



**Thursday, June 18, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR  
REMOTELY via ZOOM**

**When: Jun 18, 2026 04:30 PM Eastern Time (US and Canada)**  
**Topic: Ordinance Committee Meeting**

**Join from PC, Mac, iPad, or Android:**

<https://zoom.us/j/94122976604?pwd=McuHBzQfPRHRLY8dq6tMPEkmfqgr46.1>

**Passcode:310286**

**Phone one-tap:**

**+16469313860,,94122976604#,,,,\*310286# US**

**+19292056099,,94122976604#,,,,\*310286# US (New York)**

**Join via audio:**

**+1 646 931 3860 US**

**+1 929 205 6099 US (New York)**

**+1 301 715 8592 US (Washington DC)**

**+1 305 224 1968 US**

**+1 309 205 3325 US**

**+1 312 626 6799 US (Chicago)**

**+1 360 209 5623 US**

**+1 386 347 5053 US**

**+1 507 473 4847 US**

**+1 564 217 2000 US**

**+1 669 444 9171 US**

**+1 669 900 6833 US (San Jose)**

**+1 689 278 1000 US**

**+1 719 359 4580 US**

**+1 253 205 0468 US**

**+1 253 215 8782 US (Tacoma)**

**+1 346 248 7799 US (Houston)**

**Webinar ID: 941 2297 6604**

**Passcode: 310286**

**International numbers available: <https://zoom.us/u/aOvpo3H8u>**

## **1. Agenda**

---

### **1.1. Motion to amend/adopt agenda**

## **2. Adopt Draft Minutes**

---

**Subject**

**2.1. Adopt Draft Minutes from June 5**

Meeting

June 18, 2026 - Ordinance Committee Meeting Agenda - Thursday, June 18, 2026, 4:30 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**

---

<b>Subject</b>	<b>3.1. Verbal Comments</b>
Meeting	June 18, 2026 - Ordinance Committee Meeting Agenda - Thursday, June 18, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	3. Public Forum
Department	Council and Board
Type	

### **4. Tree Ordinance Initial Discussion (Approx. 20 minutes)**

---

<b>Subject</b>	<b>4.1. Tree Ordinance Initial Discussion</b>
Meeting	June 18, 2026 - Ordinance Committee Meeting Agenda - Thursday, June 18, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	4. Tree Ordinance Initial Discussion (Approx. 20 minutes)
Department	Council and Board
Type	
Recommended Action	

### **5. E-Moto Ordinance Discussion (Approx. 50 minutes)**

---

<b>Subject</b>	<b>5.1. E-Moto Ordinance Discussion</b>
Meeting	June 18, 2026 - Ordinance Committee Meeting Agenda - Thursday, June 18, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	5. E-Moto Ordinance Discussion (Approx. 50 minutes)
Department	Council and Board
Type	
Recommended Action	

<b>Subject</b>	<b>5.2. E-Moto Age Limit Discussion</b>
Meeting	June 18, 2026 - Ordinance Committee Meeting Agenda - Thursday, June 18, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	5. E-Moto Ordinance Discussion (Approx. 50 minutes)
Department	Council and Board
Type	
Recommended Action	

### **6. Chapter 26 Industrial Pollution Prevention Program Discussion (Approx. 50 minutes)**

---

**Subject** **6.1. Chapter 26 Industrial Pollution Prevention Program Discussion**  
Meeting June 18, 2026 - Ordinance Committee Meeting Agenda - Thursday, June 18, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM  
Category 6. Chapter 26 Industrial Pollution Prevention Program Discussion (Approx. 50 minutes)  
Department Council and Board  
Type  
Recommended Action

## **7. Any Other Committee Business**

---

**Subject** **7.1. Any Other Committee Business**  
Meeting June 18, 2026 - Ordinance Committee Meeting Agenda - Thursday, June 18, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM  
Category 7. Any Other Committee Business  
Department Council and Board  
Type  
Recommended Action

## **8. Adjournment**

---

**Subject** **8.1. Motion to adjourn**  
Meeting June 18, 2026 - Ordinance Committee Meeting Agenda - Thursday, June 18, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM  
Category 8. Adjournment  
Department Council and Board  
Type  
Recommended Action

**Ordinance Committee  
Friday, June 5, 2026  
Bushor Conference Room, City Hall  
or Remote via Zoom. Burlington, Vermont  
DRAFT MINUTES**

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

**Staff Present:** Kim Sturtevant (Assistant City Attorney), Erik Ramakrishnan (Assistant City Attorney), Mike Schramm (DPW), Caleb Manna (DPW), Phillip Peterson (DPW), Megan Moir (Water Resources Director), Seth Kuchenbecker (DPW), Amelia McClure (DPW), Eleanor Walker (DPW), Deputy Chief Jon Young (BPD), Phil Lewis (Parks Director)

**Public Present:** Sharon Bushor, Jack Evans

Meeting called to order at 2:04 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 May 12, 2026**

### **2.2 Adopt Draft Minutes from May 21, 2026**

*Motion by Councilor Barlow to adopt both the May 12, 2026 and May 21, 2026 minutes,*

*Seconded by Councilor Carpenter.*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

## **3. Public Forum**

Sharon Bushor: I have three comments. I hope that staff can find the questions posed by the Committee in the collaborative session so that members can refer back to them. The communications sent to the Committee regarding ebikes are from negative encounters. For the water ordinance, I think the 3 day notice period to make a change should be broadened. I am also worried about toxins from places that might not appear as industrial, such as garden centers.

