

ORDINANCES OF THE TOWN OF LYNDON

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**TOWN OF LYNDON
GENERAL ORDINANCE PROVISIONS**

CHAPTER 1

1. This and all following ordinances shall be known as "Ordinances of the Town of Lyndon", and so far as their provisions are the same in effect as those of previously existing ordinances, shall be construed as a continuance of those ordinances. They shall not affect any act done, any right accrued, or penalty incurred, any suit, prosecution, or proceeding pending or the tenure of any person holding office at the time when they take effect. Subject to the said limitations, all ordinances of the Town heretofore in force are hereby repealed; but this repeal shall not apply to or affect any ordinance heretofore adopted which accepts or adopts the provisions of any statute of the State. No ordinance which has been heretofore repealed shall be revived by the repeal mentioned in this chapter.

2. All enactments by the Selectboard for the Town of Lyndon shall be termed ordinances; proceedings and decisions of a temporary nature shall be termed resolutions; and the enacting clause, which shall be but one recited in each, shall be, for ordinances:

"BE IT ORDAINED BY THE SELECTBOARD OF THE TOWN OF LYNDON AS FOLLOWS:"

For resolutions:

"BE IT RESOLVED BY THE SELECTBOARD OF THE TOWN OF LYNDON AS FOLLOWS:"

3. The Selectboard shall meet regularly during each month on such day as they by resolution may from time to time designate, to pass and to otherwise act upon ordinances and for the transaction of other business and may hold special meetings for the passing of resolutions and transaction of other business at such times and places within the corporate limits as they may agree upon.

4. No ordinance, resolution, amendment, change or repeal of an ordinance or resolution shall be acted upon until it has been reduced to writing. No ordinance or resolution shall be passed except by a majority vote of the Board of Selectboard.

No ordinance, amendment, change or repeal of an ordinance shall become effective until notice has been given by posting and by publication as provided in State statutes and VSA 24 App 126 (2) § 11 of the Town Charter.

5. In all alterations or amendments of a section of an ordinance, the proposed alterations or amendments shall contain the entire section to be altered or amended, and upon the passage of the altered or amended section, the former section shall be repealed, provided, however, that such repeal or the passage of such ordinance shall not affect any act, right, penalty, suit, prosecution or

tenure of office of any person, unless expressly stipulated therein, nor shall the alteration or repeal of any ordinance or section thereof revive any ordinance heretofore repealed or annulled.

6. The Town Clerk shall be Clerk of the Selectboard. It shall be their duty to attend all meetings of the Board and to make and keep a record of those meetings. The Clerk shall keep these and all other ordinances and resolutions hereafter passed in a book so designated, in order of their passage. The book will be kept in the office of the Town Clerk, subject to the inspection of any person interested therein, and all ordinances enacted shall, after posting and publication, be available in suitable form for the use of all the officers of the Town government and for general distribution.

6. All fines and penalties for the violation of any ordinance, or the order of any board lawfully established thereunder, or the order of any person or persons who have been given lawful authority to issue such order, or the order of the Selectboard, shall when recovered, inure to the Town, and be paid into the Town treasury, unless otherwise directed by the laws of the State or the Ordinances of the Town.

7. All permits provided for in these ordinances shall be approved only after vote of the Selectboard. The decision of the Selectboard will be recorded by the Town Clerk in the minutes of the meeting in which the vote was taken.

8. All licenses provided for in these ordinances shall be issued by the Town Clerk over their signature by the authority granted them by the Selectboard. However, in case said Town shall have a Town Manager, said licenses shall be issued by such manager over their signature.

9. All applications for either licenses or permits and any specifications and plans submitted therewith shall be kept on file by the Town Clerk, who shall keep an accurate record of all licenses and permits issued and of all applications therefore which shall be refused. Said record shall contain the date of issue and number of each license or permit, the name of the holder thereof, and the substance of the terms and conditions thereof. Such record shall be open to public inspection.

10. In accordance with V.S.A. 24, Sections 1971-1981, civil ordinances may be enforced using the Vermont Traffic and Municipal Ordinance Bureau. Under procedures adopted in that law, all provisions of all ordinances contained herein shall be considered civil matters that fall under the authority of the Vermont Traffic and Municipal Ordinance Bureau. Waiver fines are established under the various provisions contained herein as appropriate. As required by applicable sections of the same law, the following appointments are made:

A. Custodial Official: The Town Custodial Official shall be the Town Clerk, and the Clerk shall retain responsibility for obtaining, accounting for, and distributing tickets to the authorized "issuing officials", and receiving and distributing information regarding scheduled court dates as required.

