



Thursday, July 16, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

When: Jul 16, 2026 04:30 PM Eastern Time (US and Canada)

Topic: Ordinance Committee Meeting

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1. Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Draft Minutes

Subject	2.1. Adopt Draft Minutes from 6/18
Meeting	July 16, 2026 - Ordinance Committee Meeting - Thursday, July 16, 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

Subject **2.2. Adopt Draft Minutes from 6/9**

Meeting July 16, 2026 - Ordinance Committee Meeting - Thursday, July 16, 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

Subject **3.1. Verbal Comments**

Meeting July 16, 2026 - Ordinance Committee Meeting - Thursday, July 16, 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. Chapter 26 Industrial Pollution Prevention Program Discussion

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

Meeting July 16, 2026 - Ordinance Committee Meeting - Thursday, July 16, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 4. Chapter 26 Industrial Pollution Prevention Program Discussion

Department Council and Board

Type

Recommended Action

5. E-Moto Ordinance Discussion

Subject **5.1. E-Moto Ordinance Discussion**

Meeting July 16, 2026 - Ordinance Committee Meeting - Thursday, July 16, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 5. E-Moto Ordinance Discussion

Department Council and Board

Type

Recommended Action

6. Any Other Committee Business

Subject **6.1. Any Other Committee Business**

Meeting	July 16, 2026 - Ordinance Committee Meeting - Thursday, July 16, 2026, 4:30 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	July 16, 2026 - Ordinance Committee Meeting - Thursday, July 16, 2026, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	7. Adjournment
Department	Council and Board
Type	
Recommended Action	

**Ordinance Committee
Thursday, June 18, 2026
Bushor Conference Room, City Hall
or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES**

Members Present: Councilor Bergman (Chair), Councilor Barlow, Councilor Carpenter (on-line)

Staff Present: Kim Sturtevant, Caleb Manna (on-line), Phillip Peterson (on-line), Megan Moir, Scott Gustin (Zoning Manager, DPI), VJ Comai (City Arborist)

Public Present: Sharon Bushor, Richard Hillyard

Meeting called to order at 4:30 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 June 5, 2026

Motion to Adopt Agenda.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

Richard Hillyard: I live in Ward One. I sent comments to the Committee in writing previously regarding the e-moto issue. I am a school crossing guard. I have seen children on scooters or e-bikes not wearing helmets and my first thought was registration of such things at schools. Many children ride regular bikes or scooters and sometimes even two children or a parent and child will ride the same scooter to school.

Sharon Bushor: I think it is important to put an age limit on who can ride on sidewalks and pedestrian ways and sixteen might be too old to allow to do so. I also have concerns about the markings on the bike path since the markings won't be visible in the winter. The issue of bikes and e-bikes on sidewalks is becoming an issue even outside the downtown. BPD has said they don't have the staffing to enforce these rules and don't want to ticket for minor bike or e-bike

infractions. I think we should be ticketing for these infractions since this is becoming a safety issue. On the vegetation ordinance, many of our nice tree canopies are on private land and people should have to get a permit to clear cut many trees. I think the City Arborist should be consulted before large or old trees on private property are cut down.

4. Vegetation Ordinance

Scott Gustin (DPI and Conservation Board) and VJ Comai (City Arborist) presented the initial draft vegetation ordinance. This ordinance is available in the agenda packet on CivicClerk.

Councilor Barlow asked why there is a provision for if a private individual removes a tree on City land. VJ Comai said that it does happen on occasion, such as if someone was altering their driveway or curb cut. He added that sometimes young trees are vandalized and this ordinance would give a mechanism for how to handle such a situation and recoup the value of the tree.

Councilor Carpenter asked whether someone can plant a tree in the greenbelt by their home. VJ Comai said they could with permission and that the City will inspect the site and consult on what species would be appropriate. Councilor Carpenter asked whether someone needs a permit to remove a tree on private property. VJ Comai responded that it depends on the size and age and that a permit is only needed to remove multiple trees from a single area. He added that this aspect would not be changed in the draft ordinance.

Councilor Bergman asked for an authority section to be added to the beginning of the draft ordinance. He added that he has questions about the current draft authority portions of the ordinance, particularly with the authority to issue fines and seek restitution. He said that the City may need to use state statutory authority to pursue larger fines and restitution.

5. Motorized Bicycle Ordinance Discussion

Phillip Peterson (DPW) said that there has been a lot of engagement lately about the appropriate age cutoff for children to ride a bike on a sidewalk or similar pedestrian walkway. He said it is currently sixteen years old but could be lowered to perhaps twelve. He added that education about the current laws and ordinances has been ongoing at Public Works.

Caleb Manna (DPW) said that he believes sixteen was originally chosen as a cutoff as that is when children may start driving to school rather than biking.

Councilor Carpenter said that sixteen is too old for the cutoff and was curious at what other cities do.