## **4. Ordinance Chapter 26 Industrial Pollution Prevention Program Discussion**

*Megan Moir (Water Division Director) gave an overview of the ordinance change. A memo from Megan Moir is available in the agenda packet on CivicClerk.*

Councilor Barlow asked about which industries would be subject to the earliest roll out of this ordinance change. Megan Moir said that breweries and wastewater treatment plants themselves both have large volumes of industrial wastewater and would be the first to have the permit process. After that would be bakeries and other food-related businesses. She added that businesses that work with metals are permitted through the state.

Megan Moir said that the changes to the connections portion of the ordinance is to minimize paperwork and not have builders and developers going back and forth between the City and the State for different permits.

Councilor Carpenter asked if Water Resources had spoken with developers and their consultants. Megan Moir said she sat in on a state-led study group that did that, but Water Resources will continue to make the process easier and not necessarily require an engineer to do smaller work like creating an ADU.

*Attorney Ramakrishnan went through the draft ordinance changes. The draft ordinance is available in the agenda packet on CivicClerk.*

Councilor Bergman said he disagrees with the draft ordinance's delegation of regulation authority to the Public Works Commission.

Megan Moir responded that the reasoning was that regulation changes are technical documents and it would be easier for stakeholders to interact and participate in the Commission's discussion as opposed to the full City Council. She added that she is not opposed to having the City Council also do a review.

Councilor Bergman said commissions in the City are appointed in an inherently political process in the Council and that they can be, at times, a rubber stamp for the departments they advise. He added that he thinks having a notice period after the Commission's review during which time the Council could take up the matter could be a solution.

Councilor Barlow asked if the Public Works Commission has any other responsibilities related to Water Resources. Megan Moir said no, they are largely advisory. She added that the Commission is involved in approving borrowing for projects.

Councilor Bergman clarified that he would like the Commission to receive proposed changes to regulations and do a thorough technical review and give a tentative adoption pending a notice period when the Council could take up the matter if need be.

Councilor Barlow said he would prefer a longer notice period for regulation changes. All councilors agreed three days' notice is insufficient. Councilors posited 30 days as a potential notice period.

Councilor Bergman said he would have each rehearing of the regulation change to have a notice republished.

Councilor Bergman proposed that lines 33-34 of the draft ordinance be changed to include a 21 day notice period after tentative adoption by the Commission and publication on the City's website. During that period the City Council can take up the issue if desired.

## **5. Motorized Bicycle Ordinance Discussion**

*Phillip Peterson (DPW Engineer) shared a blurred recent video of e-moto bikes on the bike path. This video is intentionally not included in the agenda packet.*

Philip Peterson said that the e-motos in the video are traveling at roughly 31 MPH on the bike path and that bikes like these are not ebikes, but instead are motor vehicles that are regulated as motorcycles.

Phillip Peterson said that the City has already provided the school district with fliers detailing the penalties for riding e-motos in locations they are not allowed. The Parks Department will be creating signs with similar information. He added that DPW is looking for direction from the City Council about allowing non-police officers to issue local tickets for ordinance violations.

Jack Evans (Local Motion) said Local Motion is having a roundtable discussion on this issue. He continued that they are working with national partners on this and will report back to DPW and/or the Committee on what they have learned.

Councilor Barlow said that he sees school-age children on a daily basis on these e-motos. He said that education about this issue is very important and that parents and children may not know how e-motos are regulated. He said he would like multiple signs along the Bike Path that educate riders.

Councilor Bergman said that he believes any city official who is authorized to write tickets can ticket for bicycle ordinance violations, but motor vehicle tickets have to be from a law enforcement officer. Since e-motos are motor vehicles, there may be a change required for other officials to issue tickets.

Councilor Barlow said it might be a good idea to have a speed limit or advisory speed limit on the Greenway. Councilor Bergman said that he isn't sure the Greenway is a street and if the Public Works Commission would have authority to implement that change.

Councilor Bergman said that the Bike Path is a park and thus motor vehicles are not allowed. Changes to Bike Path regulations would be with the Parks Commission.

Phillip Peterson went through the changes that he and DPW will be working on. First, is the update to Chapter 6-1 to update definitions and add a strict power cap at 28 MPH. Second, establishing a Bike Path speed limit. Third, authorizing non-police enforcement of these regulations. Fourth, updating and establishing relevant penalties for the different violations.

Councilor Carpenter said she would like to get these changes fast-tracked. She said she is willing to do special meetings to get this done.