B. Issuing Officials: Issuing officials are authorized to issue municipal complaints, via tickets, on behalf of the municipality. Town issuing officials include the Selectboard; the Municipal Administrator ; Town Grand Jurors; Town Constables; the Town Health

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Officer; the Animal Control Officer; Police Officers, Police Chief, and the Zoning Administrator.

C. Appearing Officials: Town officials authorized to represent the municipality in the Traffic and Municipal Ordinance Bureau include all Issuing Officials and the Town Agent.

11. The word "owner" applied to any building or land shall include any part owner, joint owner, tenant by entirety or tenant in common, or joint tenant of the whole or of a part of such building or land.

12. The word "tenant" applied to a building or land shall include any person who occupies the whole or a part of such building or land, either alone or with others.

13. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications hereto which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

**TOWN OF LYNDON
TRAFFIC AND PARKING ORDINANCE**

CHAPTER 2

1. The speed limit of motor vehicles on any street or highway within the geographical boundaries of the Town of Lyndon shall not be more than thirty-five (35) miles per hour unless the road is posted otherwise, and no person shall operate a motor vehicle on any street or highway in excess of thirty-five (35) miles per hour or the posted speed.

2. When it appears that traffic will be congested by reason of a public occasion, the Selectboard of the Town of Lyndon may make special regulations as to the speed of motor vehicles, may exclude motor vehicles from certain public highways, and may make such traffic rules and regulations as the public good requires, provided however that signs indicating the special regulations must be conspicuously posted in and near all affected areas.

3. No person shall park a motor vehicle along the south side of Hill Street extension between the northeast corner of the St. Elizabeth Catholic Cemetery and the intersection of Hill Street extension and Lily Pond Road. In addition, no person shall park a motor vehicle along the west side of Lily Pond Road from the same intersection to the first residential driveway south of that intersection.

4. No person shall park a motor vehicle on the east side of Lily Pond Road from the intersection of Lily Pond Road and Route 114 to the intersection of Lily Pond Road and TH-39.

5. Any person who violates any provision in this ordinance shall be fined not more than \$100 (Waiver fine up to \$90).

6. No person shall drive any motor vehicle or tow any trailer across the Millers' Run covered bridge having a height equal to or greater than eleven feet and nine inches (11' 7") or a weight of sixteen thousand (16,000) pounds or greater. Each offense shall constitute a separate violation.

First offense: Violators of this provision, whether they be an individual driver or company, shall be charged a \$5,000.00 penalty by any Town Issuing Official.

Second Offense: Violators of this provision, whether they be an individual driver, or a company shall be charged a \$10,000 penalty.

Third Offense: Violators of this provision, whether they be an individual driver or a company, shall be charged a \$15,000 penalty for their third offense and all subsequent violations thereafter.

7. No person shall drive any motor vehicle or tow any trailer across the Chamberlin Mill covered bridge having a height equal to or greater than ten feet (10' 0") or a weight of ten thousand (10,000) pounds or greater. Each offense shall constitute a separate violation.

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First offense: Violators of this provision, whether they be an individual driver or company shall be charged a \$5,000.00 penalty by any Town Issuing Official.

Second Offense: Violators of this provision, whether they be an individual driver, or a company shall be charged a \$10,000 penalty.

Third Offense: Violators of this provision, whether they be an individual driver, or a company shall be charged a \$15,000 penalty for their third offense and all subsequent violations thereafter.

AUTOMOBILES AND TRAFFIC REGULATIONS SPECIFIC TO THE FORMER BOUNDARIES OF THE VILLAGE OF LYNDONVILLE (SEE APPENDIX A)

1. Whenever in this chapter the following terms are used, they shall have the meanings respectively given to them in this section.

AUTHORIZED EMERGENCY VEHICLES. Vehicles of the fire and police departments, ambulances, emergency vehicles of Federal, State and Municipal departments and public service corporations when the latter are responding to an emergency in relation to the police or fire departments.

CROSS-WALK. That portion of the roadway ordinarily included within the prolongation of curb and property lines at street intersections, or that portion of a roadway clearly indicated for pedestrian crossing by lines marked on the surface.

INTERSECTION. The area embraced within the prolongation of the lateral boundary lines of two or more streets which join one another at an angle, whether or not one such street crosses the other.

MOTOR VEHICLES. All vehicles propelled by other than muscular power.

OPERATOR or DRIVER. Any person who is actually in physical control of a vehicle.

OFFICIAL TRAFFIC SIGNS. All signs, signals, and markings placed or erected by authority of the Village Trustees or the Chief of Police for the purpose of regulating or directing traffic or parking of vehicles.