Phillip Peterson said that New York and Chicago age cutoffs for sidewalk biking are both twelve years old, but Albany is ten.

Councilor Barlow said that e-motos are sometimes marketed as e-bikes and there is even a secondary market for falsified stickers to conceal that the bike is an e-moto instead of an e-bike. He added that education is very important and especially through the school district, but that school is now out.

Phillip Peterson said that if BPD enforced the e-moto rules a few times it would scare parents into complying with existing laws and ordinances.

Councilor Barlow said he actually would be alright with banning e-bikes on sidewalks at any age.

Councilor Carpenter said that she would actually like more detail in the ordinance regarding riding on a sidewalk because there could be civil cases if or when crashes or accidents happen. Caleb Manna said that those basic sidewalk riding rules are in the ordinance.

Councilor Bergman asked if it was possible to get multiple City departments together with the school district to discuss education on this issue. He said that the councilors on the Committee can help with bringing up these issues.

6. Ordinance Chapter 26 Industrial Pollution Prevention Program Discussion

Megan Moir (Water Dept. Director) shared an updated draft ordinance.

Councilor Barlow said that as long as there is a communication to the Council about a coming change to the rules then any councilor has the power to force something from the consent agenda to the deliberative if they believe the rule change should be deliberated by the full Council.

All councilors agreed that the draft ordinance should be changed to state that all regulation changes approved by the Public Works Commission will come to the full City Council on the consent agenda.

Councilor Carpenter suggested putting the fee changes for permit applications in the annual budget. Councilor Bergman suggested changing the draft language to include that the fees may be updated by budget resolution or a separate resolution.

Councilor Bergman asked for the City Attorney's Office to check the state statute about whether violators of the ordinance are prosecuted civilly or criminally as he believes it is generally done criminally but can be done civilly.

Councilor Bergman said that it would be ideal to have all references to the Public Works Director also include a designee.

All councilors agreed to the other preliminary draft changes and anticipate this item returning to the Committee.

7. Any Other Committee Business

The next meeting is scheduled for July 16th.

8. Adjournment

Motion to adjourn by Councilor Bergman, without objection.

The meeting was adjourned at 6:44 PM.

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

Tuesday, June 6, 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
- ☒ Erin Malone
- ☒ Michael Gaughan
- ☒ Julia Randall
- ☒ Alexander Friend
- ☒ Ryan Nick
- ☒ Erhard Mahnke

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
- ☒ Nancy Stetson, Senior Policy & Data Analyst, DFA
- ☒ Maggie Callaghan, Housing Program Manager, CEDO

Public Attendance: Eric Farrell, Jak Tiano, Liz Curry, Sharon Bushor, Amy Wright

1. Agenda

Call to Order: 6:30pm

Changes to Agenda: 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: J. Randall

Seconded by: A. Friend

Vote: Unanimous

Notes or Corrections: N/A

City Council Ordinance Committee Action: Already adopted minutes at prior meeting.

Motion by: N/A

Seconded by: N/A

Vote: N/A

Notes or Corrections: N/A

3. Director's Report

C. Dillard shared updates on the Plan BTV New North End. The Planning Commission reviewed the transportation components and the upcoming review of placemaking design frameworks will take place on June 23.

4. Public Forum #1

Amy Wright: Amy provided general comments on the Inclusionary Zoning amendment, emphasizing the need for more data on affordability and suggesting that changes to the housing trust fund should be considered alongside IZ modifications to ensure deeper affordability. In addition to more data, she would like to see more about how this amendment relates to changes being proposed to the Housing Trust Fund.

Sharon Sharon expressed concerns about the proposed increase in the housing unit threshold from five to 16 units, suggesting that 10 units might be more appropriate and requesting more detailed information on why 16 became the chosen number. Also concerned about the tiering argument and is concerned about the flat 15%. Related felt that eliminating the waterfront housing tier contradicts Burlington's value of reducing inequity.

5. 5/12 Meeting Follow-Up

Staff outlined the format for the meeting discussion on the proposed changes. Staff presented data comparing Burlington's IZ program to surrounding towns, including housing units built, land costs, and impact fees.

Discussion Notes:

- Working Group members expressed a desire to hear from experts on IZ in future meetings on these various topics. Staff will coordinate this.
- E. Malone asked how effective the IZ policy has been in achieving its intended goal of increasing socioeconomic and racial integration in the neighborhoods.

6. Discussion on Proposal #1: Increasing the IZ Project Size Threshold

Staff presented a proposal to increase the Inclusionary Zoning threshold from 5 to 17 units, sharing research comparing Burlington to neighboring cities, one of which has a threshold of 20.