#### **5. Any Other Committee Business**

Councilors agreed to discuss the Industrial Pollution ordinance and e-motos ordinance at the next meeting on June 18<sup>th</sup> at 4:30PM.

#### **6. Adjournment**

Motion to adjourn by Councilor Bergman, without objection.

The meeting was adjourned at 4:23PM.



## MEMO

**Date:** May 21, 2026

**To:** Conservation Board, Parks Commission, & City Council Ordinance Committee

**From:** Dan Cahill, City Land Steward, BPRW, Scott Gustin, Principal Planner & Zoning Division Manager  
Dept. of Permitting & Inspections

**RE:** Updated Vegetation Ordinance

### Objective of Memo

- Provide context and information about the updated City Vegetation Ordinance to prepare the Conservation Board and Parks and Recreation Commission for comment and discussion at the June meeting of each respective body.

### Background:

The City of Burlington is long overdue in updating its Vegetation Ordinance. Updating the Vegetation Ordinance has been named as a top priority in at least 3 City Plans (2015 Parks, Recreation and Waterfront Comprehensive Plan, 2022 Nature Based Climate Solutions Plan, and the recently adopted 2026 Open Space Plan). A working group has been assembled to begin the process of updating the ordinance. This working group has met many times over the past months and has authored a draft ordinance.

### Members of the working group are:

#### City Staff Members:

Dan Cahill, City Land Steward

VJ Comai, City Arborist

Scott Gustin, Principal Planner & Zoning Division Manager, P&I

Sophie Sauvé, Parks Planning Division Director

#### Community Members:

Jacob Holzberg-Pill, Branch Out Burlington

Elise Schadler, Urban & Community Forestry Program Manager, VT Dept. Of Forests, Parks & Recreation

### Goals of the Updated Vegetation Ordinance:

- Build upon the existing vegetation ordinance that was established decades ago by expanding the definitions and importance of protecting Burlington's vegetation.
- Provide clarity around controls and authorities in relation to citywide vegetation with special attention to trees and the urban canopy.
- Develop tree protection through updated definitions and offsets for tree and vegetation losses.
- Strengthen process as it relates to reviews and recommendations of trees and vegetation issues by outlining review process and considerations.

## Chapter 29 - VEGETATION

### 29-1 Planting certain trees prohibited.

No person shall plant or cause to be planted or assist in planting in any of the city parks or streets any variety of poplar, cottonwood or willow tree.

(Rev. Ords. 1962, § 3916)

### 29-2 Park commissioners to approve location and manner of planting.

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

(Rev. Ords. 1962, § 3851)

**State law reference**—Authority to appropriate sum of money to plant trees, [24 V.S.A.](#), § [2507](#).

### 29-3 Cutting, pruning or removing trees prohibited; exception.

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

(Rev. Ords. 1962, § 3852)

**Charter reference**—Power of city council to remove or trim trees when necessary, § [48](#)(XXXI).

**Cross reference**—Authority to remove trees, shrubs or plants from cemetery, § [9-75](#).

**State law reference**—Cutting shade trees, [24 V.S.A.](#) § [2508](#) et seq.

### 29-4 Removing plants, vines, etc., prohibited.

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

(Rev. Ords. 1962, § 3855)

### 29-5 Hitching horses or other animals to trees or shrubs prohibited.

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

(Rev. Ords. 1962, § 3853)

### 29-6 Attaching board, notice, wire, stay or support to tree prohibited.

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

(Rev. Ords. 1962, § 3854)

**Charter reference**—Power of city council to prohibit and punish willful injury to trees, § [48](#)(XXXII).

**29-7 Penalty.**

A violation of any provision of any provision of this chapter shall be a civil offense punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00) for each offense. Each day the violation continues shall be a separate offense. The superintendent of parks, waterfront manager, city arborist and all law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter.

(Ord. of 1-9-95)

**Editor's note**—An ordinance of Jan. 9, 1995, added provisions designated as § 29-6. Since there already existed provisions with that number, the editor has redesignated these new provisions as § 29-7

---

[1](#)

**Cross reference**—Cemeteries, Ch. 9; parks, Ch. 22.

**State law reference**—Authority of municipality to provide for location, protection and maintenance of trees, plants and shrubs, [24](#) V.S.A. § [2291](#)(3); shade trees generally, [24](#) V.S.A. § [2502](#) et seq.

## Burlington Vegetation Ordinance

### INDEX

Introduction	
Section 1	Statement of Purpose
Section 2	Definitions
Section 3	Applicability
Section 4	Jurisdiction
Section 5	Authority of the City Arborist
Section 6	Authority of City Land Steward
Section 7	Protection
Section 9	Obstruction of Streets
Section 10	Tree Planting and Maintenance
Section 11	Penalties and Enforcement
Section 12	Tree Removal

### Introduction

The Burlington Vegetation Ordinance establishes policies, regulations and standards necessary to ensure that the City maintains the maximum amount of tree and vegetation cover in a healthy manner that also mitigates risk to life and property. The goal is to establish and maintain diversity in age and species in trees that make up our tree canopy, as well as broad diversity in the presence of native species of vegetation in our open spaces, including but not limited to natural areas, parks, greenbelts, and trees and vegetation on private property.