PARKING. The stopping or standing of vehicles on a roadway, whether occupied or unoccupied, attended or unattended, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or goods, or in obedience to a police officer or traffic regulations, signs or signals, or while making emergency repairs, or if disabled, while arrangements are being made to move such vehicle.

PEDESTRIAN. Any person on foot.

ROADWAY. That portion of a street between regularly established curb lines, or that part devoted to vehicular traffic.

SIDEWALK. That portion of a street between curb lines and adjacent property lines commonly used for foot traffic.

STREET. The entire width between property lines of every way used for vehicular and pedestrian travel which has become public by authority of the law, and such ways in public places other than highways as the public is permitted to use for vehicular and pedestrian traffic.

VEHICLE. Any contrivance on wheels or runners used in the roadways of public streets for carrying persons or things.

2. The speed of motor vehicles on any street or highway within the boundaries of the former Village of Lyndonville shall be limited to no more than twenty-five (25) miles per hour except for Broad, North Main, and Center Streets, and except where lower limits are posted. The speed of motor vehicles on Broad, North Main, and Center Streets shall be limited to thirty-five (35) miles per hour. No person shall operate a motor vehicle on any street or highway within the limits of the former Village in excess of these speeds or a posted lower limit. The traffic and engineering survey supporting these limits is dated October 25, 1991, and is filed in the Town Clerk's Office. Any person violating this section shall be fined \$100.00.

3. No operator or driver of any vehicle shall cause said vehicle to travel in an easterly direction along Hill Street between the intersections of Hill Street and Charles Street (formerly known as East Street), and Hill Street and Chase Street. Nor shall any operator travel southerly on Charles Street (formerly known as East Street) between the intersections of High/Depot Streets (formerly East Street) and Hill Street. Nor shall any operator travel northerly on Chase Street. Any person violating this section shall be fined \$50.00.

4. No vehicle shall make a "U" turn on any street or highway within the former Village for the purpose of changing direction of travel. Any person violating this section shall be fined \$50.00.

5. No operator or driver of any vehicle shall stop, stand or park the vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official sign: 1. Within an intersection. 2. On a crosswalk. 3. On a bridge. 4. Within five feet of a fire hydrant. 5. In front of a private driveway. 6. On any sidewalk except for the limited purpose of unloading. 7. Abreast of another vehicle in any street. 8. So as to obstruct the normal flow of traffic. Any person violating this section shall be fined \$50.00.

6. The Selectboard may regulate motor vehicle traffic by causing signs, markers or markings to be placed or painted on streets. Markers or markings may prohibit or regulate "U" turns, crossing lanes, direction of travel, stopping, or other motor vehicle or pedestrian activities on the streets. No person shall operate a motor vehicle or walk upon streets of the Town of Lyndon in violation of the signs, markers or markings caused to be placed on Town streets. Any person violating signs, markers or markings of this section which regulate parking shall be fined \$50.00.

7. Any person driving a motor vehicle or team on any highway or street in the Town of Lyndon shall drive or operate the same so as to pass to the right of traffic signals and guides wherever such passage to the right thereof is indicated and shall obey all directions and orders of police officers

and other officers authorized to control traffic. Any person violating this section shall be fined \$50.00.

8. No person shall operate a motor vehicle so as to cause it to turn from the lane of traffic in which the motor vehicle is traveling across the lane of traffic traveling in the opposite direction, in order to park on the opposite side of the street from the original direction of travel. For example, no person driving north on Broad Street shall turn left at a point adjacent to the Post Office to park in front of the Post Office. Any person violating this section shall be fined \$50.00 for first offense, \$100.00 for second offense and \$200.00 for each succeeding offense.

9. No person shall drive a vehicle or team upon a sidewalk within the Town except for the purpose of entering a driveway. Any person violating this section will be fined \$50.00

10. In parking or standing a motor vehicle or team, the person operating or driving the same shall park or stand said motor vehicle or team parallel to the curb or ditch on the right hand side of the street or highway as said motor vehicle or team is headed and as close to said curb or ditch as is reasonably practicable, except that where diagonal parking lines are painted or otherwise indicated on the side of a street, such person shall park or stand said motor vehicle or team wholly within said lines and with the head of the vehicle or team towards the curb or ditch. No person may park such that the vehicle or team is to the left of the edge of the highway as the vehicle would travel forward. Any person violating this section shall be fined \$50.00 for first offense and \$100.00 for each succeeding offense.

