the director before installation.
- 218 (x) The applicant for any building sewer permit shall notify the inspector when the building sewer is
219 ready for inspection and connection to the public sewer. The connection and testing shall be made
220 under the supervision of the inspector.
- 221 (y) All excavations for building sewer installation shall be adequately guarded with barricades and lights
222 so as to protect the public from hazard. Streets, sidewalks, parking and other public property
223 disturbed in the course of the work shall be restored in a manner satisfactory to the city and consistent
224 with the requirements of Chapter 27 of this Code.

225 26-76 Wastewater Permit Fees

- 226 (a) Certain activities pursuant to this chapter require a permit or other approval, plan check,
227 investigation, or review by the director or their designee. The city also incurs costs associated with
228 the physical connection of property to public sewers, as well as costs associated with certain intensive
229 uses of the city's treatment works. The city council finds that the direct and indirect cost of providing

230 such services should not be borne by ratepayers generally but instead should be the responsibility of
231 benefitted property owners.

232 (b) The city council shall establish by resolution fees for activities described in this chapter, which fees
233 shall be reasonably related to the direct and indirect costs of said activities. The city council shall
234 also establish by resolution administrative rules for the collection of fees imposed pursuant to this
235 section, including, without limitation, any provision for fee waivers; the handling, use, and deposit of
236 fees; recording keeping; appeals; and any annual inflation factors to be applied.

237 (c) No work shall be commenced until any permit or other approval required under this article shall have
238 been received by the party submitting the application and all applicable fees have been paid.

239 (d) In case of preemption, in addition or in lieu of such fees as may be authorized pursuant to this
240 section, the director shall charge such fees as may be allowed or required by federal or state law.

241 Division 5. Pretreatment Requirements

242 26-77 Effective Date and Interim Regulations.

243 The provisions of this division commencing with section 26-78 shall take effect twenty-one (21) days after the
244 director of public works or designee posts on the city's website and publishes notice in a newspaper of general
245 circulation that authority has been delegated to the city to issue permits for discharges to the city's treatment
246 works, pursuant to 10 V.S.A. § 1263, as the same may be amended or renumbered from time to time. Until
247 such effective date, if necessary or convenient to protect the public health, safety, and welfare or the
248 environment, to comply with state and federal law, or to protect existing infrastructure, the city council may,
249 by resolution, adopt interim effluent limitations and surcharges for industrial users. Notification of such
250 interim regulations shall be published, and such interim regulations shall become effective, in the same manner
251 as for an ordinance, pursuant to section 49 of the city's charter.

252 26-78 Purpose and Policy.

253 This division sets forth uniform pretreatment requirements for indirect discharges by users of the publicly
254 owned treatment works of the city. The intent of this division is to enable the city to comply with all applicable
255 state and federal laws relating to the subject matter hereof, including, without limitation, the federal Clean
256 Water Act and the general pretreatment regulations codified at part 403 of title 40 of the Code of Federal
257 Regulations, as the same may be amended or renumbered from time to time. The specific objectives of this
258 division are to:

259 (a) Authorize the director to establish regulations implementing the requirements of this division, in
260 substantial conformance with the U.S. Environmental Protection Agency's Model Pretreatment
261 Ordinance, or such other guidance as the federal or state governments may prescribe from time to time
262 relating to the subject matter of this division;

263 (b) Provide for remedies for violations of said regulations, as required, authorized, or encouraged pursuant
264 to applicable federal or state law;

- 265 (c) Prevent the introduction of pollutants into the publicly owned treatment works that will interfere with
266 its operations;
- 267 (d) Prevent the introduction of pollutants into the publicly owned treatment works that are likely to pass
268 through said works, inadequately treated, into the waters of the State of Vermont and of the United
269 States;
- 270 (e) Protect city personnel and members of the public who may be affected by wastewater and sludge not
271 adequately pretreated;
- 272 (f) Provide fee authority, as set forth in section 26-84, below; and
- 273 (g) Enable the city to comply with all applicable federal or state permits required to operate its publicly
274 owned treatment works.

275 26-79 Definitions.

276 As used in this division, the following terms have the following meanings:

- 277 (a) Director means the city's director of public works or designee; provided that the city council may
278 designate another city officer or employee as the "director" by resolution, solely for purposes of this
279 division.
- 280 (b) Indirect discharge means the introduction of any pollutant into the publicly owned treatment works
281 from a nondomestic source.
- 282 (c) Interference means any indirect discharge that, alone or in conjunction with other discharges, that
283 inhibits or disrupts the publicly owned treatment works, their treatment processes or operations, or their
284 sludge processes, use, or disposal, so as to interfere substantially with the purposes and policies set
285 forth in section 26-78, above.
- 286 (d) Publicly owned treatment works, or "POTW", means all of the city's infrastructure for the collection,
287 transportation, and treatment of wastewater.
- 288 (e) Passthrough means a discharge that exits the POTW into the waters of the State of Vermont or of the
289 United States in quantities or concentrations which, alone or in conjunction with a discharge or
290 discharges from other sources, would result in a violation of any requirement of any federal or state
291 permit applicable to the POTW, including an increase in the magnitude or duration of an existing
292 violation.
- 293 (f) Regulations means the regulations adopted pursuant to section 26-82, below.
- 294 (g) User means any source of indirect discharge.

295 26-80 Prohibited Discharges.

296 The following indirect discharges are prohibited:

297 (a) Any indirect discharge that results in passthrough or interference.

298 (b) Any indirect discharge that would violate 40 C.F.R. Section 403.3(b), as the same may be amended or
299 renumbered from time to time, or that would otherwise violate federal law, state law, a permit issued
300 under section 26-81, the regulations, or any other provision of this chapter.

301 (c) Any indirect discharge done without a permit under section 26-81.

302 26-81 Permits Required.

303 (a) No indirect discharge shall be permitted without a permit issued pursuant to the regulations.

304 (b) The regulations may provide for general permits and permit waivers.

305 (1) General Permit. For those indirect discharges not requiring special conditions, including, without
306 limitation, special conditions relating to pretreatment of indirect discharges, monitoring, and
307 reporting, the regulations may provide for the issuance by the director of a general permit. Any
308 user desiring to operate under the general permit shall register under that permit with the director
309 in a manner specified in the regulations, pay any fee required pursuant to section 26-84, below,
310 and comply with all conditions of the general permit, as specified in the regulations. More than
311 one classification of general permit may be established by the regulations for different types of
312 uses.

313 (2) Permit Waiver. The regulations may exempt any indirect discharge from the requirement to obtain
314 a permit to operate, as otherwise required by subsection (a), above, based on the size, nature, or
315 other characteristics of the indirect discharge, as specified in the regulations. Operation within the
316 limits of the waiver and otherwise in strict conformance with all applicable laws shall be deemed
317 the functional equivalent of operating under a permit.

318 (c) Permits may be specific to the user or may run with the use, as specified in the regulations.

319 (d) If a user is required to obtain a permit, the director shall provide notification to the user by first class
320 mail at the user's physical address and mailing address for utilities billing, if different. The user shall
321 then have thirty (30) days submit a complete application for a permit, subject to reasonable extensions
322 granted by the director. If allowed by regulations adopted pursuant to this division, the notification
323 may impose reasonable interim measures that the user shall take to limit interference and passthrough,
324 pending an application for a permit. Except as expressly authorized in the notification, any indirect
325 discharge by any user pending the issuance of a permit shall be deemed a violation of section 26-80,
326 above.

327 26-82 Regulations.