**Commented [SG1]:** As Parks does not have permit review capacity, it should likely remain within the CDO. This ordinance can be referenced by the CDO.

**§Section 1. Statement of Purpose.**

**1.1.** The City of Burlington hereby finds that the preservation of existing vegetation and promotion of new plantings in all public and private ways and places is a public purpose that protects the public health, general welfare, climate resilience and aesthetics of City of Burlington for all its citizens.

**§Section 2. Definitions.**

**2.1. Area of Disturbance-** An area proposed to be disturbed in any manner, temporary or permanent, as a result of construction activities, plus a buffer zone of 20 feet.

**2.2. Caliper -** The diameter of a trunk that is taken six (6) inches above the ground.

**2.3. City Arborist -** The City of Burlington employee of that same title having the primary responsibilities of administration and enforcement of the Burlington Vegetation Ordinance applicable to the city owned spaces that they manage. Primarily these spaces are city ROW and city parks. The City Arborist shall serve as the tree warden per VSA 24, Chapter 67.

**2.4. City Land Steward-** The City of Burlington employee of that same title having the primary responsibilities of administration and enforcement of the Burlington Vegetation Ordinance applicable to the city owned spaces that they manage. Primarily these spaces are natural areas, large and small, in city parks, Urban Wilds, and in the City ROW. The City Land Steward shall serve as a deputy tree warden per VSA 24, Chapter 67.

**2.5. City right-of-way (ROW)** The real property or other legal instrument, such as an access easement, associated with transportation infrastructure, including but not limited to streets and public paths. For the purposes of this ordinance, this term is synonymous with “public way” as defined in VSA 24, Chapter 67.

**2.6. Climate Resilience -** the ability of communities, ecosystems, and businesses to anticipate, absorb, accommodate, or recover from the hazardous effects of climate change, such as extreme weather, sea-level rise, and droughts.

**2.7. Conservation Board** – The board of the same name as included in the Comprehensive Development Ordinance.

**2.8. Critical Root Zone** - An area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of 1 foot per inch Diameter at Breast Height (DBH).

**2.9. DBH (diameter at breast height) – standard measurement of tree’s diameter taken at breast height, (4 ½ feet above the ground)**

**2.10. Deputy Tree Warden** – The person(s) appointed by the City Council per VSA 24, Chapter 67 who has the same authority over shade trees as the Tree Warden but who is directed by the Tree Warden. See also City Land Steward.

**2.11. Developer** – Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made, development, or who has applied for a zoning permit within the jurisdiction of the city.

**Commented [e12]:** more specifics? acreage? multi-unit?

**2.12. Drip Line** – The radius of the outermost branches of a tree.

**2.13. Heritage Tree**-Any tree on public or private property having a 30 inch DBH or greater. See also Specimen Tree in the Comprehensive Development Ordinance, Article 13.

**2.14. Natural Area** - a designated land or water unit that retains its natural character, featuring unique ecological, geological, or scenic value, where natural processes are allowed to operate with minimal human intervention. These areas are protected to preserve biodiversity, rare species, and native ecosystems, often serving as sites for scientific study and limited, low-impact recreation

**2.15. Pocket Forest** - a small, ultra-dense, and highly biodiverse cluster of trees and shrubs planted in a tiny urban or suburban space, often no larger than a tennis court

**2.16. Pollinator Garden** - a specialized landscape designed to support bees, butterflies, moths, and hummingbirds by providing

nectar, pollen, and host plants.

**2.17. Public Property** – All property owned, leased, or occupied by the City or any of its administrative agencies or departments. For the purposes of this ordinance, this term is synonymous with “public place” as defined in VSA 24, Chapter 67

**2.18. Public Trees** – Trees (shrubs and all other woody vegetation) on any public property, including park, playground or other property owned or controlled by the City of Burlington or within any city right-of-way. See also Shade Tree.

**2.19. Rain Garden** – Per US EPA, A rain garden is a depressed area in the landscape that collects rain water from a roof, driveway or street and allows it to soak into the ground.

**2.20. Shade Tree** - Per VSA 24, Chapter 67, a shade tree is a shade or ornamental tree that is, in whole or in part, within the limits of a city ROW or public property, provided the tree was planted by the city, or is designated as a shade tree due to its cultural, historical, or aesthetic significance to the character of Burlington.

**2.21. Sight Triangle** - A sight triangle (or sight distance triangle) is an unobstructed, triangular-shaped area at an intersection, driveway, or road corner designed to ensure drivers have a clear view of traffic, pedestrians, and cyclists.

**2.22. Treebelt** - The area between the sidewalk and the street on which trees are planted; or from the curb to the outer edge of the city right of way on a given street.