Discussion Notes:

- R. Nick asked why not increase the threshold to 20. C. Dillard responded that this is largely based on building typologies that could be achieved through Planned Unit Developments.
- J. Randall spoke in support of this change, and noted that she doesn't see a huge difference between a 17-unit threshold over 20 units. Would also be in favor of the Commission adjusting the threshold every three years depending on market conditions.
- M. Gaughan is in favor of a rounded number, and that around 17 – 20 is a good number. Does see a lot of value in IZ as a program and feels that it was less about housing production and more about inclusion. None of the comparison cities go lower than 15 units. Would be concerned that if we went lower, there would be implications on the Neighborhood Code.
- A. Montroll shared that, while he's not sure what the right number is, he thinks this proposal does take the Neighborhood Code into account.
- E. Mahnke stated the need to consider the City's goals of the program when having this discussion. Inclusivity and affordability are provided mainly by the non-profit partners, the changes must support the nonprofits to create this housing. Doesn't want to rely overly on supply side solutions. Feels more comfortable with 8 units being the threshold.
- G. Bergman is comfortable with 10 units instead of 17.
- M. Gaughan responded that the threshold needs to consider the debt capacity a developer may lose when going from AMI percentages for 3-person households. The numbers at this scale really matter and comparisons between other cities are not apples to apples.
- When discussing whether Burlington should be more aligned with South Burlington's threshold of 10, R. Nick stated that it's tough to develop in and doesn't feel it's a model to duplicate. Would like to have data around how many developers have looked at the standards of Burlington and decided to pass on developing at all. Also stated that he disagrees that all market-rate housing is rich people housing, and that some are relatively affordable to the average Burlingtonian.
- A. Montroll asked how much the cost of the IZ unit impacts the costs of the other market rate units being built.
- S. Carpenter notes that by increasing the threshold, you might get less units, but they may get more units targeted to the most low income. Not bothered by the 17-unit threshold, given that it matches the state policy.

- E. Mahnke spoke in favor of using bonuses to subsidize the costs of these IZ units. Requested a more in-depth affordability analysis.
- A. Montroll felt that bonuses may not be the best approach and might not align with the work done over the last few years of setting massing standards. C. Dillard shared challenges that come with increasing heights through bonuses, which add to construction costs. A. Friend asked if there were other ways of providing bonuses, like streamlining permits.
- Discussion concluded with staff committing to provide more information on the impact of different project size thresholds (10, 12, 16, 20 units) on the number of affordable units produced, for the next meeting.

7. Discussion on Proposal #2: Eliminate IZ tiering & replace w/ uniform approach

Staff presented a proposal to simplify the inclusionary zoning (IZ) tiering system by eliminating current tiered requirements and instead requiring 15% of all units to be affordable at 65% AMI or below.

Discussion Notes:

- There was confusion related to AMI requirements. Staff will reframe this proposal for next meeting and provide more clarity about how AMI is used in this context.
- J. Randall is in favor of this change and notes that a dynamic that occurs in affordable housing developments is the stratification in the units that are provided, and middle income is often excluded.
- M. Gaughan shares that by keeping the AMI low, we will continue to see more studio and one bedroom units as opposed to family-size units. We see production occur because it aligns with LIHTC requirements. Would like to discuss raising AMI levels because 65% to 100% is not being served, and that's a lot of the workforce. Thinks 15% is good and it aligns with the current market, but would like to discuss the AMI levels and lack of incentives to providing family type units.
- M. Barlow shares that he's generally supportive of this change but reserves the right to change his thinking as the conversation progresses.
- S. Carpenter asked about home ownership. Asked the same question as M. Gaughan about how we're reaching the 65-100% AMI group. She likes the simplicity of the proposal but is worried that it won't address that huge gap in the marketplace. Would be in favor of another tier to solve that.
- E. Mahnke likes the simplicity of eliminating tiers but questions whether or not we aren't producing some luxury housing that should be responsible for creating more inclusion. Is strongly against the idea of the 25% waterfront affordability requirement.
- G. Bergman is fine with the 15% except for the waterfront.

8. Public Forum #2

Jak Tiano: Jak shared research on residual land value and development feasibility, suggesting that policies like inclusionary zoning and impact fees act as capture mechanisms for land value, particularly relevant in a built-out city like Burlington.

9. Adjournment (8:44pm)

Action: Joint motion to adjourn

Motion by: A. Montroll

Seconded by: n/a

Vote: Unanimous

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Department of Public
Works

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all

In the Year Two Thousand Twenty-Six

An Ordinance in Relation to

stages of passage:

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 Chapter 26, _____, of the Code of Ordinances of the City of Burlington be
2 and hereby is amended by amending Sec. _____, thereof to read as follows:

26-71 Use of Public Sewers Generally

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

17 (c) Adoption of regulations.