- 328 (a) Regulations Authorized. The director is hereby authorized to issue regulations, in the manner described
329 in this section, to achieve the purposes set forth in section 26-78, above.
- 330 (b) Adoption of Regulations. Regulations drafted by the director shall be subject to review and approval
331 by the city's public works commission following a noticed public hearing conducted at a regular
332 meeting of the commission. Notice of the hearing shall be included in the warned agenda for said
333 meeting, and it shall be posted on the city's website and published in a newspaper of general circulation
334 within the city at least three calendar days prior to the hearing. The published hearing notice shall
335 include a link the draft regulations. The hearing may be continued from time to time, and republication
336 of the hearing notice shall not be required if the continued hearing date, time, and location are
337 announced on the record at the time of the continuance. A final decision of the commission shall be
338 made at the same or a subsequent meeting as the meeting where the hearing was conducted. The record
339 for the commission's decision shall consist of the draft regulations, any written or oral staff report,
340 public comments received at the hearing, and any written comments received at least 24 hours prior to
341 the opening of the hearing. Regulations approved by the commission shall take effect seven calendar
342 days after publication on the city's website.
- 343 (c) Amendment to Regulations. Any regulation may be made in the same manner as for the original
344 adoption of the regulation.

345 26-83 Violations.

- 346 (a) For purposes of this section, a violation of this division includes any act or omission committed by a
347 user that violates any provision of this division or that causes or enables a violation to occur.
- 348 (b) Violations of this division are subject to section 1-9 of this ordinance code. A violation may be abated
349 as a public nuisance and prosecuted civilly or criminally as set forth in that section, and the director
350 shall be authorized to issue municipal tickets thereunder. Notwithstanding section 1-9, the maximum
351 fine for a violation under this division shall be the greater of the maximum fine available under section
352 50 of the city's charter or 40 C.F.R. § 408.8(f)(1)(vi)(A), as the same may be amended or renumbered
353 from time to time. If a court of competent jurisdiction determines that the foregoing federal law does
354 not preempt the city's charter, then the maximum fine shall be determined by charter.
- 355 (c) The director may report any violation to appropriate federal and state officials and may issue such
356 orders to any user to comply with this division or to cease and desist from any violation thereof as may
357 be necessary or convenient to achieve the objects and purposes set forth in section 26-78, above. An
358 order shall contain notice that an appeal of the order must be filed with the director in writing within
359 15 calendar days thereof. Such an appeal shall be heard by the public works commission at its next
360 regular meeting unless a different hearing date is agreed between the user and the director. If the order
361 is upheld by the commission, then it shall be appealable to the superior court pursuant to rule 74 of the
362 Vermont Rules of Civil Procedure. Refusal to comply with a final order shall be subject to subsection
363 (b) of this section. The City Attorney may also bring an action to enforce the order and, if relief is
364 granted, shall be entitled to an award of reasonable attorneys' fees and costs.

365 (d) If necessary following repeated and severe violations of this division or to avoid a substantial likelihood
366 of significant environmental harm or of harm to any person or real property of another, the director
367 may take such actions as may be reasonable necessary to cease indirect discharges from any user,
368 including by shutting off the user's water supply.

369 (e) Any individual or property owner who suffers substantial bodily harm or property damage as a
370 proximate cause of any violation of this division may bring an action to recover the individual or
371 property owner's actual damages, pursuant to section 54 of the city charter.

372 (f) In case of any physical harm to the POTW proximately caused by any violation of this division, the
373 city may bring an action to recover its actual damages, attorneys' fees, and costs.

374 (g) The remedies set forth in this section are cumulative with one another and with those provided by
375 federal or state law.

376 26-84 Fees.

377 The city council may, by resolution, adopt a fee schedule setting forth fees for permit applications and for
378 activities under the regulations requiring significant staff time, including any reasonable fees for the filing of
379 an appeal under section 26-83(b), above, or for inspections and related activities.

380

381

382 * Material stricken out deleted.

383 ** Material underlined added.

384

385 Public Works

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387



To: City Council
From: Megan Moir, Division Director Water Resources
Cc: Chapin Spencer, DPW Director
Date: April 27, 2026
Subject: Industrial Pollution Prevention Program Update & Chapter 26 Sewer Use Ordinance Revisions

REQUEST

The Department of Public Works (“DPW”) and its Water Resources Division (“WRD”) seeks revisions to the Chapter 26 Burlington Code of Ordinances (“Chapter 26”) regarding authorities to implement regulations related to wastewater connections in general as well as specific regulation of industrial users in order to comply with State and Federal law. This memo provides Council with an update regarding the industrial pollution prevention program and requests Council to waive and approve the first reading of the proposed changes to Chapter 26 and to refer the proposed ordinance updates to the Ordinance Committee.

BACKGROUND

Wastewater from different users has different “strengths” depending on how much organic material goes down the drain. Businesses, such as breweries, cideries, bakeries etc. that produce or process food or beverage products will have higher strength wastewater than the typical residential or office building. Some industries also can, without proper practices, release other pollutants to the sewer system such as heavy metals, PFAS and excess total suspended solids. Wastewater treatment capacity is not just a function of the volume of wastewater (hydraulic capacity) that a facility can process but also the amount of organic load that facility can treat (organic capacity). While our Main Wastewater Treatment Plant (WWTP) has remaining hydraulic capacity, at times it is running very near to its organic capacity – this will continue to be the case until the upgraded plant is constructed, which will not come online until 2029 at the earliest.

Excessive organic loading can itself be a pollutant and has upset the biological treatment processes at our Main WWTP, preventing those systems from treating the wastewater as well as we are usually able to do so. Industrial pollutants like heavy metals either can pass through the WWTP or can contaminate the bio-solids that could otherwise be beneficially re-used. It is imperative as stewards of Lake Champlain and the wastewater systems that protect the Lake that we ensure there are effective methods of controlling these additional pollutants in place at the source rather than allowing them to go down the drain. Industrial Pollution Prevention is the most effective source control for this type of wastewater discharge. Please see the previous [memo](#) regarding this project for additional background regarding the history of this project and Burlington’s decision to work towards a local industrial pollution prevention program (IPPP).

Federal and State Law require that discharging industries that meet criteria making them a categorical user (such as industries working with heavy metals) or a significant user (industries which either contribute a significant amount of flow or organic loading or which otherwise have the potential to impact the WWTP) must obtain permit coverage. The Vermont Department of Environmental Conservation (VTDEC)

Wastewater Section has made it clear that industrial users in Burlington that trigger the requirements of part 403 of title 40 of the Code of Federal Regulations (CFR) and 10 VSA §1263 will be required to obtain permit coverage. Currently the only mechanism for permit coverage for these users is State permitting – however, in other States the authority is often delegated to the local Publicly Owned Treatment Works (POTW). Burlington Water Resources Division (BWRD) maintains that a local program will be most effective framework for industrial pollution prevention in Burlington for the following reasons:

- BWRD has and will need to expend technical resources on industrial pollution prevention regardless of whether the permitting entity is the State or municipality. A delegated local permitting program allows BWRD to directly provide the technical review and recoup those resource costs through permit fees without duplicating fees for the industrial users.
- A local program allows BWRD to maintain a strong technically based partnership with our local industries and develop phased implementation of permits and programs that support moving industries in different user classes towards full compliance and maximum protection of our wastewater systems.
- This framework is in alignment with BWRD's current direction towards providing comprehensive technical review of all water and wastewater connections. This is review that is necessary given the complexities of our water and wastewater system and review that, pending current active legislation (see [S.212](#) – now in the House), could satisfy requirements for projects that would otherwise need a State water and wastewater permit.¹
- Establishment of a local program will allow for a more comprehensive long-term industrial pollution prevention approach that also addresses the potential cumulative impacts of medium and smaller users.