**2.23. - Tree Warden** – The person appointed by the City Council per VSA 24, Chapter 67 who controls all shade trees within the City of Burlington. See also City Arborist.

**2.24. Urban Wild** - a category of city-owned parcels managed by Burlington Parks, Recreation & Waterfront and deemed as high-priority conservation lands. Burlington’s “Urban Wilds” are those properties that “provide habitat for rare and endangered plant and

**Commented [DC3]:** should we note specific site triangle rules and zones as noted by other ordinance and code?

**Commented [SS4R3]:** I think we can refer to them, but not repeat them. Section 5.2.6.d. ?

animal communities, wetlands and other riparian systems, flood plain, unique geological and hydrological features, important wildlife habitat and travel corridors, areas important for scientific research and education, scenic vistas, trails, passive recreation, sustainable forest communities, and cultural features.” The Urban Wilds are managed to preserve natural and cultural resources unique to the property while encouraging their sustainable and compatible enjoyment.

**§Section 3. Applicability.**

**3.1.** The terms and provisions of the Burlington Vegetation Ordinance shall apply to all trees and vegetation within the City of Burlington, except as otherwise provided herein.

**3.2. Severability**

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

**§Section 4. Jurisdiction.**

**4.1.** The City Arborist, along with the City Land Steward shall have control of all trees, including but not limited to shade trees, and vegetation in any public property within the city limits relative to the spaces that they each manage, and shall have the authority to plant, maintain, remove, and replace such vegetation.

**§Section 5. The Authority of the City Arborist, City Land Steward, and Conservation Board**

**5.1.** The Director of the Parks, Recreation and Waterfront Department may hire persons to be the City Arborist or the City Land Steward. It will be the City Arborist's and City Land Steward's responsibility to make recommendations in order to provide care, protection, preservation and removal of municipal vegetation specific to the public areas managed by each.

Per VSA 24, Chapter 67, the tree warden (City Arborist) controls all shade trees in town and enforces all laws related to shade trees and may manage infested or infected trees. The tree warden may also make cooperative and financial agreements with other entities

and accept funds and resources to effectuate management of the town's urban forest. The deputy tree warden (City Land Steward) has the same authority as the tree warden but is directed by the tree warden.

- 5.2. The Conservation Board shall serve as an advisory board to the City Arborist, Land Steward, and in their capacity reviewing zoning permit applications, to the Development Review Board. For the purposes of this ordinance, duties of the Conservation Board include:
- Review of zoning permit applications involving tree removal per Section 12 of this ordinance.
  - Assist with coordination of Arbor Day celebrations.
  - Review annual goals and objectives prepared by the City Arborist and/or Land Steward as to the urban forest.
  - At the request of the City Arborist and/or Land Steward, host community discussions as to maintenance of the urban forest.

5.3. No tree in a public property shall be planted except with the approval of the City Arborist or City Land Steward where applicable. Each will have the power to prescribe how such trees shall be planted, at what distance apart, and what variety. Planted trees will be provided with supports and guards whenever in the opinion of the City Arborist or Land Steward such supports or guards may be desirable.

- 5.4. Cutting, pruning, or removing trees and shrubs prohibited.
- No person shall cut, prune, or remove a tree or shrub in a public property except with approval and consent of the City Arborist or City Land Steward as applicable to the respective public areas managed by each.

**Section 6. [Hitching horses,] Attaching animals, bikes or any other objects to trees or shrubs prohibited.**

No person shall [hitch a horse] Attach an animal, or any other object such as signs, wires swings, slack lines, hammocks etc. to a tree or shrub in a public property without written consent of the City Arborist or City Land Steward as applicable.

**§Section 7. Protection.**

- 7.1. Without written permission from the City Arborist; no person

or city agency shall: (1) undertake any **development** activity (including but not limited to the excavation of any ditches, tunnels, or trenches or changing the grade (adding or removing soil), and the laying of pavement) within the dripline of any public tree or shrub; (2) move or park vehicles associated with any construction or development activity which may affect any vegetation, including trees or shrubs on public property.

**Commented [SG5]:** This term is defined. Construction is not.

**7.2. Root Protection.** No person or city agency shall deposit, place, store or maintain of the city any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots on any public tree or shrub within the dripline on unpaved surfaces except by written permission of the City Arborist or City Land Steward as applicable.

**7.3. Guarding.** Guarding during construction or excavation: (1) unless the City Arborist or City Land Steward for good cause, determines otherwise, all trees or shrubs on any public property directly impinging on any excavation or construction of any building, structure or street work shall be guarded to protect the critical root zone. The critical root zone is the area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of 1 foot per inch diameter at breast height.

## §Section 9. Obstruction of Streets.

**9.1. Private Property Pruning.** The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from and or interferes with visibility of any traffic control device, sign, or is impeding views within the site triangle of an intersection.