- 18 (1) Use of the city's sewers is subject to compliance with such regulations as the public works
19 commission may deem necessary or convenient to protect public health, safety, and
20 welfare or the environment, to comply with state and federal law, or to safeguard the
21 city's treatment works.
- 22 (2) Such regulations shall be adopted at the recommendation of the public works director or
23 designee following a public hearing.
- 24 (3) Notice of the hearing shall be included in the warned agenda for said meeting, and it shall
25 be posted on the city's website and published in a newspaper of general circulation within
26 the city at least fifteen calendar days prior to the hearing. The published hearing notice
27 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 go to city council on the consent agenda for approval. Once approved by council, they shall be published on the city's website but shall not take effect until twenty-one (21) days after publication of a notice of the regulations in the newspaper.
- (7) A violation of the commission's regulations may be enforced pursuant to section 26-4 of this code.

(d) – (y) As written.

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 in the city budget, or otherwise 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

132 general permit. Any user desiring to operate under the general permit shall register under that
133 permit with the director in a manner specified in the regulations, pay any fee required
134 pursuant to section 26-84, below, and comply with all conditions of the general permit, as
135 specified in the regulations. More than one classification of general permit may be
136 established by the regulations for different types of uses.

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

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

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

151 26-82 Regulations.

152 (a) Regulations Authorized. The director is hereby authorized to issue regulations, in the manner
153 described in this section, to achieve the purposes set forth in section 26-78, above.

154 (b) Adoption of Regulations. Regulations shall be adopted at the recommendation of the public works
155 director or designee following a public hearing. Notice of the hearing shall be included in the warned
156 agenda for said meeting, and it shall be posted on the city's website and published in a newspaper of
157 general circulation within the city at least fifteen calendar days prior to the hearing. The published
158 hearing notice shall include a link to the draft regulations. The hearing may be continued from time
159 to time, and republication of the hearing notice shall not be required if the continued hearing date,
160 time, and location are announced on the record at the time of the continuance. A final decision of the
161 commission shall be made at the same or a subsequent meeting as the meeting where the hearing was
162 conducted. The record for the commission's decision shall consist of the draft regulations, any
163 written or oral staff report, public comments received at the hearing, and any written comments
164 received at least twenty-four (24) hours prior to the opening of the hearing. Regulations approved by
165 the commission shall go to city council on the consent agenda for approval. Once approved by
166 council, they shall be published on the city's website but shall not take effect until twenty-one (21)
167 days after publication of a notice of the regulations in newspaper.
168

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.

(b)(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. Each day any violation of any provision of this ordinance shall continue shall constitute a separate offense.
- (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 and/or their designee 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 eCourt-Environmental Division 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 but not limited to 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 shall establish may, by resolution in the city's budget process or otherwise, 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.

* Material stricken out deleted.

** Material underlined added.

No. 174. An act relating to potable water supply and wastewater system connections.

(S.212)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 1971 is amended to read:

§ 1971. PURPOSE

It is the purpose of this chapter to:

(1) establish a comprehensive program to regulate the construction, replacement, modification, and operation of potable water supplies and wastewater systems in the State in order to protect human health and the environment, including potable water supplies, surface water, and groundwater;

* * *

(6) allow ~~delegation of the permitting program created by this chapter to municipalities demonstrating the capacity to administer the chapter~~ review of potable water supply and wastewater system connections pursuant to general permits adopted under this chapter.

Sec. 2. 10 V.S.A. § 1972 is amended to read:

§ 1972. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

(6) “Potable water supply” means the source, treatment, and conveyance equipment used to provide water used or intended to be used for human

consumption, including drinking, washing, bathing, the preparation of food, or laundering. This definition includes a service connection to a public water system of any size. This definition does not include any internal piping or plumbing, except for mechanical systems, such as pump stations and storage tanks or lavatories, that are located inside a building or structure and that are integral to the operation of a potable water system. This definition also does not include a potable water supply that is subject to regulation under chapter 56 of this title.

* * *

(10) “Wastewater system” means any piping, pumping, treatment, or disposal system used for the conveyance and treatment of sanitary waste or used water, including carriage water, shower and wash water, and process wastewater. This definition does not include any internal piping or plumbing, except for mechanical systems, such as pump stations and storage tanks or toilets, that are located inside a building or structure and that are integral to the operation of a wastewater system. This definition also does not include wastewater systems that are used exclusively for the treatment and disposal of animal manure. In this chapter, “wastewater system” refers to a soil-based disposal system of less than 6,500 gallons per day, or a ~~sewerage~~ sanitary sewer collection system connection of any size.

Sec. 3. 10 V.S.A. § 1973 is amended to read:

§ 1973. PERMITS

(a) Except as provided in this section and sections 1974 and 1978 of this title, a person shall obtain a permit from the Secretary before:

* * *

(7) making a new or modified connection to a new or existing potable water supply or wastewater system; or

* * *

(f)(1) The Secretary shall give deference to a certification by a licensed designer with respect to the engineering design or judgment exercised by the designer in order to minimize Agency review of certified designs. Nothing in this section shall limit the responsibility of the licensed designer to comply with all standards and rules, or the authority of the Secretary to review and comment on design aspects of an application or to enforce Agency rules with respect to the design or the design certification.