As some of you may recall, in the background of all our other infrastructure projects, we have been slowly working on a variety of efforts to advance industrial pollution prevention in Burlington. There was an extended hiatus due to COVID challenges and then the need to focus on our physical infrastructure; but the efforts were redoubled recently (see June 2025 [memo](#)) with the support of State administered American Rescue Plan Act (ARPA) grant in order to:

- protect existing organic capacity for the purposes of wastewater commitments for housing projects
- protect the capacity of the future upgraded WWTP through minimizing the discharge of organics
- ensure that residential ratepayers are not subsidizing the treatment costs related to industries
- finalize a variety of elements that, at best, would allow Burlington to implement a local program for our industries that would satisfy Federal and State regulations – and at worst would ensure we have sufficient understanding to provide input into State issued permits
 - develop local limits specific to our wastewater system
 - draft updates to the Sewer Use Ordinance
 - draft industrial pre-treatment regulations
- advance legislation that would update 10 VSA §1263 to allow for local Publicly Owned Treatment Works (POTW) to voluntarily implement a local industrial pre-treatment program with permits that would satisfy part 403 of title 40 of the Code of Federal Regulations (CFR)

The State is supportive of a local program but cannot delegate the authority without a statutory change to 10 VSA §1263. BWRD submitted draft updated language and has been working with the City's legislative lobbyist, VTDEC and members of the House Environment Committee on final language for S.212 ([latest](#)

¹ S.212 as passed in the Senate (currently in the House) provides for the State to enact a General Permit for Water and Wastewater Connections and further, outlines a process by which municipalities can provide the technical review for the general permit and utilize the State's database for an administrative fee of \$100. This would eliminate the duplicate review and approval process currently in place and allow for the City's rigorous technical review to serve as the approval. With those projects no longer paying review fees to the State, BWRD can explore some cost recovery for our technical review without unduly impacting the property owners further.

[draft](#)). It is anticipated that the House may act on this language the week of April 20, 2026 and BWRD is hopeful that the statute will be updated and allow us to move forward.

Upcoming Steps:

Sewer Use Ordinance Update

In order to satisfy ARPA grant deliverable requirements and deadlines, BWRD must advance changes to the Sewer Use Ordinance (Chapter 26) that reflect the grant funded work effort by the end of April 2026. The primary grant driven update is the authority to establish interim local limits for pollutants of concern and increased clarity regarding the City's ability to charge a surcharge fee to high strength users for organic loading as a condition of allowing discharges beyond the prohibited limits in 26-71(d). The sewer use ordinance update must be adopted with enough time to close out the grant by September 30, 2026. Currently we are targeting no later than mid-August 2026 for sewer use adoption by the Council.

In order to be as efficient as possible with our ordinance update request, the revised ordinance also contains updates that authorize the future adoption of regulations that would guide the administration of local State Wastewater permit permitting (for all municipal sewer connections, residential or commercial) and allow the collection of fees to cover the costs of such permitting. It also contains an additional ordinance division (Division 5) addressing pre-treatment requirements and authority to adopt pre-treatment regulations. Those authorities would only become effective upon public notification of delegated authority having been granted to the City. Such delegation would only occur after §1263 is updated and once the State approves the local program.

The revised sections of our sewer use ordinance have been reviewed by VTDEC with subsequent review by the City Attorney's Office. BWRD briefed the Transportation, Energy, and Utilities Committee (TEUC) on this item the March 24, 2026 meeting. At that meeting, the Councilors determined that the Ordinance Committee would be the proper body to review and advance the ordinance revision. A copy of the proposed sewer use ordinance revision is attached for Council review and referral to the Ordinance Committee.

Public Outreach

Prior to submitting the request for ordinance update to Council, BWRD has provided a recent email update to the currently un-permitted industrial users who are, based on previous surveys and data collection, defined as either Categorical Industrial Users (one user) or potential Class 1 Significant Industrial Users (8 users including the Burlington Water Treatment Plant)². The update (attached here) contains information about the proposed ordinance changes and the fact that these changes alone will not impact their facilities. Additionally, we have made them aware of 1) the State's expressed intent to bring them into compliance with permitting requirements whether through a local program or through direct State oversight and 2) an additional round of organic sampling that BWRD feels is necessary to ensure updated and realistic permit limits regardless of a State or local permit (see below). This is certainly not the first time that BWRD has engaged these users – but this will be the first time that there is perhaps more clarity in the permitting outcome. We will continue to engage these users as the

² Based on previous surveys and the last round of sampling the currently identified high strength users do not trip the 25,000 gallons of discharge or 5% of organic loading triggers – but the majority are undeniably in the category of "potential to impact" given their monthly loading and the volume of high strength liquids on-site. For others, more information is needed but based on what is known of their facilities, it is likely that they would require additional review and permitting in order to comply with Federal law.

Ordinance Committee reviews the updates and once it is clear whether or not the Legislature will provide the authority for a locally delegated program.

BWRD also intends to provide some technical guidance to the Categorical User so that they can begin work exploring whether or not they may be able to achieve permit coverage as a de minimis discharger, which is a smaller regulatory lift.

Next Steps:

There are a few on-going efforts occurring in parallel with this ordinance revision request:

Updated Sampling to Support Feasible Industrial Permit Limits

BWRD wants to ensure that the permit effluent limits that are to be codified into any permit for an existing connected user, whether administered by the State or by BWRD, are based on updated data and are achievable through best management practices that can be implemented on a reasonable time frame. Additionally, this sampling will provide an update to the concentration data that is used for the monthly high strength waste surcharge bills.

In order to do this, additional sampling is required. BWRD will be advancing procurement for technical services to conduct an additional round of sampling in the coming months.

Local Program Implementation

In preparation for local program adoption, the following steps are either underway or planned:

- Pre-treatment regulations have been drafted
- Organizational and operational review to identify budget plan for a local program
 - Review of permit fee, BOD surcharge fee estimates
 - Review of program expenses and potential cost recovery revenue to keep the program as cost neutral for non-industrial ratepayers as possible
 - Draft job duties for local pre-treatment coordinator
 - Initial identification of a potential existing BWRD roles that could, through reclassification, absorb pre-treatment coordination duties (currently the plan does not involve an increase in FTEs to initially implement the local program)
- Draft RFQ for industrial discharges professional services support: technical support will be needed to support initial implementation of permits, compliance program and training of the pre-treatment coordinator
- Development of an agreement with VTDEC for delegation of the permitting authority
- Submission of relevant requests to TEUC, Board of Finance and Council as applicable
 - Adoption of industrial pre-treatment regulations and local limits
 - Adoption of relevant fees
 - Organizational/personnel updates as necessary
 - Budget amendments as necessary

As with any new program, the launch will require significant effort from staff and oversight by Councilors. We appreciate the opportunity to update you on the current status of this industrial pollution prevention program and to brief you on the drivers and intent behind the sewer use ordinance update. We look forward to keeping you apprised as we continue to engage members of the industrial user community and track the status of the proposed legislative update.

MOTIONS

City Council Actions:

1. "To waive and approve the first reading of the proposed Sewer Use Ordinance and to refer the ordinance to the Ordinance Committee".

Thank you for your consideration of this request.

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) Adoption of regulations.
 - (1) Use of the city's sewers is subject to compliance with such regulations as the public works commission may deem necessary or convenient to protect public health, safety, and welfare or the environment, to comply with state and federal law, or to safeguard the city's treatment works.
 - (2) Such regulations shall be adopted at the recommendation of the public works director or designee following a public hearing.
 - (3) Notice of the hearing shall be included in the warned agenda for said meeting, and it shall be posted on the city's website and published in a newspaper of general circulation within the city at least three calendar days prior to the hearing. The published hearing notice shall include a link to the draft regulations.
 - (4) The hearing may be continued from time to time, and republication of the hearing notice shall not be required if the continued hearing date, time, and location are announced on the record at the time of the continuance. A final decision of the commission shall be made at the same or a subsequent meeting as the meeting where the hearing was conducted.
 - (5) The record for the commission's decision shall consist of the draft regulations, any written or oral staff report, public comments received at the hearing, and any written comments received at least twenty-four (24) hours prior to the opening of the hearing.
 - (6) Regulations approved by the commission shall take effect seven (7) calendar days after publication on the city's website.

(7) A violation of the commission's regulations may be enforced pursuant to section 26-4 of this code.

(d) 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.
- (e) 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.
- (f) 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.
- (g)
- (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.
- (h) 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 (d)(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.
- (i) 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.
 - (j) 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.
 - (k) 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.
 - (l) 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.

- (m) 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.
- (n) 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.
- (o) No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the city health officer.
- (p) 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.
- (q) 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.
- (r) 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.
- (s) 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.