**9.2.** It shall be the duty of any person owning private property bordering on a city ROW to ensure that trees and shrubs on that property are pruned in a manner that will not obstruct or shade streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct views within the sight triangle of an intersection. If trees are interfering with utility

wires, it is the obligation of the appropriate utility company to correct the situation.

**9.3. Property Owner Responsibility.** Should any person owning private property bordering on any city ROW fail to comply as hereinabove provided, the City Arborist or designee shall order the owner to take corrective action within fifteen (15) days after receipt (certified letter) of written notice. The order requires herein shall be served by mailing a copy of it to the last known address of the property owner.

**9.4. Removal of Hazardous Conditions.** Every owner of any tree overhanging any city right-of-way within the City shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which poses a threat to safety of the public or other trees.

**9.5. Private Owner Compliance** If any person owning real property bordering on any city ROW fails to comply as herein above provided, the City Arborist or designee shall order the owner to take corrective action within fifteen (15) days after the receipt of written notice. The order required herein shall be served by mailing a copy of it to the last known address of the property owner. In the event that required corrective action is not taken by the property owner, the City Arborist shall have the authority to undertake the required corrective action. In such case, a penalty fee of \$500 shall be assessed to the property owner.

for which such permission is given shall be done in accordance with the Department of Parks and Recreation's Urban Forestry Master Plan.

**Commented [SG6]:** Not sure where this belongs.

## §Section 10. Tree Planting and Maintenance

## §Section 11. Penalties and Enforcement

**11.1. Penalty.** Per VSA ~~XX~~ § 2510. Penalty (a) Whoever shall willfully mar or deface a shade tree without the written permission

**Commented [SG7]:** Need statutory chapter reference.

of a tree warden or legislative body of the municipality shall be fined not more than \$50.00 for the use of the municipality. (b) Any person who willfully and critically injures or cuts down a shade tree without written permission of the tree warden or the legislative body of the municipality shall be fined pursuant to 13 V.S.A. § 3602 for each tree so injured or cut, for the use of the municipality.

**11.2. Parking on sidewalks and treebelts. Motor Vehicles & Traffic / Section 20-66 Penalty (B) (3)** The penalty for parking on a sidewalk or treebelt in violation of this Section shall be twenty-five dollars (\$25.00).

**Commented [DC8]:** this seems very low

**Commented [eI9R8]:** Agreed - this should be higher

**11.3. Enforcement.** The Tree Warden and Deputy Tree Warden have enforcement authority over all shade trees within the City of Burlington. Enforcement and appeals processes as to shade trees shall be as per VSA 24, Chapter 67. Enforcement as to trees on private property shall be per the Comprehensive Development Ordinance, as may be applicable.

## Section 12. Tree Removal

**Commented [SG10]:** If we utilize the existing permit review process, we don't need to reinvent submission requirements here. The central point here is to outline the role of the Conservation Board and to articulate mitigation measures.

### 12. 1. Shade Trees

- (1) The removal of any shade tree shall be subject to the provisions of VSA 24, Chapter 67.

### 12.2. All other Trees

Including, but not limited to, all public trees that are not shade trees and trees on private or institutional property.

- (1) Application for tree removal requiring a zoning permit per Article 3 of the Comprehensive Development Ordinance (CDO) shall require review by the Conservation Board who will provide a recommendation to the Development Review Board. The application plan shall indicate the size, species, and location of all trees to be removed.
- (2) Conservation Board review will include consideration of the size, species, and location of all trees to be removed and proposed mitigation measures.

- (3) A planting plan illustrating the size, species and location of trees to be installed is required, unless other mitigation measures are proposed instead. The planting plan shall include a chart summarizing sizes of trees to be removed and trees to be planted.
- (4) Removal of heritage trees is strongly discouraged.
- (5) The Conservation Board shall consult with the City Arborist in its review of the proposed application for compliance with the requirements of the city’s tree replacement formula. The Conservation Board shall also consider the impact, if any, on all trees with a caliper of 6 inches or greater and shall make recommendations for the preservation of existing trees and for the species, size, and location of new plantings.
- (6) Application plan(s) shall illustrate the location of protective tree fence around trees to remain, including details of such. Additionally, the following measures must be addressed by the applicant and inspected by the City Arborist prior to the start of work or issuance of the permit: Protective tree fence must be installed. All trees to be removed and all trees to remain within the area of disturbance must be clearly marked at the base of each tree with visible nonremovable marking indicating the status of each tree. It is recommended that permanent spray paint be used for trees to be removed (red) and trees to remain (green).
- (7) Mitigation measures
  - (a) Except as provided for in (b) below, new trees shall be planted caliper-for-caliper for removed trees. For example, removal of a 20 inch caliper tree may be offset with planting five 4 inch caliper trees. Replacement trees may be planted onsite or offsite within the City of Burlington. Offsite planting shall be subject to Tree Board recommendation in consultation with the City Arborist or Land Steward,
  - (b) In the event that replanting per (a) above is impractical or impossible as determined by the Tree Board, the applicant shall:
    - 1. Make payment to a designated city tree planting fund in an amount determined in accordance with the current Guide for Plant Appraisal as reviewed and approved by the City Arborist or Land Steward; and/or,
    - 2. Install green stormwater infrastructure that mitigates the 10-year storm event (see City Code of Ordinance, Chapter 26).
    - 3. Mitigation measures in items (a) and (b) 1 and (b) 2 above may be used in whole, or in part, for mitigation of tree removal. For

**Commented [SG11]:** The rest of the provisions as to heritage trees are included in this process – can be approved or denied by the Conservation Board in consultation with the City Arborist, and if approved, requires mitigation.

example, mitigation for tree removal can include replanting new trees, payment into a planting fund, and/or installation of green stormwater infrastructure.