~~(2) The Secretary shall issue a permit for a new or modified connection to a water main and a sewer main or indirect discharge system from a building or structure in a designated downtown development district upon submission of an application under subsection (b) of this section that consists solely of the certification of a licensed designer, in accordance with subsection (d) of this section, and a letter from the owner of the water main and sewer main or indirect discharge system allocating the capacity needed to accommodate the new or modified connection. However, this subdivision (2) shall not apply if the Secretary finds one of the following:~~

~~(A) The Secretary has prohibited the system that submitted the allocation letter from issuing new allocation letters due to a lack of capacity.~~

~~(B) As a result of an audit of the application performed on a random basis or in response to a complaint, the system is not designed in accordance with the rules adopted under this chapter.~~

* * *

(k)(1) The Secretary shall adopt a general permit for both potable water supply and wastewater system connections that require a permit under this chapter. Under the general permit, the Secretary may give deference to applications for connections certified by a licensed designer. The Secretary shall publish a manual providing guidance to licensed designers implementing the general permit for potable water supply or wastewater system connections. The manual shall include guidance for determining or defining the capacity of a public water system or pollution abatement facility for purposes of approving a potable water supply or wastewater system connection.

(2) The Secretary may adopt a general permit under this chapter for the subdivision of land when no building, structure, or campground exists on or is proposed for the property at the time of subdivision.

(3) The Secretary may adopt a general permit under this chapter for boundary line adjustments for improved or unimproved lots.

(4) The Secretary may adopt a general permit for the permitting under this chapter of potable water supply systems with a design flow of less than

1,000 gallons per day when there is no requirement for any variance,

hydrogeologic analysis, or yield testing of a potable water source.

(5) The Secretary may adopt a general permit for the permitting under this chapter of wastewater systems that:

(A) have a design flow of less than 1,000 gallons per day; and

(B) do not require a variance, a hydrogeologic analysis, or innovative or alternative technologies unless such technologies are allowed by the Secretary.

Sec. 4. 10 V.S.A. § 1976 is amended to read:

§ 1976. DELEGATION OF CONNECTION PERMITTING AUTHORITY
TO MUNICIPALITIES

~~(a)(1) The Secretary may delegate to a municipality authority to:~~

~~(A) implement all sections of this chapter, except for sections 1975 and 1978 of this title; or~~

~~(B) implement permitting under this chapter for the subdivision of land, a building or structure, or a campground when the subdivision, building or structure, or campground is served by sewerage connections and water service lines, provided that:~~

~~(i) the lot, building or structure, or campground utilizes both a sanitary sewer service line and a water service line; and~~

~~(ii) the water main and sanitary sewer collection line that the water service line and sanitary sewer service line are connected to are owned and controlled by the delegated municipality.~~

~~(2) If a municipality submits a written request for delegation of this chapter, the Secretary shall delegate authority to the municipality to implement and administer provisions of this chapter, the rules adopted under this chapter, and the enforcement provisions of chapter 201 of this title relating to this chapter, provided that the Secretary is satisfied that the municipality:~~

~~(A) has established a process for accepting, reviewing, and processing applications and issuing permits, that shall adhere to the rules established by the Secretary for potable water supplies and wastewater systems, including permits, by rule, for sewerage connections;~~

~~(B) has hired, appointed, or retained on contract, or will hire, appoint, or retain on contract, a licensed designer to perform technical work that must be done by a municipality under this section to grant permits;~~

~~(C) will take timely and appropriate enforcement actions pursuant to the authority of chapter 201 of this title;~~

~~(D) commits to reporting annually to the Secretary on a form and date determined by the Secretary;~~

~~(E) will only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water supply system source, wastewater treatment facility, or indirect discharge system; and~~

~~(F) will comply with all other requirements of the rules adopted under section 1978 of this title~~ The Secretary may delegate to a municipality authority to conduct technical review of proposed projects that include both municipal potable water supply and municipal wastewater system connections that require a permit under this chapter, provided that the water main and sanitary sewer collection line that the water service line and sanitary sewer service line are connected to are owned and controlled by the delegated municipality. A municipality that is delegated authority under this section shall incorporate the requirements of the Secretary's general permit for potable water supply and wastewater system connections into a municipal connection approval, including deference to applications for connections certified by a licensed designer.