- (t) 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.
- (u) 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.
- (v) 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.
- (w) 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.
- (x) 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.
- (y) 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.

26-76 Wastewater Permit Fees

- (a) Certain activities pursuant to this chapter require a permit or other approval, plan check, investigation, or review by the director or their designee. The city also incurs costs associated with the physical connection of property to public sewers, as well as costs associated with certain intensive uses of the city's treatment works. The city council finds that the direct and indirect cost of providing such services should not be borne by ratepayers generally but instead should be the responsibility of benefitted property owners.
- (b) The city council shall establish by resolution fees for activities described in this chapter, which fees shall be reasonably related to the direct and indirect costs of said activities. The city council shall also establish by resolution administrative rules for the collection of fees imposed pursuant to this section, including, without limitation, any provision for fee waivers; the handling, use, and deposit of fees; recording keeping; appeals; and any annual inflation factors to be applied.

- (c) No work shall be commenced until any permit or other approval required under this article shall have been received by the party submitting the application and all applicable fees have been paid.
- (d) In case of preemption, in addition or in lieu of such fees as may be authorized pursuant to this section, the director shall charge such fees as may be allowed or required by federal or state law.

Division 5. Pretreatment Requirements

26-77 Effective Date and Interim Regulations.

The provisions of this division commencing with section 26-78 shall take effect twenty-one (21) days after the director of public works or designee posts on the city's website and publishes notice in a newspaper of general circulation that authority has been delegated to the city to issue permits for discharges to the city's treatment works, pursuant to 10 V.S.A. § 1263, as the same may be amended or renumbered from time to time. Until such effective date, if necessary or convenient to protect the public health, safety, and welfare or the environment, to comply with state and federal law, or to protect existing infrastructure, the city council may, by resolution, adopt interim effluent limitations and surcharges for industrial users. Notification of such interim regulations shall be published, and such interim regulations shall become effective, in the same manner as for an ordinance, pursuant to section 49 of the city's charter.

26-78 Purpose and Policy.

This division sets forth uniform pretreatment requirements for indirect discharges by users of the publicly owned treatment works of the city. The intent of this division is to enable the city to comply with all applicable state and federal laws relating to the subject matter hereof, including, without limitation, the federal Clean Water Act and the general pretreatment regulations codified at part 403 of title 40 of the Code of Federal Regulations, as the same may be amended or renumbered from time to time. The specific objectives of this division are to:

- (a) Authorize the director to establish regulations implementing the requirements of this division, in substantial conformance with the U.S. Environmental Protection Agency's Model Pretreatment Ordinance, or such other guidance as the federal or state governments may prescribe from time to time relating to the subject matter of this division;
- (b) Provide for remedies for violations of said regulations, as required, authorized, or encouraged pursuant to applicable federal or state law;
- (c) Prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operations;
- (d) Prevent the introduction of pollutants into the publicly owned treatment works that are likely to pass through said works, inadequately treated, into the waters of the State of Vermont and of the United States;

- (e) Protect city personnel and members of the public who may be affected by wastewater and sludge not adequately pretreated;
- (f) Provide fee authority, as set forth in section 26-84, below; and
- (g) Enable the city to comply with all applicable federal or state permits required to operate its publicly owned treatment works.

26-79 Definitions.

As used in this division, the following terms have the following meanings:

- (a) Director means the city's director of public works or designee; provided that the city council may designate another city officer or employee as the "director" by resolution, solely for purposes of this division.
- (b) Indirect discharge means the introduction of any pollutant into the publicly owned treatment works from a nondomestic source.
- (c) Interference means any indirect discharge that, alone or in conjunction with other discharges, that inhibits or disrupts the publicly owned treatment works, their treatment processes or operations, or their sludge processes, use, or disposal, so as to interfere substantially with the purposes and policies set forth in section 26-78, above.
- (d) Publicly owned treatment works, or "POTW", means all of the city's infrastructure for the collection, transportation, and treatment of wastewater.
- (e) Passthrough means a discharge that exits the POTW into the waters of the State of Vermont or of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, would result in a violation of any requirement of any federal or state permit applicable to the POTW, including an increase in the magnitude or duration of an existing violation.
- (f) Regulations means the regulations adopted pursuant to section 26-82, below.
- (g) User means any source of indirect discharge.

26-80 Prohibited Discharges.

The following indirect discharges are prohibited:

- (a) Any indirect discharge that results in passthrough or interference.
- (b) Any indirect discharge that would violate 40 C.F.R. Section 403.3(b), as the same may be amended or renumbered from time to time, or that would otherwise violate federal law, state law, a permit issued under section 26-81, the regulations, or any other provision of this chapter.
- (c) Any indirect discharge done without a permit under section 26-81.

26-81 Permits Required.

- (a) No indirect discharge shall be permitted without a permit issued pursuant to the regulations.
- (b) The regulations may provide for general permits and permit waivers.
 - (1) General Permit. For those indirect discharges not requiring special conditions, including, without limitation, special conditions relating to pretreatment of indirect discharges, monitoring, and reporting, the regulations may provide for the issuance by the director of a general permit. Any user desiring to operate under the general permit shall register under that permit with the director in a manner specified in the regulations, pay any fee required pursuant to section 26-84, below, and comply with all conditions of the general permit, as specified in the regulations. More than one classification of general permit may be established by the regulations for different types of uses.
 - (2) Permit Waiver. The regulations may exempt any indirect discharge from the requirement to obtain a permit to operate, as otherwise required by subsection (a), above, based on the size, nature, or other characteristics of the indirect discharge, as specified in the regulations. Operation within the limits of the waiver and otherwise in strict conformance with all applicable laws shall be deemed the functional equivalent of operating under a permit.
- (c) Permits may be specific to the user or may run with the use, as specified in the regulations.
- (d) If a user is required to obtain a permit, the director shall provide notification to the user by first class mail at the user's physical address and mailing address for utilities billing, if different. The user shall then have thirty (30) days submit a complete application for a permit, subject to reasonable extensions granted by the director. If allowed by regulations adopted pursuant to this division, the notification may impose reasonable interim measures that the user shall take to limit interference and passthrough, pending an application for a permit. Except as expressly authorized in the notification, any indirect discharge by any user pending the issuance of a permit shall be deemed a violation of section 26-80, above.

26-82 Regulations.

- (a) Regulations Authorized. The director is hereby authorized to issue regulations, in the manner described in this section, to achieve the purposes set forth in section 26-78, above.
- (b) Adoption of Regulations. Regulations drafted by the director shall be subject to review and approval by the city's public works commission following a noticed public hearing conducted at a regular meeting of the commission. Notice of the hearing shall be included in the warned agenda for said meeting, and it shall be posted on the city's website and published in a newspaper of general circulation within the city at least three calendar days prior to the hearing. The published hearing notice shall include a link the draft regulations. The hearing may be continued from time to time, and republication of the hearing notice shall not be required if the continued hearing date, time, and location are announced on the record at the time of the continuance. A final decision of the commission shall be made at

the same or a subsequent meeting as the meeting where the hearing was conducted. The record for the commission's decision shall consist of the draft regulations, any written or oral staff report, public comments received at the hearing, and any written comments received at least 24 hours prior to the opening of the hearing. Regulations approved by the commission shall take effect seven calendar days after publication on the city's website.

- (c) Amendment to Regulations. Any regulation may be made in the same manner as for the original adoption of the regulation.

26-83 Violations.