CITY OF BURLINGTON

ORDINANCE \_\_\_\_\_

Sponsor: DPW Commission,  
Ordinance Committee  
Public Hearing Dates: \_\_\_\_\_

In the Year Two Thousand Twenty-Six

First reading: \_\_\_\_\_

Referred to: \_\_\_\_\_

Rules suspended and placed in all  
stages of passage: \_\_\_\_\_

Second reading: \_\_\_\_\_

Action: \_\_\_\_\_

Date: \_\_\_\_\_

Signed by Mayor: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

An Ordinance in Relation to

Bicycles and Motor Vehicle Traffic  
BCO Secs. 6-1, 3,15, and 18; and Sec. 20-1

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, In General, Section 6-1, Definitions; Section 6-3, Riding on sidewalks, bicycle and  
3 pedestrian pathways and in parks; Section 6-15, Dissemination of information; Section, 6-18, Reserved; and  
4 Chapter 20, Motor Vehicles and Traffic, Article 1, In General, Section 20-1, Definitions; thereof to read as  
5 follows:

6  
7 **6-1 Definitions.**

8  
9 *Bicycle:* As written

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

15  
16 *Electric bicycle:* A bicycle equipped with fully operable pedals, two wheels, a saddle or seat for the rider,  
17 and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

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

27  
28 An electric bicycle is not a motor vehicle and shall obey all traffic regulations applicable to bicycles, except  
29 as otherwise provided by law, including any provision of this code.  
30

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

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

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

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

39  
40 Rights and duties of operator. The operator of an EPAMD shall have the rights and duties of pedestrians.  
41

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

45 I. has an internal combustion motor with a power output of not more than 1,000 watts or 1.3  
46 horsepower; or

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

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

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

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

66  
67 **6-2 Parental responsibility.** As written.

68  
69 **6-3 Riding on sidewalks, bicycle and pedestrian pathways and in parks.**

70  
71 (a) Allowances and restrictions on methods of transportation on public routes are as follows:  
72

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

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

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

88  
89 ~~(a)~~(b) It shall be unlawful and shall be a trespass:

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

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

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

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

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

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

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

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

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

110 ~~(f)(g)~~ No person shall operate a motor-assisted bicycle, motor-driven cycle as defined in 23 V.S.A §  
111 4(45)(A), motor-assisted micromobility device, pedi-cab or pedi-bus upon any sidewalk.

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

115 **6-4 to 6-14.** As written

116 **6-15 Dissemination of information.**

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

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

121 **6-16 to 6-17.** As written

122 **6-18 ~~Reserved~~ Reckless operation.**

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

127 \*\*\*

128 **20-1 Definitions.**

129 Whenever in this chapter the following terms are used, they shall have the following meanings respectively  
130 given to them:

131 \*\*\*

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

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

143

144

\*\*\*

145 \* Material stricken out deleted.

146 \*\* Material underlined added.

147 \*\*\* Omission of text--interim/rest of sections/definitions as written

148

149

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

151 Secs. 6-1, 3, 15, 18 and 20-1

152 6/11/26



---

## MEMO

*Date:* June 18th, 2026

*To:* Ordinance Committee

*From:* Phillip Peterson, P.E.; Senior Transportation Engineer & Planner  
Caleb Manna, Associate Public Works Engineer

*CC:* Chapin Spencer, Director Public Works  
Phil Lewis, Director of Parks Recreation & Waterfront  
Shawn Burke, Chief Burlington Police Department  
Laura Wheelock, P.E.; City Engineer/Division Director of Technical Services  
Sophie Sauv , Parks Planning – Division Director

*Subject:* Informational Update: Motorized Device Framework & Next Steps

---

As discussed during our recent meeting, staff from DPW and Parks were directed by the Ordinance Committee to return with proposed directions regarding motorized devices on our shared-use paths and greenways. This informational memo outlines the next steps and provides a preview of how we are integrating those directions into the draft ordinance package for your next meeting.

Please note that **we are not seeking approvals at this stage**; this is an update to ensure alignment on the framework and to share our current public engagement, outreach, and intermediate enforcement steps.

### **Immediate Action & Existing Enforcement Authority**

During our discussion, the Committee highlighted that the Burlington Police Department (BPD) already possesses enforceable authority under existing City and State law and should begin utilizing those tools immediately on the Burlington Greenway and other shared-use paths.