(2) If a municipality submits a request for delegation of authority under this subsection, the Secretary shall delegate authority to the municipality to implement and administer the provisions of this chapter governing municipal potable water supply and wastewater system connections, provided that the municipality:

(A) is qualified to perform the technical review as determined by the Secretary;

(B) receives authorization from the municipal legislative body to administer a program for review of potable water supply and wastewater system connections;

(C) meets any other requirement for the delegation program as adopted by the Secretary in writing;

(D) shall only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water system, wastewater treatment facility, or indirect discharge system;

(E) submits required documentation of the permitted project as determined by the Secretary; and

(F) complies with the requirements for connection and all requirements of the Agency's rules adopted under section 1978 of this title.

* * *

(f) The Secretary may review municipal implementation of this section on a random basis, or in response to a complaint, or on ~~his or her~~ the Secretary's own motion. This review may include consideration of the municipal implementation itself, as well as consideration of the practices, testing procedures employed, systems designed, system designs approved, installation procedures used, and any work associated with the performance of these tasks.

Sec. 4a. TECHNICAL ADVISORY COMMITTEE REPORT ON

OVERSHADOWING OF PROPERTY BY POTABLE WATER SUPPLIES AND WASTEWATER SYSTEMS

(a) On or before January 15, 2027, the Secretary of Natural Resources' Technical Advisory Committee (TAC) shall report to the House Committees on Environment and on Judiciary and the Senate Committees on Natural

Resources and Energy and on Judiciary regarding authority under State statute and rules that allows the isolation distances for potable water supplies and wastewater systems to extend onto neighboring property, a practice commonly referred to as overshadowing. In preparing the report, the TAC shall:

(1) summarize the scientific and technical basis and benefit to the environment and public health from overshadowing;

(2) evaluate alternatives to overshadowing that could prevent or significantly limit overshadowing of property and recommend preferred alternatives;

(3) present data on the frequency of overshadowing and on the different alternatives or types of outcomes that occur when overshadowing exists;

(4) recommend additional steps the Agency of Natural Resources can take to support the resolution of issues that may occur between neighbors when overshadowing occurs; and

(5) provide any additional information that the TAC deems relevant to address the issue of overshadowing from potable water supplies and wastewater systems.

(b) Any recommendation by the TAC under subsection (a) of this section for legislative action or rulemaking may be presented as draft legislation or draft amendment to rules. The TAC may submit the report required under subsection (a) of this section as part of the Committee's annual report to the General Assembly.

Sec. 5. 3 V.S.A. § 2822 is amended to read:

§ 2822. BUDGET AND REPORT; POWERS

* * *

(i) The Secretary shall not process an application for which the applicable fee has not been paid unless the Secretary specifies that the fee may be paid at a different time or unless the person applying for the permit is exempt from the permit fee requirements pursuant to 32 V.S.A. § 710. Municipalities shall be exempt from the payment of fees under this section except for those fees prescribed in subdivisions (j)(1), (7), (8), (14), and (15) of this section for which a municipality may recover its costs by charging a user fee to those who use the permitted services. Municipalities shall pay fees prescribed in subdivisions (j)(2), (10), (11), (12), and (26) of this section, except that a municipality shall also be exempt from those fees for stormwater systems prescribed in subdivisions (j)(2)(A)(iii)(I), (II), or (IV) and (j)(2)(B)(iv)(I), (II), or (V) of this section for which a municipality has assumed full legal responsibility under 10 V.S.A. § 1264. Municipalities that conduct a technical review or approval of a potable water supply or wastewater system connection permitted under 10 V.S.A. § 1976 within the municipality may charge a fee for the cost of municipal services, provided that the municipality shall pay an administrative processing fee of \$100.00 for submission to the Secretary of Natural Resources of documentation of the municipally permitted project.

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the Agency of Natural Resources.

* * *

(4) For potable water supply and wastewater permits issued under 10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater system, including a sewerage connection; and a potable water supply, including a connection to a public water supply:

(A) Original applications, or major amendments for a project that is not a potable water supply or wastewater system connection with the following proposed design flows. In calculating the fee, the highest proposed design flow whether wastewater or water shall be used:

(i) design flows 560 gpd or less: \$306.25 per application;

(ii) design flows greater than 560 and less than or equal to 2,000 gpd: \$870.00 per application;

(iii) design flows greater than 2,000 and less than or equal to 6,500 gpd: \$3,000.00 per application;

(iv) design flows greater than 6,500 and less than or equal to 10,000 gpd: \$7,500.00 per application; or

(v) design flows greater than 10,000 gpd: \$13,500.00 per application.

(B) Minor amendments: \$150.00.

(C) Minor projects: \$270.00.

As used in this subdivision (j)(4)(C), “minor project” means a project that meets the following: there is an increase in design flow but no construction is required; there is no increase in design flow but construction is required, excluding replacement potable water supplies and wastewater systems; or there is no increase in design flow and no construction is required, excluding applications that contain designs that require technical review.