- (a) For purposes of this section, a violation of this division includes any act or omission committed by a user that violates any provision of this division or that causes or enables a violation to occur.
- (b) Violations of this division are subject to section 1-9 of this ordinance code. A violation may be abated as a public nuisance and prosecuted civilly or criminally as set forth in that section, and the director shall be authorized to issue municipal tickets thereunder. Notwithstanding section 1-9, the maximum fine for a violation under this division shall be the greater of the maximum fine available under section 50 of the city's charter or 40 C.F.R. § 408.8(f)(1)(vi)(A), as the same may be amended or renumbered from time to time. If a court of competent jurisdiction determines that the foregoing federal law does not preempt the city's charter, then the maximum fine shall be determined by charter.
- (c) The director may report any violation to appropriate federal and state officials and may issue such orders to any user to comply with this division or to cease and desist from any violation thereof as may be necessary or convenient to achieve the objects and purposes set forth in section 26-78, above. An order shall contain notice that an appeal of the order must be filed with the director in writing within 15 calendar days thereof. Such an appeal shall be heard by the public works commission at its next regular meeting unless a different hearing date is agreed between the user and the director. If the order is upheld by the commission, then it shall be appealable to the superior court pursuant to rule 74 of the Vermont Rules of Civil Procedure. Refusal to comply with a final order shall be subject to subsection (b) of this section. The City Attorney may also bring an action to enforce the order and, if relief is granted, shall be entitled to an award of reasonable attorneys' fees and costs.
- (d) If necessary following repeated and severe violations of this division or to avoid a substantial likelihood of significant environmental harm or of harm to any person or real property of another, the director may take such actions as may be reasonable necessary to cease indirect discharges from any user, including by shutting off the user's water supply.
- (e) Any individual or property owner who suffers substantial bodily harm or property damage as a proximate cause of any violation of this division may bring an action to recover the individual or property owner's actual damages, pursuant to section 54 of the city charter.

- (f) In case of any physical harm to the POTW proximately caused by any violation of this division, the city may bring an action to recover its actual damages, attorneys' fees, and costs.
- (g) The remedies set forth in this section are cumulative with one another and with those provided by federal or state law.

26-84 Fees.

The city council may, by resolution, adopt a fee schedule setting forth fees for permit applications and for activities under the regulations requiring significant staff time, including any reasonable fees for the filing of an appeal under section 26-83(b), above, or for inspections and related activities.

DRAFT

EMAIL TO POTENTIAL CATEGORICAL AND SIGNIFICANT INDUSTRIAL USERS

Sent 4/20/2026

Dear Business Owner,

I'm writing to give you an update on the City of Burlington's efforts to launch a local Industrial Prevention Pollution Program that will ensure that all discharges to the City's wastewater system are compliant with State (10 VSA §1263) and Federal Law (40 CFR Part 403). The timing of this update is relevant for a few reasons – chief among them:

1. As part of a grant we received to support compliance with these State and Local regulations, we are required to advance several updates to our Sewer Use Ordinance (see more below)
2. We have been working with the State Legislature to update 10 VSA 1263 so that compliance with the above State and Federal regulations can be addressed at the municipal level in Burlington vs. permitting by the State.

It is important that you know that neither of these updates create any immediate changes for you or your facility. However, as they are part of a larger trajectory that will involve your cooperation and compliance, we wanted to make sure you were aware of them.

In the recent year, the Vermont Department of Environmental Conservation (VTDEC) has made it clear to the Burlington Water Resources Division (BWRD), as the holder of the discharge permits for our City's Wastewater Treatment Plants, that industrial users in Burlington will need to fully comply with all applicable State and Federal laws. While they have not established a definitive timeline, it is BWRD's understanding that there needs to be movement towards correcting any gap no matter the regulatory framework.

As you may or may not recall through past conversations with BWRD or our consultant Hoyle Tanner, it is a regulatory requirement that the following types of industrial users be reviewed and, in many cases, ultimately be regulated by facility specific pre-treatment permits that establish limits and other requirements regarding the amount of pollutants that can be discharged to the wastewater system:

1. industrial users who discharge or have the potential to discharge certain pollutants (e.g. heavy metals etc.) that may harm the wastewater facility; and/or
2. industrial users who discharge or have the potential to discharge significant volumes of high strength (containing organic material which has high biological oxygen demand - BOD) wastewater that may harm the wastewater facility.

These determinations and any resulting permit requirements are different from the biological oxygen demand (BOD) surcharge fee agreements that are in place for many of you.

Local Pre-treatment Program vs. State Regulation of Burlington Industrial Users

The City has also been working with VTDEC and the Legislature to develop a mechanism that would authorize the State to delegate the administration of pre-treatment requirements to a municipal wastewater utility. This is the model followed in many other states. It has the benefits of reducing the need for duplicative review, permitting and fees and maintaining a direct relationship to maximize collaboration between utility operations and technical staff and the municipality's industrial users. The amendment to §1263 is currently in the House Environment Committee and we hope to see legislation

passed this session. VTDEC would still be the authority reviewing and approving any proposed local program.

Sewer Use Ordinance Update

As you may also remember, in recent years, BWRD has been performing work to review the breadth of industrial users of all sizes, do initial calculations regarding how much of certain pollutants BOD the plant can handle, and develop a framework for how BWRD might be able to directly regulate industrial users vs. the State regulating the City's industrial users. Recently, this work was supported by a State ARPA (American Rescue Plan Act) grant. Part of the ARPA grant requirement includes the need to complete updates to our Sewer Use Ordinance before the end of August 2026. BWRD is introducing a draft of these proposed updates at the Burlington City Council Meeting on April 27. It will then be referred to the Ordinance Committee of the City Council for additional review in the intervening months and eventual recommendation back to the City Council before the end of August.

The DRAFT Sewer Use Ordinance updates include the following elements, several of which also apply to non-industrial water/wastewater connections:

- Authority and framework to adopt regulations, in general
 - The update does NOT adopt the regulations. That would be a future step and would involve additional stakeholder outreach.
- Authority and framework for Council to adopt fees for permits
 - The update does NOT adopt those fees
- Pre-treatment Requirements Section
 - Allows the City Council to adopt interim local limits (these are the "total" amount of a pollutant that the wastewater system can receive, not the total amount a specific user can discharge) and future updated surcharge fees.
 - If authority to delegate is granted by the Legislature and the State approves the local program for delegation (see Next Steps: Local Implementation Framework) and the City provides public notification:
 - Establishes general pre-treatment requirements for the City's sewer system
 - Allows a governing body of the City (currently the Public Works Commission but this could change) to adopt pre-treatment regulations. Regulations are the mechanism by which future local industrial user permitting would occur.
 - These would only be advanced after a stakeholder process and a public hearing.

The current draft revisions to the ordinance are attached for your review. We anticipate that language may change during the course of review by the Ordinance Committee.

Next Steps

There are a few near term steps that we feel are important to outline:

- Additional Sampling Round of Large High Strength Users: It is of utmost importance to BWRD that any individual pre-treatment permits issued to the significant (larger) high strength industrial users (regardless of whether from the State or the municipality) contain relevant and reasonable pollutant limits and that the data used to determine these limits

reflects current operations. As such, a necessary step in the longer trajectory of permitting is the collection of additional samples from your facility's effluent. BWRD will be procuring technical services to conduct an additional round of sampling in the coming months. We will also use this data to update any concentrations that are currently used in the calculation of BOD surcharge fees as we understand many of you have already been working to reduce your BOD discharges. In the same vein, we would also like to review your current process water flow metering (if any) to ensure we are using the best possible estimates of wastewater flow for both your surcharge fee calculation and your retail wastewater charges. We will contact you with more information on scheduling this sampling.

- Additional Outreach to Industrial Users with other Pollutants of Concern: BWRD will be working with any smaller scale industrial users who potentially discharge pollutants of concern other than organics (e.g. metals) to review operations and determine whether these businesses, might, through a change in operations, qualify for a "no discharge" determination.
- Local Program Implementation Framework: If the Legislature passes the desired statutory change, there will still be significant additional work to develop all the components of a local pollution program and to have it reviewed and approved by the VTDEC before any permitting actions can be taken at the local level. Part of this process will be to finalize and adopt the pre-treatment regulations that are enabled (but not adopted) in the Chapter 26 Ordinance update mentioned above. There will be additional and more detailed outreach to the identified industrial users before the regulations are advanced.