Specifically, the Committee emphasized that the following enforcement mechanisms under **Chapter 6-17** are fully applicable today to address unauthorized motorized devices:

- **6-17(a):** Any person violating any provision of Chapter 6 is subject to a civil penalty under Section 27-21.

- **6-17(b):** For a second or subsequent violation within a twelve-month period, a law enforcement officer may impound the device in addition to issuing civil penalties.
- **6-17(c):** Established procedures for owner notification regarding the reason for impoundment and the steps required to regain possession, with unclaimed devices subject to disposal after thirty days.

Staff have communicated this opportunity to BPD leadership so that these existing tools can be deployed immediately while broader, long-term ordinance text updates move through the legislative process.

## **Public Engagement, Education & Outreach**

In tandem with immediate enforcement, staff are executing an aggressive public engagement and education campaign to address the root causes of compliance issues—namely, consumer access and a lack of awareness among parents and youth. Moving forward, **robust public engagement will be mandatory prior to implementing any new, finalized ordinance changes** to ensure community awareness and buy-in. Current and planned efforts include:

- **School District Collaboration:** Local Motion’s informational flyer (see Attachment-1) has been shared directly with the Burlington School District for distribution to staff, students, and parents. This outreach explicitly highlights the state-level legal requirements for high-powered electric devices and the severe financial penalties associated with illegal operation.
- **On-Path Infrastructure:** Parks is currently coordinating the installation of on-path signage along the Greenway to visually reinforce speed limits, device restrictions, and safe riding behavior.
- **Cross-Departmental Campaign:** Following suggestions from the Committee, we are planning a coordinated social media push across city departments to ensure consistent messaging regarding where these devices can legally operate.
- **Future Ordinance Engagement:** Before any proposed code updates are finalized or voted into effect, staff will build out a formal public comment window and community feedback loop. This will ensure that path users, parents, and advocates can weigh in on the proposed speed limits and local fine structures.

## **Preview of Draft Ordinance Package**

Per the Committee's directive to come back with proposed directions, staff will return at the next meeting with a comprehensive draft package of ordinance updates. **Version 2 of our approved draft already successfully established the e-bike Class 1, 2, and 3 tiering and a strict 750W power cap (Chapter 6-1) , which legally excludes e-motos from path access.**

To build cleanly upon that framework, our upcoming proposal will focus on adding the missing speed limit restrictions and a localized fine structure to create a stronger deterrent than the current fifty-dollar waiver penalty found under Section 20-12.

The package will be structured into two primary parts:

### Part 1: Structural and Textual Code Updates

- **Establish Shared-Use Path Speed Limits (Chapter 6-3):** Add a brand-new subsection establishing a maximum speed limit (such as **15 to 20 mph**) for *all* authorized users. This will apply to **all shared-use paths citywide**, including the Burlington Greenway.
- **Cross-Reference in Parks Ordinance (Chapter 22):** Mirror the new path speed limits and e-moto restrictions within Chapter 22 so that the Greenway and park trails operate under identical, clear regulatory standards.
- **Authorize Civilian Enforcement (Chapter 6-5 and Chapter 22):** Add explicit authority directly into these operational chapters allowing designated non-police staff (such as **Parks Rangers and DPW enforcement personnel**) to issue local civil tickets.

### Part 2: Proposed New Local Violations and Fine Structure

To give enforcement officials a low-stakes municipal tool that avoids high-risk pursuits, staff will draft the following city-specific civil violations, linking them directly to the definitions and reckless riding terms already adopted in our current draft:

- **Violation A: Illegal Operation of a Motor Vehicle on a Shared-Use Facility**
  - *Definition:* Operating an unauthorized motorized device (over 750W, over 28 mph, or lacking operable pedals) on any sidewalk, park trail, or shared-use path. (Note: This enforces the boundaries already established in our Chapter 6-1 definitions and expands the sidewalk ban in Section 6-3(f) ).
  - *Proposed Fine:* **\$220** (Monetarily aligns with state traffic guidelines to ensure a real deterrent).
- **Violation B: Speeding on a Shared-Use Facility**
  - *Definition:* Operating any authorized device in excess of the newly established shared-use path speed limit.
  - *Proposed Fine:* **\$50** for the first offense, escalating for subsequent offenses.
- **Violation C: Reckless or Unsafe Group Riding**
  - *Definition:* Group riding behavior that endangers others, weaves through pedestrians, or intentionally obstructs the path. (Note: This provides a specific penalty structure to enforce the **Section 6-18 Reckless Operation** language already built into our text ).
  - *Proposed Fine:* **\$100 to \$150** (Directly addresses the Council's mandate regarding unsafe youth group behavior).

Staff are currently gathering formal operational and staffing input from both BPD and Parks to finalize this draft text. We look forward to presenting this informational package and hearing your feedback at the next scheduled meeting.

Attachments:

1. Local Motion Informational Flyer

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

386

387