11. A person in control of or driving a team, riding any wheeled non-motorized device or operating a motor vehicle on any street or highway not a through route, shall bring said team, device or motor vehicle to a full stop before passing a stop sign or signal placed at the junction of said street or highway within the boundaries formerly known as the Village of Lyndonville.

- A. Before entering Main Street from Maple Street.
- B. Before entering Main Street from Park Avenue.
- C. Before entering Main Street from Middle Street.
- D. Before entering Center Street from Park Avenue.
- E. Before entering Main Street from Grove Street.
- F. Before entering Church Street from Middle Street.
- G. Before entering Depot Street from Church Street.
- H. Before entering Depot Street from Elm Street.
- I. Before entering Center Street from Elm Street.
- J. Before entering Center Street from Main Street.
- K. Before entering Maple Street from Park Avenue.
- L. Before entering Park Avenue from Maple Street.
- M. Before entering Depot Street from South Main Street.
- N. Before entering Center Street from South Street.
- O. Before entering Broad Street from South Street.
- P. Before entering Charles Street from Tute Hill. **(Changed from Broad Street).**
- Q. Before entering Broad Street from Charles Street.
- R. Before entering Charles Street from Eastern Ave.
- S. Before entering Depot Street from Charles Street.
- T. Before entering Hill Street from Charles Street.

- U. Before entering High Street from East Street.
- V. Before entering East Street from Raymond Street.
- W. Before entering Depot Street, southbound from Williams Street.
- X. Before entering Depot Street, northbound from Williams Street.
- Y. Before entering Hill Street from Williams Street.
- Z. Before entering Broad Street from Hill Street.
- AA. Before entering Broad Street from Depot Street.
- BB. Before entering Broad Street from Tulip Street.
- CC. Before entering South Street from Tulip Street.
- DD. Before entering Eastern Ave. from North or South Prospect Street.
- EE. Before entering Broad Street from Center Street.
- FF. Before entering any street from any driveway or parking lot.
- GG. Before continuing on Park Avenue at the intersection of Maple Street
- HH. Before entering Main Street from Powers Park
- II. Before entering Hill Street from Chase Street
- JJ. Before entering Hill Street from Skyline Drive
- KK. Before entering Depot Street from Broad Street.
- LL. Before entering High Street from Hill Street
- MM. Before continuing on to Hill Street eastbound from Hill Street
- NN. Before continuing on Depot Street, east or westbound at the intersection of Broad Street.

A person in control of or driving a team or motor vehicle shall not proceed from a stop sign until it is safe to do so. Any person violating this section shall be fined \$50.00.

12. In case of fire, a person shall not park or leave or stop any team or motor vehicle within two hundred feet of the premises, building or buildings where the fire is in progress, except to allow fire apparatus to pass, or in any other place where the presence of said team or motor vehicle shall interfere with the work of the fire department in fighting such fire. Any person violating this section shall be fined \$200.00.

13. State/Town police, emergency medical, the Road Foreman and/or Fire Department personnel shall have authority to regulate and manage vehicular traffic on any and all streets during emergencies. Failure to obey the directions of designated personnel shall result in a fine of \$200.00 per offense.

14. The Selectboard shall have power to designate streets or parts of streets where vehicles shall not be parked or left standing, or where vehicles shall be parked or left standing only within limited or restricted periods of time. Such streets or parts of streets shall be marked by the Selectboard either by suitable signs bearing such markings at both ends of the designated streets or parts of streets or by painting such markings upon the street within the areas so designated. Specific, permanent parking restrictions include the following:

- A. No operator or driver of any vehicle shall cause said vehicle to be parked for a period in excess of two (2) hours, between the hours of 8:00 AM and 6:00 PM on any of that portion of Depot Street between Main Street and the Canadian Pacific Railroad right-of-way, with the exception of the designated parking area located on the west side of the railroad tracks on the north side of Depot Street, east of the

intersection of Broad and Depot Streets, known locally as the “Diamond”. Any person violating this section may be fined \$25.00 and /or towed at the owner’s expense.