If you have any questions regarding this update or the City's efforts to pursue a local Industrial Prevention Pollution Program, please let us know. My team and I will be happy to set up a meeting to discuss any questions or concerns you may have about the proposed trajectory of compliance and how they might affect you. Otherwise, we will continue to reach out with updates on the above and on specifics as they are available for your particular facility.

Best Regards,

Megan

Megan Moir (*she/her*)
Division Director - Water Resources
Burlington Public Works Department
P (802) 863.4501
C (802) 734.4595
Email: mmoir@burlingtonvt.gov



To: Ordinance Committee
From: Megan Moir, Division Director Water Resources
Cc: Chapin Spencer, DPW Director
Date: June 5, 2026
Subject: Update on Industrial Pollution Prevention Program & Chapter 26 Sewer Use Ordinance Revisions

SUMMARY

The Water Resources Division (WRD) is providing this update to the Ordinance Committee regarding the Industrial Pollution Prevention Program (IPPP) and the proposed revisions to Chapter 26 of the Burlington Code of Ordinances. WRD seeks the review and ultimate approval of the proposed updates to Chapter 26, with referral and recommendation of approval by the end of August 2026 by the full City Council.

BACKGROUND

As reported to City Council, WRD has resumed and expanded long-term efforts to develop a local Industrial Pollution Prevention Program and align the Sewer Use Ordinance with Federal and State requirements. Please see the [April 27, 2026 memo](#) which provides substantial background on these efforts.

Much of the later stages of these efforts are funded by an American Rescue Plan Act (ARPA) grant. In order to comply with the grant deliverable requirements and deadlines, the proposed update to the ordinance must be adopted by Council by mid-August 2026. Based on the currently available calendar data, this means that the ordinance committee would ideally act no later than the July 16 meeting to allow for Council approval on the August 3 meeting. An August 24 Council target date could also work, but it does not appear that there are additional non "IZ" Ordinance committee meetings available. Water Resources is open to discussing what works best for the committee.

Since the April 27, 2026 meeting, the Legislature did vote in the affirmative on [S.212](#), which provides the updates necessary in 10 VSA §1263 to allow for a local municipal program to meet the requirements of pre-treatment permitting. The bill also updates 10 VSA §1971 to allow for the eventual delegation of "connection permitting authority to municipalities" which will allow the review already performed by Burlington Water Resources to satisfy the requirements of the water/wastewater permitting that is currently administered solely by the State (and which causes some confused and duplicative effort). It is awaiting signature by the Governor in the coming weeks. Several of the ordinance updates relate to those anticipated statutory updates.

WRD has been holding on additional IPPP actions pending the outcome of the 2026 Legislative Session. With the success of the statutory changes and with the ordinance update proceeding to Ordinance Committee review, WRD will be resuming with the "Next Steps" trajectory outlined in the April 27, 2026 memo.

We look forward to discussing the proposed updates to the Chapter 26 ordinance with the Committee.

DRAFT MOTION

Ordinance Committee:

1. "To approve the proposed Sewer Use Ordinance and to refer it back to the full Council with a recommendation of approval."

Thank you for your consideration of this request.

CITY OF BURLINGTON

ORDINANCE 5.25

Sponsor: DPW Commission
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Six

First reading: 04/13/26
Referred to: Ordinance Committee

An Ordinance in Relation to

Rules suspended and placed in all stages of passage: _____

Bicycles and Motor Vehicle Traffic

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 6, Bicycles, of the Code of Ordinances of the City of Burlington be and hereby is amended by
2 amending Article 1, thereof to read as follows:

3
4 **6-1 Definitions.**

5
6 *Bicycle:* As written

7
8 ~~*Motor-assisted bicycle:* Any bicycle with fully operable pedals and equipped with a motor that in itself is~~
9 ~~capable of producing a speed of no more than thirty (30) miles per hour on a paved level surface. A motor-~~
10 ~~assisted bicycle is not a motor vehicle or micromobility device and shall obey all traffic regulations~~
11 ~~applicable to bicycles, except as otherwise provided by law or other ordinances.~~

12
13 *Electric bicycle:* A bicycle equipped with fully operable pedals, two wheels, a saddle or seat for the rider,
14 and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

- 15 (i) “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides
16 assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle
17 reaches the speed of twenty (20) miles per hour.
18 (ii) “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used
19 exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle
20 reaches the speed of twenty (20) miles per hour.
21 (iii) “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides
22 assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle
23 reaches the speed of twenty-eight (28) miles per hour.

24
25 An electric bicycle is not a motor vehicle and shall obey all traffic regulations applicable to bicycles, except
26 as otherwise provided by law, including any provision of this code.

27
28 *Electric Personal Assistive Mobility Devices (EPAMD):* means a self-balancing, two-nontandem-wheeled
29 device, designed to transport only one person, with an electric propulsion system with average power of 750
30 watts (1 h.p.).

31 (1) with front, rear, and side reflectors;

32 (2) with a system that will enable the operator to bring the device to a controlled stop; and

33 (3) if the device is operated between one-half hour after sunset and one-half hour before sunrise, with a lamp
34 emitting a white light that, while the device is in motion, shall illuminate the area in front of the operator.

35
36 Rights and duties of operator. The operator of an EPAMD shall have the rights and duties of pedestrians.

37
38 Motor-assisted bicycle: Any bicycle or tricycle with fully operable pedals and equipped with a motor that in
39 itself is capable of producing a top speed of not more than twenty (20) miles per hour on a paved level
40 surface when ridden by an operator who weighs one hundred seventy (170) pounds and either:

41 (I) has an internal combustion motor with a power output of not more than 1,000 watts or 1.3
42 horsepower; or

43 (II) has an electric motor with a power output of not more than 1,000 watts and does not meet the
44 requirements of one of the three classes in Electric Bicycles

45 A motor assisted bicycle is not a motor vehicle and shall obey all traffic regulations applicable to bicycles,
46 except as otherwise provided by law, including any provision of this code. A person under sixteen (16) years
47 of age shall not operate a motor-assisted bicycle on a highway in Burlington.

48
49 ~~Motor-assisted micromobility device: Any motor-assisted device for personal transportation. This includes~~
50 ~~any device with no more than three (3) wheels and a motor that in itself is capable of producing a speed of no~~
51 ~~more than twenty five (25) miles per hour on a paved level surface. Motor-assisted micromobility devices~~
52 ~~are not motor vehicles and shall obey all traffic regulations applicable to motor-assisted bicycles, except as~~
53 ~~otherwise provided by law or other ordinances.~~

54
55 Motor-assisted micromobility device: Any motor-assisted, wheeled device for personal single-occupancy
56 transportation that does not have a seat, is designed to be stood upon when riding, and has an electric
57 propulsion system averaging less than 1,000 watts, the maximum speed of which, when powered solely by a
58 propulsion system on a paved level surface, is no more than twenty five (25) miles per hour. The device may
59 be designed to also be powered by human propulsion. A motor-assisted micromobility device is not a motor
60 vehicle and shall obey all traffic regulations applicable to bicycles, except as otherwise provided by law,
61 including a provision of this code.

62
63 **6-2 Parental responsibility.** As written.

64
65 **6-3 Riding on sidewalks, bicycle and pedestrian pathways and in parks.**

66
67 (a) Allowances and restrictions on methods of transportation on public routes are as follows:

68
69 Church Street Marketplace District: Bicycles, electric bicycles, motor assisted micromobility devices, and
70 motor assisted bicycles are allowed within the Church Street Marketplace District, only within the vehicle
71 travel portions of Bank, Cherry and College Streets, and the bike lane on Main Street.

72
73 Sidewalks within the City Center (bounded by the streets of Pearl Street, South Winooski Avenue, Main
74 Street, Maple Street, and St. Paul Street Battery Street) except Church Street Marketplace District: Motor-
75 assisted bikes, and motor-assisted micromobility devices are not allowed. Bicycles and micromobility
76 devices are allowed for operators of these devices age sixteen (16) and younger, who may use these spaces as
77 dedicated bike facilities within the City Center.