~~(D) Notwithstanding the other provisions of this subdivision, when a project is located in a Vermont neighborhood, as designated under 24 V.S.A. chapter 76A, the fee shall be no more than \$50.00 in situations in which the application has received an allocation for sewer capacity from an approved municipal system. This limitation shall not apply in the case of fees charged as part of a duly delegated municipal program. [Repealed.]~~

(E) Original applications or major amendments for coverage under a potable water supply and wastewater system connection general permit issued under 10 V.S.A. § 1973(k)(1), the following fee according to the highest proposed design flow of wastewater or water for the connection:

(i) design flows below 2,000 gpd: \$250.00 per application;

(ii) design flows of between 2,000 gpd and 6,500 gpd: \$2,500.00

per application; or

(iii) design flows greater than 6,500 gpd: \$5,000.00 per

application.

* * *

Sec. 6. IMPLEMENTATION; REPEAL OF EXEMPTIONS IN RULE

(a) On or before December 1, 2027, the Secretary of Natural Resources shall publish the general permit and manual required under 10 V.S.A. § 1973(k)(1) for potable water supply or wastewater system connections.

(b) Beginning on January 1, 2028, the Secretary of Natural Resources shall begin to accept certifications of the connections of potable water supplies and wastewater systems under the general permit required by 10 V.S.A. § 1973(k)(1).

(c)(1) The following provisions of the Department of Environmental Conservation's Wastewater System and Potable Water Supply Rules shall be repealed on January 1, 2028:

(A) subdivisions 1-304(15) and (16) (modification of design flows of a wastewater system or potable water supply serving an existing building or structure);

(B) subdivision 1-603(2) (related to full delegation of permitting to municipalities); and

(C) subdivisions 1-603(8), (9), and (10) (related to recordkeeping by fully delegated municipalities).

(2) References in chapter 6 of the Department of Environmental Conservation's Wastewater System and Potable Water Supply Rules related to full delegation to municipalities of permitting potable water and wastewater

system connections are no longer applicable or enforceable due to the repeal of statutory authority for full delegation.

Sec. 7. 10 V.S.A. § 1263 is amended to read:

§ 1263. DISCHARGE PERMITS

(a) Any person who intends to discharge waste into the waters of the State or who intends to discharge into an injection well or who intends to discharge into any publicly owned treatment works any waste that interferes with, passes through without treatment, or is otherwise incompatible with that works or would have a substantial adverse effect on that works or on water quality, or is required to apply for a CAFO permit, shall make application to the Secretary for a discharge permit. Application shall be made on a form prescribed by the Secretary. An applicant shall pay an application fee in accordance with 3 V.S.A. § 2822.

* * *

(k)(1) The Secretary may enter into an agreement with the owner of a POTW to delegate to the owner of the POTW authority under this title to regulate pretreatment discharges to the POTW. An agreement entered into by the Secretary under this subsection shall authorize the owner of the POTW to regulate and enforce pretreatment discharges to the POTW consistent with the authority set forth in 40 C.F.R. Part 40, including the establishment of applicable civil, criminal, or administrative penalties for the violation of pretreatment standards or requirements. The owner of a POTW that the

Secretary enters into an agreement with under this subsection may, as part of the agreement, set application fees and other fees necessary for the regulation of a pretreatment discharge to the POTW. The Environmental Division shall have the same jurisdiction to review the actions of the owner of the POTW delegated pretreatment authority by an agreement under this subsection and to hear appeals as the Environmental Division's jurisdiction over the Secretary's actions. The jurisdiction of the Environmental Division shall be construed broadly with respect to review of the actions of an owner of a POTW delegated pretreatment authority under this subsection.

(2) As used in this subsection:

(A) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing pollutants into a POTW. Pretreatment includes those processes or technologies authorized under 40 C.F.R. § 403.3(s).

(B) "Pretreatment discharge" means the introduction of pollutants into a POTW from any nondomestic source regulated under 33 U.S.C. § 1317(b), (c), or (d).

(C) "Publicly owned treatment works" or "POTW" has the same meaning as in 40 C.F.R. § 403.3(q).

Sec. 8. CONTINGENT EFFECTIVE DATE

Sec. 7 (municipal pretreatment authority) shall take effect upon the U.S. Environmental Protection Agency notifying the Secretary of Natural Resources that the Agency of Natural Resources is authorized to enter into an agreement with a municipality to administer a pretreatment program under the Modification to National Pollutant Discharge Elimination System Memorandum of Agreement Between the State of Vermont and the U.S. Environmental Protection Agency, Region 1, March 16, 1982, or other agreement between the U.S. Environmental Protection Agency and the Agency of Natural Resources. The Secretary of Natural Resources shall notify the Clerk of the House of Representatives and the Secretary of the Senate when the U.S. Environmental Protection Agency authorizes municipal administration of a pretreatment program.

Sec. 9. EFFECTIVE DATES

This act shall take effect on passage, except that 3 V.S.A. § 2822(j)(4)(D) in Sec. 5 (repeal of fee cap for potable water supply and wastewater system permits located in designated areas) shall take effect July 1, 2026.