- B. No operator or driver of any vehicle shall cause said vehicle to be parked for a period in excess of two (2) hours, between the hours of 8:00 AM and 6:00 PM on the west side of Elm Street, from and including the road in front of the building at 27 Elm Street (currently the Barber Shop) south to the Center Street intersection, or on the west side of South Main Street from Depot Street intersection to the Center Street intersection. This provision in no way affects the lower east side of South Main Street, which is a parking prohibited area. Any person violating this section may be fined \$25.00 and /or towed at the owner’s expense.
- C. No operator or driver of any vehicle shall cause said vehicle to be parked for a period in excess of two (2) hours, between the hours of 8:00 AM and 6:00 PM, on the west side of Route 5 (Broad Street) between Depot Street and Center Street. Any person violating this section may be fined \$25.00 and /or towed at the owner’s expense.
- D. No person shall operate a motor vehicle so as to park or leave it standing on the west side of Route 5 (Broad Street) between Center Street and South Street. This shall include the green space between the street and sidewalk. Any person violating this section may be fined \$25.00 and /or towed at the owner’s expense.
- E. No person shall operate a motor vehicle so as to park or leave it standing on the north side of Raymond Street or on west side of East Street. Any person violating this section may be fined \$25.00 and /or towed at the owner’s expense.
- F. No person shall operate a motor vehicle so as to park or leave it standing on the west side of North Main Street north of Park Avenue. This shall include the green space between the street and sidewalk. Any person violating this section may be fined \$25.00 and /or towed at the owner’s expense.
- G. No person shall operate a motor vehicle so as to park or leave it standing on the north or south side of Depot Street between Broad Street and High Street with the exception of the designated spaces on the south side of the street. Any person violating this section may be fined \$25.00 and /or towed at the owner’s expense.
- H. No person shall operate a motor vehicle so as to park or leave it standing on the west side of Charles Street between Hill Street on the north side, and Eastern Avenue on the south side. Any person violating this section may be fined \$25.00 and /or towed at the owner’s expense.
- I. No person shall operate a motor vehicle so as to park or leave it standing on Williams Street between Hill and Depot Streets. This shall include the green space between the street and sidewalk. Any person violating this section may be fined \$25.00 and /or towed at the owner’s expense.

- J. No person shall operate a motor vehicle so as to park or leave it standing on the south side of Middle Street with the exception of the diagonal spaces in front of the church. This shall include the green space between the street and sidewalk. Any person violating this section may be fined \$25.00 and /or towed at the owner's expense.
- K. No person shall operate a motor vehicle so as to park or leave it standing on the south side of Center Street between South Street and 926 Center Street. This shall include the green space between the street and sidewalk. Any person violating this section may be fined \$25.00 and /or towed at the owner's expense.
- L. No person shall operate a motor vehicle so as to park or leave it standing on the west side of Church Street between Grove Street and the north side of Middle Street. This shall include the green space between the street and sidewalk. Any person violating this section may be fined \$25.00 or towed at the owner's expense.
- M. No person shall operate a motor vehicle so as to park or leave it standing on the west side of Park Avenue between Center Street and the west side of Main Street. This shall include the green space between the street and sidewalk. Any person violating this section may be fined \$25.00 or towed at the owner's expense.
- N. No person shall operate a motor vehicle so as to park or leave it standing in the designated parking areas on the west side of Bandstand Park, between the hours of midnight and 7 a.m., without a permit granted to do so. Any person violating this section may be fined \$25.00 or towed at the owner's expense.
- O. The parking of semis shall be allowed during designated times, along Broad Street and other streets so marked for ordinary parking. The parking of semis in designated No Parking Zones or in areas not indicated for parking by painted stalls, is prohibited, unless for loading or unloading of goods. The following guidelines shall be given for the parking of semi's within the limits of the former Village of Lyndonville:
 - 1. No semi parking on a street, other than for loading or unloading, shall be permitted until 6:00 PM.
 - 2. No more than two wide semi parking shall be allowed on Broad Street with single wide parking on any other street in, so marked for parking. The two-wide parking on Broad Street must be staggered with the inside vehicle having the closest position to any intersection. No semi shall park closer to an intersection than the first painted parking stall. No semi shall block any crosswalk, while parked.
 - 3. No semi shall be allowed to idle for a period of more than three minutes. No semi shall be allowed to idle while unattended at any time. Any person violating this section shall be fined \$50.00.
 - 4. During winter snow ban time, the snow ban ordinance would supersede this ordinance, in regard to parking within the former Village Boundary.

15. Operating a motor vehicle in such a manner as to cause loud, unusual or unnecessary noise is prohibited. This includes noise occasioned by use of radios, stereos, tape decks or other noisemaking devices, including legal mufflers, whether the vehicle is in motion or standing, such that the device can be heard at a distance of more than 100 feet and/or be so loud as to wake sleeping residents. Any person violating this section shall be fined \$50.00 for first offense, \$100.00 for second offense and \$200.00 for each succeeding offense.

16. The Selectboard may designate space or spaces on any street for the use of duly licensed taxicabs, and it shall be unlawful for any other vehicle, except duly licensed taxicabs, to park therein. Such taxicab parking spaces shall be appropriately marked either by suitable signs at both ends of the designated spaces or by painting upon the curb. A fee of \$100 per calendar year will be assessed by the Town for a taxicab parking space, and signs marking taxicab parking will be erected and maintained at the licensee's expense.