79 Notwithstanding anything to the contrary in this subsection, bicycles, electric bicycles, motor-assisted
80 bicycles, micromobility devices, and motor-assisted micromobility devices are allowed upon bike
81 paths, bike lanes, bicycle and pedestrian pathways, multi-use paths, shared-use paths, and in
82 crosswalks. Where a designated bicycle, micromobility, or multi-use facility is provided on or
83 adjacent to a sidewalk, users of any age may operate their device within that designated facility.
84

85 ~~(a)~~(b) It shall be unlawful and shall be a trespass:

86 (1) For any person over the age of sixteen (16) years to operate a bicycle upon any sidewalk of the
87 city within the ~~inner fire district~~ City Center; provided that any person age sixteen (16) or under may
88 use these devices upon sidewalks in the City Center, as indicated in the previous subsection.

89 (2) For any person of any age to operate a bicycle ~~upon any sidewalk or~~ within any public parking
90 facility in the City Center, (bounded by the ~~centerlines streets~~ of Pearl Street, South Winooski Avenue,
91 ~~Main Street, Maple Street, and St. Paul Street~~ Battery Street),- or within City Hall Park;

92 (3) For any person of any age to operate a bicycle upon the streets within the Church Street
93 Marketplace District as defined in section [321](#) of the Burlington City Charter, excepting:

94 a. The traveled portions where vehicular traffic is regularly permitted on College, Bank and
95 Cherry streets;

96 b. As permitted by the Church Street Marketplace Commission.

97 ~~(b)~~(c) Persons riding bicycle upon a sidewalk or bicycle and pedestrian pathway shall yield the
98 right-of-way to any pedestrian.

99 ~~(e)~~(d) Persons riding a bicycle upon a sidewalk, or bicycle and pedestrian pathway shall give
100 audible signal before overtaking and passing a pedestrian or another bicycle.

101 ~~(d)~~(e) Persons operating a bicycle on a sidewalk, in areas where such operation is not otherwise
102 prohibited by this chapter, shall exercise due care, which includes operating the bicycle at a speed
103 reasonable for the existing conditions.

104 ~~(e)~~(f) Persons operating a bicycle on a sidewalk, in areas where such operation is not otherwise
105 prohibited by this chapter, shall come to a complete stop prior to crossing all street crossings.

106 ~~(f)~~(g) No person shall operate a motor-assisted bicycle, motor-driven cycle as defined in 23 V.S.A §
107 4(45)(A), motor-assisted micromobility device, pedi-cab or pedi-bus upon any sidewalk.

108 ~~(g)~~(h) Persons riding a bicycle, electric bicycle, micromobility device, motor-assisted bicycle, or
109 motor-assisted micromobility device, pedi-cab or pedi-bus on a bicycle and pedestrian pathway shall
110 yield the right-of-way to any pedestrian.

111 **6-4 to 6-14.** As written

112 **6-15 Dissemination of information.**

113 (a) ~~Every person engaged in the sale or dissemination of bicycles shall inform each purchaser of~~
114 ~~city ordinances and state laws governing the operation of bicycles.~~

115 (b) Every person engaged in the business of renting bicycles for use in the city shall inform each
116 person who rents a bicycle of the city ordinances and state laws governing the operation of bicycles.

117 **6-16 to 6-17.** As written

118 **6-18 Reckless operation.**

119 A person may not operate a bicycle, electric bicycle, motor assisted micromobility device, or motor-driven
120 cycle, upon any roadway, bicycle lane, bicycle path, bicycle and pedestrian pathway, or sidewalk (if
121 applicable) under the control of the City of Burlington in a careless, reckless, or negligent manner so as to
122 endanger the life and safety of any person, or the property of any other person.

123
124 And that Chapter 20, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Burlington be and
125 hereby is amended by amending Article 1. In General, Sec. 1, Definitions, thereof to read as follows (all
126 defined terms not referenced below to remain as written):

127
128 **20-1 Definitions.**

129
130 ~~Motor-assisted bicycle: Any bicycle with fully operable pedals and equipped with a motor that in itself is~~
131 ~~capable of producing a speed of no more than thirty (30) miles per hour on a paved level surface~~ As defined
132 in section 1 of chapter 6 of this code.

133
134 ~~Motor-assisted micromobility device: Any motor-assisted device for personal transportation. This includes~~
135 ~~any device with no more than three (3) wheels and a motor that in itself is capable of producing a speed of no~~
136 ~~more than twenty-five (25) miles per hour on a paved level surface. Motor-assisted micromobility devices~~
137 ~~are not motor vehicles and shall obey all traffic regulations applicable to motor-assisted bicycles, except as~~
138 ~~otherwise provided by law or other ordinances.~~ As defined in section 1 of chapter 6 of this code.

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149 * Material stricken out deleted.

150 ** Material underlined added.

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153

154

155 CM/ER/Ordinances 2026/Ch. 6; Bicycles, Ch. 20; Motor Vehicles And Traffic

156 3/18/26

Email from Roland Dion, 2026-05-11

Good morning all

First

I would like to add my support to Joanne's comments regarding ongoing issues involving the safety and lack of respect in our neighborhood with kids on electric bikes

It is a BIG concern for me and other neighbors

I've lived here for 47 yrs and have not experienced this ongoing behavior

I now feel threatened as they have come on my property and harass by knocking on the door day and night

I have call BPD two times on Thursday evening and asked for assistance , which never happened

They were 7 on electric bikes going up an down the side walk in front of my house stopping and staring in to intimidate

One kid on a white e bike jumped on my porch and started knocking on the door and continued back to the road and dropped his pants to moon me

I grabbed the kids bike and held it and demanded him to tell me his name

He was not intimidated while his partners were using their phone to video me

He told me his name was Ivan Driscoll

Most this started when my wife was outside and yelled at this group on a golf cart racing up the side walk and yelling

I'm asking you counselor's for your assistance in this on going problem

Thank you

Roland Dion

Email from Chief Shawn Burke, 2026-05-12

Good afternoon, Councilors Barlow and Carpenter,

BPD has noticed the growing trend of electrified motorcycles being operated around town. The proposed ordinance change I recently reviewed does not address motor-driven cycles which are defined in state statute nor these high wattage cycles.

I would suggest that the ordinance include the state definition of motor-driven cycle and explicitly prohibit the operation of motor-driven cycles on all paths, parks, and sidewalks. Additionally, these electrified motorcycles are a blend of low and high wattage, many of which require Vermont registration and operators to be 16 years of age, licensed, with a valid motorcycle endorsed. The proposed ordinance should also prohibit the operation of electrified cycles with a motor that exceeds 750 watts, or similar definition, to best address the prevalence of these high-speed cycles on city paths, parks, and sidewalks. This piece from [Vermont Public](#) illustrates the challenge and how South Burlington chose to approach their ordinance.

Enforcement will be a challenge given our lack of human resources at the PD. We will also have to look at strict prohibitions on giving chase to violators who refuse to stop - the risk of injury would likely outweigh the government's interest in enforcing the law.

Best,
SPB

Email from Joanne Kalisz, 2026-05-09

Hello Sarah, Mark, and Phil,

I am contacting you about a rapidly increasing problem in my neighborhood (Oakland Ter / Staniford Rd area) and on the bike path (between Leddy Park and The Colchester Bridge). There has been a significant increase in dirt bikes/scooters/mopeds/e-bikes on city streets and the bike path. I do not know specifically what these bikes are called but they are powered by either electricity or gas. Many of the bikes are being ridden by boys who are between 11-15 years old. I have spoken with other residents on my street and many are concerned and question whether it is legal for the kids to be riding these bikes on city streets and on the bike path. The bikes are loud and disruptive and the riders have used the bikes to damaged city property. People are concerned that a child is going to either hurt themselves or someone else. No one wants to see a kid get hit by a car but the way the kids ride, that is going to happen. What people are not mentioning is how, as a driver, it could ruin your life to hit a child on a bike even if the child was at fault for being reckless or failing to stop at an intersection or stop sign and the driver had the right of way.