Date Governor signed bill: June 18, 2026

1-9 General penalty; continuing violations.

(a) *Criminal violations.* Except as otherwise expressly provided, however, whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be prosecuted as a criminal offense and shall be punished by a fine not less than fifty dollars (\$50.00) and not exceeding five hundred dollars (\$500.00). Each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate violation.

The court before which a conviction shall be had shall order any continuing violations to cease, to be removed, or to be abated. A person convicted may also be found liable for any damages sustained by the city or any other person as a direct result of the ordinance violation and may be ordered by the court after hearing to pay restitution as a part of the sentence.

(b) *Civil offenses.* Selected provisions of the Code of Ordinances have been specifically designated as carrying a civil penalty. Violations of such ordinances shall be enforced as provided by state law and as provided herein. Upon a determination that a civil ordinance violation has occurred, those municipal officials authorized by the city to enforce civil ordinance violations shall issue a "municipal complaint" in the form provided by the court at [24 V.S.A. § 1977](#). The municipal official issuing the complaint shall appear to represent the city in any contested case before the traffic and municipal ordinance bureau or other forum provided by law. Unless otherwise provided in this Code, the fine for a violation of an ordinance designated as a civil offense shall be not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00) for each offense unless otherwise specifically provided in this Code.

(c) *First offense civil, second offense criminal.* Selected provisions of the Code of Ordinances have been specifically designated as carrying a civil penalty for a first offense in any six-month period and a criminal penalty for a second and subsequent offense in the same six-month period.

(1) *First offense:* A first offense by a person during any six-month period shall be deemed a civil ordinance violation and shall be punishable by a fine of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver fine shall be fifty dollars (\$50.00). Any law enforcement officer may issue a municipal complaint ticket for such offense.

(2) *Second and subsequent offenses:* A second offense of the same ordinance during a six-month period shall be deemed to be a criminal offense and shall be punishable by a fine from one hundred dollars (\$100.00) to five hundred dollars (\$500.00). Each subsequent offense of the same ordinance shall be deemed to be a criminal offense and shall be punishable by a fine of from two hundred dollars (\$200.00) to five hundred dollars (\$500.00).

(3) *Intent of enforcement under section 1-9(c).* It is the intent of this subsection to preserve the public health, safety and welfare by prohibiting and punishing repeated violations of these ordinances. To that end, the city attorney's office will, in their discretion and when they deem it appropriate, explore all options available to the city, in addition to prosecution and as alternatives to prosecution, which will achieve the stated intent of this section.

(d) *Issuance of ordinance violation ticket.* Any law enforcement officer who cites an accused for violation of any city ordinance which is punishable as a criminal offense shall issue a "Notice of Ordinance Violation Ticket," unless instructed by the city attorney, an assistant city attorney or city grand juror to issue a standard district court citation.

The ticket shall be a citation to appear in district court as contemplated by V.R.Cr.P. 3 and shall contain the name of the accused, the ordinance(s) violated, the date and time to appear in district court, and any other information required by law for a valid citation.

The ticket shall also contain a "Notice of Ordinance Violation" section which shall allow and inform the accused of the following:

- (1) The option for the accused to waive process and prosecution by paying a waiver fee of between fifty dollars (\$50.00) and two hundred dollars (\$200.00) for each count to the police department within seventy-two (72) hours of issuance.
- (2) That upon full and timely payment of the waiver fee the accused shall not be required to appear in court and the citation portion of the ticket shall be null and void.
- (3) That if the accused elects not to make full and timely payment of the waiver fee, he or she shall appear in court on the date and time indicated on the ticket for prosecution.

Should the waiver not be exercised and prosecution be had, this subsection in no way alters or pre-empts any fine, penalty or other remedy as provided by this ordinance.

(e) *Public nuisances.* Any property within the city found to be maintained in violation of any provisions of this code or which in any other way endangers the health, safety and welfare of the residents of the city, and any violation of any provision of this Code that interferes with a public right, including air, noise, or water pollution, the emissions of noxious odors, or damage to public property in violation of Section [21-29](#), is hereby declared to be a public nuisance and may be ordered abated in any manner provided by law.

(Ord. of 9-29-82; Ord. of 12-12-83; Ord. of 9-8-86; Ord. of 6-24-91; Ord. of 1-9-95; Ord. of 6-22-98; Ord. of 9-14-98; Ord. of 12-9-24, eff. 1-8-25)

Charter reference—Penalty for violating ordinances, § [50](#); city council authorized to provide penalties, § [53](#); liability of persons violating ordinances, § [54](#).

State law reference—Authority of municipality to define public nuisance and to provide for penalty for violation of any ordinance, [24](#) V.S.A. § [2291](#)(14) and (15).