17. No person shall operate a motor vehicle in such a way as to cause the tires to spin or squeal. Any person violating this section shall be fined \$50.00.

18. The driver of any vehicle may not drive off the pavement or main traveled part of the road within the former Village Boundary in order to overtake and pass upon the right of another vehicle. Any person violating this section shall be fined \$50.00.

19. No person shall park or leave standing any motor vehicle in a parking space designated as a handicapped parking space unless said motor vehicle bears special handicapped plates from any state or which has a Handicapped Parking Placard issued by the Commissioner of Motor Vehicles hanging from the rearview mirror. Any person violating this section shall be fined \$100.00.

20. No person shall abandon a vehicle on publicly owned property or any street within the Town. Any person violating this section shall be fined \$200.00 and their vehicle will be towed at the owner's expense.

21. A person who violates any parking ordinance contained in this chapter shall be subject to a fine as prescribed in this ordinance. Assessed fines will be doubled if not appealed or paid within ten days. Upon discovery of a motor vehicle parked in violation of any section of this chapter, it shall be the duty of the police officer to place a notice of violation upon the vehicle stating the date, time, place and nature of the violation, and indicating the fine or penalty therefore and making a demand for payment thereof. In addition, the following procedures apply for conditions specified:

A. Vehicles parked without authorization on publicly or privately owned land may be towed. Vehicles parked on streets without proper registration may also be towed. Owners of vehicles towed under these circumstances will be required to pay towing and storage charges, if applicable, in addition to any other penalty.

B. Any vehicle which has accumulated two or more notices of violation for parking violations of this chapter, and which is parked or left on any public street or in or upon any other place within the Town where the parking or leaving of such vehicle is governed by regulation under this chapter, may be removed and stored pursuant to the provisions of this section, until all

charges both for all outstanding violations and also the charges imposed for such removal and storage have been paid in full.

C. If the Police Department has not been contacted by the owner or operator of a stored vehicle within three (3) days of the storing of the vehicle, the Chief of Police or their duly authorized representative shall notify by certified mail, return receipt requested, the registered owner of the vehicle or a holder of a security interest therein, if their identity can be readily ascertained, within seven days of the storage of a vehicle pursuant to subsection B of this section.

D. The notice referred to in subsection C shall describe the year, make, model and VIN of the stored vehicle and the requirements of release as set forth in subsection B herein, and a notice of the right to reclaim such vehicle within ninety (90) days after the date of mailing of the notice. The notice shall indicate that failure to reclaim the vehicle within the time indicated shall be deemed to transfer all right, title and interest in such vehicle to the Town of Lyndon. Upon the failure of the registered owner of the vehicle or a holder of a security interest therein to reclaim the vehicle within the time prescribed, the Lyndon Police Department may dispose of such vehicle in any manner desired.

E. If the Chief of Police or their duly authorized representative is unable to ascertain the identity of the registered owner of a vehicle removed pursuant to this section or the holder of a security interest therein, they shall cause to be published once a week for two consecutive weeks in a newspaper of general circulation in the town, the notice set forth in subsection D hereof.

22. IMMOBILIZATION OF MOTOR VEHICLES;

A. Purpose

It is the purpose of this ordinance to provide for additional penalties and enforcement procedures for scofflaws who habitually violate the parking regulations of the Town of Lyndon. It should be understood that any and all fines assessed for violation of this section are against the person who was the registered and/or titled owner of the vehicle at the time of the offense. As such, fines shall not be avoided by the transference of title or registration or the purchasing of a different vehicle.

B. Authorization

By Authority of Title 24 V.S.A., Chapter 61, Section 2291 and 23 V.S.A., Chapter 19, Section 1752 and 1753, municipalities are enabled to regulate parking and to set penalties. This is a civil ordinance.

C. Immobilization of vehicle

Notice must be sent, by certified mail, to the owner listed by the Department of Motor Vehicle, at least fifteen (15) days prior to immobilization.

When calculating the number of parking tickets outstanding by an individual, all prior unpaid tickets shall be considered in determining the number of tickets necessary to bring

about application of the immobilization device. As noted in Chapter 2 Section 20 of this ordinance, a parking fine is considered delinquent if not paid or appealed within ten (10) days of the issue date.