I have lived in this neighborhood for at least 15 years and it was a safe, quiet, and respectful neighborhood. I walk A LOT and I cover between 50-75 kilometers a week. Mark and Sarah, as you know, in the past 2 years I have been experiencing an increase in rude, thoughtless, and disrespectful behavior when I am walking my dogs. The motorbikes/dirt-bikes is a new chapter of the increasing problems in the NNE. I know I am not the only one being affected and I have started speaking up as some people are afraid to speak up.

Reckless behavior I have witnessed:

- Ride very fast on city streets and the bikepath. Sometimes going at least 30mph
- Hit their breaks and scare people, send dirt airborne, and make holes on side of bike path and on green belt on city streets.
- Do not pay attention to cars, pedestrians, runners, cyclists
- Do not stop at stop signs or T-intersections
- Do not follow the Greenway Guidelines
- Ride on the wrong side of the road when on city streets
- Ride VERY close to cars
- Zoom in front of moving cars
- Weaving back and forth in front of cars (sometime 2-3 kids together)
- Do not wear helmets
- Do not use use lights at night

Damage to Public Property:

In the past 3 weeks, the bikes have done noticeable damage to the dirt paths that run on both sides of the bike path. I overheard a woman reporting it to a Parks employee who was doing work on the bike path, I added my observations, as I was leaving another woman joined her. I have started photographing the damage and have reported it on See, Click, Fix. The damage is occurring more and more frequently.

For example, earlier this week the bikes made numerous holes on the bike path. I walked on the bike path on Friday and was thankful that someone had filled in the holes that bikes had made. By Saturday evening I photographed 9 new skid-marks - many which had holes as deep as 4" in a 3/4 mile span of the

bike path (between Staniford Rd and Northgate/Northshore steps). I covered LESS than a mile and there were almost a dozen noticeable skid-marks and holes. This is also a safety hazard as someone could trip over the holes and uneven ground and fall and injure themselves. I have witnessed boys who look to be around 11-13 years old intentionally making these holes as they ride very fast and then screech their tires. This scares people and dogs and kicks up a lot of dust and ruins the side of the bike path.

Harassment:

I have heard that they are intentionally scaring people and dogs on the bike path by speeding VERY close, popping wheelies when they pass, and screeching to a stop in front of people. At first I thought maybe the kids didn't realize what they were doing. NOPE!

Tonight (May 9th) at approximately 8pm, I experienced this first hand. I was walking across Starr Farm Park and was on the trail that runs parallel to the bike path. A boy rode his bike directly at me and when I told him not to do that he got rude and argumentative. I raised my voice to a firm, no-nonsense voice and told him to be respectful and to not ride at us. He was joined by 2 other boys on dirt-bikes/scooters/mopeds and they proceeded to harass me and my dogs by swearing, yelling, making weird noises, honking (one had a horn on his bike), and threatening me (one yelled that he was "going to fuck my dogs up their assholes"). I would NEVER have talked like that to an adult when I was there age. I yelled at them to get away from me and to be respectful and watch what they say to me. I did NOT swear at them or call them any names. I kept repeating be respectful, watch how you talk to me, slow down, don't ride at me, stop scaring us, etc.. They rode their bikes in a large circle around me while yelling at me and honking trying to scare me and my dogs. I yelled that I was calling the police - which I did. They crossed a line and were no longer just "clueless kids" and they were intentionally following, circling, yelling at, and threatening me.

Increasing Concern:

I am NOT the only one in my neighborhood who is concerned about the increase in these bikes and the reckless behavior. I have spoken to a couple people and some have had negative encounters with kids on dirt-bikes. Others do not like the noise and are worried a kid is going to get hit by a car or is going to ride their bike into a person, small child, or dog. I have been encouraging people to speak up as the more people who speak up the more likely the city will take us seriously. Those who have shared their concerns with me do not want to report it for various reasons (keeping neighbor relations civil, not wanting to cause trouble, not knowing who the kids are, not thinking anything will get done, not wanting to burden the police).

Who are the kids?

I do not know who they are. They are NOT all from Oakland Terrace. A neighbor believes that some of the kids riding the bikes live on Staniford Rd and Killarney Dr. A friend told me one used to live on Tracy Dr (but I heard he moved). The kids who harassed me this evening disappeared pretty fast so I wonder if some also live in the Starr Farm Neighborhood and/or Northgate.

Next Steps:

When I spoke with the BPD, the officer mentioned that it really falls down to parenting (or lack thereof). I have spent a lot of time working with kids as both a teacher and in afterschool programs. The reality is that when parents fail to address this behavior when the kids are young, it leads to more concerning and dangerous behavior when the kids mature. Even with the families of people I genuinely like, if they fail to address problematic behavior and have consequences, then it gives the child the message that this type of behavior is acceptable. Riding dirt-bikes recklessly when they are 12

with little to no consequence can result in them driving cars recklessly as young adults and committing vehicular homicide.

If parents are not going to teach kids about safe and respectful riding, then it is up to Burlington to do this either in school or in afterschool or community events. I am also asking that Burlington ban these bikes from the bike path and city streets. If they are already illegal to ride, then Burlington needs to enforce this. Laws do nothing if we do not enforce them, and I am getting sick of being the one who has to enforce grossly concerning behavior when I just want to go on a quiet walk with my dogs.

PLEASE let me know what else I can do to get this to stop. What do other neighbors need to say? Who else do we need to report this to?

p.s. What are the laws on children driving golf carts on the street or sidewalk? While the kid who drives the golf cart seems responsible, recently I have seen a couple concerning things such as FIVE kids and no seat belts in the golf cart and driving after dusk with no headlights. I hate being the "fun police" but between the dirt-bikes and the golf cart and permissive parenting, I'm starting to feel like I'm in a Mad Max movie.

Have a Happy Fantastic Day!

-Joanne



Is it an E-bike or E-moto?

A guide to making safe mobility choices.

E-bikes vs E-motos

Max Speed	20 MPH ¹	No Maximum
Max Power	750 W ²	No Maximum
Requirements	None	License, Registration, Insurance, and Plates
Sidewalks & Shared Use Paths	Allowed ²	Not Allowed
What the law treats it as	Bicycle	Motor Vehicle

1: Class 3 e-bikes can go 28 MPH with pedal assist, and users must be 16 years or older

2: Motor-assisted bicycles with a 1000 W motor can not ride on sidewalks, but are bicycles

E-motos are legally motor vehicles and are not allowed on sidewalks or shared-use paths.

Many devices sold and marketed online as e-bikes are actually e-motos in disguise.

The best way to ensure you are making a safe purchase of an e-bike is to buy from a local retailer who can confirm it meets Vermont's e-bike standards. Plus, local retailers can help you to navigate available e-bike rebates.

Questions? Visit localmotion.org/ebikes to learn more.

The High Cost of Riding an E-Moto

E-motos might be cheaper to purchase, but they can be **more dangerous and costly** when used incorrectly. Since they are legally motor vehicles, they are subject to the following penalties:

Violation	Fee	Additional penalties
Riding without a license or under 16 <small>23 V.S.A. §§ 601, 615</small>	\$162	2 points on license, or delay getting a license
No registration <small>23 V.S.A. § 301</small>	\$162	
No license plates <small>23 V.S.A. § 511</small>	\$105	
No liability insurance <small>23 V.S.A. § 800</small>	\$162	Suspension of privilege to drive a motor vehicle
Riding on a sidewalk or shared-use path <small>23 V.S.A. § 1132</small>	\$220	2 points on license, or delay getting a license
Allowing a child to break these laws <small>23 V.S.A. § 1130</small>	\$249	
Possible Total	\$1,060	

Additional penalties can be incurred for reckless driving, failure to yield to a pedestrian, eluding a police officer, and more.

Purchasing devices in-person or from trusted online retailers is the best way to protect you and your child from unnecessary financial, legal, and safety risks.

Questions? Visit localmotion.org/ebikes to learn more.