Any unattended motor vehicle found parked at any time, upon any public highway or parking lot of the Town of Lyndon, the owner of which has three (3) or more unpaid parking violations may be immobilized by an officer or member of the Police Department, in such a manner as to prevent its operation. No vehicle shall be immobilized by any means other than a device or other mechanism which will cause no damage to the vehicle unless it is moved while such device or mechanism is in place.

D. Notice to Owner

It shall be the duty of the officer or member of the Police Department immobilizing such motor vehicle to inform, as soon as practicable, the owner of an immobilized vehicle of the nature and circumstances of the prior unpaid parking violations. At the time of the immobilization, the officer or member shall cause to be placed on such vehicle, in conspicuous manner, notice sufficient to warn any individual to the effect that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

E. Release of Vehicle

The owner of such immobilized vehicle, or another person duly authorized by the owner, shall be permitted to secure the release of the vehicle upon:

- (a) The payment of all outstanding fines and penalties; and
- (b) The payment of a booting fee of twenty-five dollars (\$25.00) for first offense and fifty dollars (\$50.00) for each subsequent immobilization; and
- (c) The payment of any towing charges that may have been incurred.

F. Towing of Vehicles

In the event the owner of the immobilized vehicle fails to make the payments required in Section 22 E. above, within a period of twenty-four (24) hours from the time of such immobilization, the Police Department shall cause said vehicle to be towed away as provided for in Chapter 2 section 21 of the Town ordinances.

Further, should the immobilization of the vehicle, cause same to become in violation of the winter parking ban, said vehicle shall be removed in accordance with the normal removal of vehicles pursuant to the parking ban, with any costs or fines being the responsibility of the registered owner.

G. Tampering with Immobilization

It shall be unlawful for any unauthorized person to deface, injure, tamper with, open, break, destroy or remove the immobilizer, impair the usefulness thereof or attempt to do any of those acts. A person who violates this section shall be fined two-hundred dollars (\$200.00) with a waiver fee being one hundred dollars (\$100.00).

H. Post-seizure Hearings for Immobilized or Impounded Vehicles

As to any vehicle immobilized or impounded pursuant to this chapter by or at the request of the Town of Lyndon, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a seizure administrative hearing to determine whether there was probable cause to immobilize or impound the vehicle if such person files a written demand, on forms so provided for such a hearing, with the Town of Lyndon within ten (10) days after such person has learned such vehicle has been immobilized or impounded.

I. Conduct of hearing

- (a) A hearing shall be conducted before a hearing officer within forty-eight (48) hours of receipt of a written demand therefore from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays and town holidays are to be excluded from the calculation of the forty-eight (48) hour period. The sole issue before the hearing officer shall be whether there was probable cause to immobilize or impound the vehicle in question.
- (b) The hearing officer shall be the town administrator or an individual designated by the town administrator to act in his stead.
- (c) “Probable cause to immobilize or impound” shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the immobilization or impoundment of the vehicle.
- (d) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right of possession of the vehicle. The police department shall carry the burden of establishing that there was probable cause to immobilize or impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The hearing officer’s decision in no way affects any criminal proceeding in connection with the immobilization or impoundment in question and that any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner, or his agent, to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

J. Decisions of the hearing officer and their effect

The hearing officer shall only determine that as to the vehicle in question either there was probable cause to immobilize or impound the vehicle or there was no such probable cause. In the event that the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the police department. Upon receipt of the possessor's copy of such certificate, the official police garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, immobilization, towing and storage fees shall be paid by the town in accordance with arrangements made between the town and the official police garage. If the possessor fails to present such certificate to the official police garage having custody of the vehicle within twenty-four (24) hours of its receipt, excluding such days when the official police garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

K. Disposal of Unclaimed vehicle

- (a) Whenever any vehicle so impounded shall remain unclaimed by the owner or other person legally entitled to possession thereof for a period of sixty (60) days from the day notice to owner was mailed, it shall be the duty of the police department to sell such vehicle at public auction to the highest bidder for cash, the time and place of such sale to be published at least once in a newspaper of general circulation in the town, not less than ten (10) nor more than fifteen (15) days from expiration of said sixty (60) days. Said notice shall contain a full description of the vehicle to be sold and the time and place of sale; provided, that any such vehicle not sold at the first sale may be offered for sale and sold at any subsequent sale without further notice or publication. The proceeds of such sale after paying all liens and deducting all reasonable charges and expenses incurred by the impoundment of said vehicle, including the fees and charges herein specified, in booting, towing, keeping, preparing and giving notices, advertising for sale or selling or otherwise disposing of such vehicle shall be paid to the town treasurer.
- (b) Whenever any such vehicle shall remain unsold for a period of one hundred twenty (120) days from the day notice to owner was mailed, then such vehicle may be given to the use of any department of the town or other governmental agency desiring the same, or disposed of as scrap metal.
- (c) No member of the police department, nor any other employee of the town, directly or indirectly, shall purchase or participate in the bidding for, or purchase of any vehicle offered for sale.
- (d) If the vehicle shall be deemed by the Chief of Police to be of no value or of insufficient value to warrant storage and sale, and if no owner shall appear to

redeem such valueless vehicle within sixty (60) days after the mailing of notice of its removal, which notice shall contain a statement that the vehicle is deemed to be of no value or of insufficient value to warrant storage and sale, and that it is the intention to dispose or destroy such vehicle, to any owner whose name and address can be ascertained with reasonable diligence, or by publishing such notice in the official newspaper once, at least five (5) days before its destruction or other disposition. Such vehicle as above provided shall be conclusively deemed of no value and to be abandoned property, and there shall be no claim against the town, the Chief of Police, the police department nor any of their agents or employees by reason of any such destruction or disposition.

L. Severability

This ordinance and the various parts, sentences, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**TOWN OF LYNDON ROADS
CHAPTER 3**

ARTICLE I: ROAD OBSTRUCTIONS

1. No person, whether as landowner, lessee, agent, employee, servant, or volunteer, shall deposit, or cause to be deposited, material of any kind within a highway right-of-way, or obstruct a ditch, culvert, or drainage course without a written permit from the Board of Selectboard, in accordance with 19 V.S.A. § 1105.
2. Material for the purpose of this ordinance shall include, but not be limited to, snow, ice, rocks, or dirt which have been pushed, plowed, or deposited by any means within a highway right of way.
3. Any person who violates the provisions of this ordinance shall pay a fine of one hundred dollars (\$100) for each violation (Waiver fine \$90), together with the costs of prosecution, including service fees, court costs and attorney fees. Each day during which such violation exists shall be a separate offense for the purpose of this ordinance.
4. The provisions of this ordinance are in addition to, and not in substitution of, any other rights and remedies, criminal or civil, which the Board of Selectboard may have according to the Vermont State Statutes.

Article II: PARKING OF MOTOR VEHICLES SO AS NOT TO INTERFERE WITH SNOW REMOVAL

1. No vehicle shall be left parked on any street or highway within the limits of the former Village of Lyndonville between midnight and the following seven o'clock in the morning during the period from November 1st of each year to the 15th day of April of the following year unless special arrangements for parking are made with the Town Road Foreman. The area used for public parking and generally known as the "diamond" is considered an extension of Depot Street public parking and is specifically included as a Town street in context of this section. The "diamond" is defined as the paved parking area on the northeast side of Depot Street, located between a curb extending from Angies Alley on the west side, to the railroad tracks on the east side.

2. The parking of any vehicle in violation of Section 1 of this chapter is hereby declared to be a public nuisance, and the Road Foreman, or some other person as appointed by the Selectboard, may remove any vehicle so parked, or cause it to be removed by towing or otherwise, at the sole expense of the owner of such vehicle, to any public garage or other place designated by the Road Foreman.

3. Any and all expenses incurred by the Town or any of the departments thereof, under and by virtue of this ordinance, shall be and become a lien upon the motor vehicle removed as herein authorized to secure the repayment of such charges. The lien may be foreclosed as provided by law.

4. The Road Foreman, or some other person appointed by the Selectboard, shall make and keep a record of every vehicle so removed to properly identify the same, and in addition shall keep a record of the date of such removal, the place to which the vehicle is taken, and the reason for the removal. All such records shall be forwarded to the Town Clerk and be open to public inspection during normal business hours. Additional procedures to be followed for towed and stored vehicles (collectively, "stored vehicles") shall be as follows:

A. If the Road Foreman, Clerk, or Municipal Administrator has not been contacted by the owner or operator of a stored vehicle within three (3) days of the storing of the vehicle, the Town Clerk or their duly authorized representative shall notify by certified mail, return receipt requested, the registered owner of the vehicle or a holder of a security interest therein, if their identity can be readily ascertained, within seven days of the storage of a vehicle pursuant to Section 2 of this section.

B. The notice referred to in subsection A above shall describe the year, make, and model of the stored vehicle and the requirements of release as set forth in Section 5 herein, and a notice of the right to reclaim such vehicle within ninety (90) days after the date of mailing of the notice. The notice shall state that failure to reclaim the vehicle within the time indicated may result in the transfer of all right, title and interest in such vehicle in lien foreclosure proceedings. Upon the failure of the registered owner of the vehicle or a holder of a security interest therein to reclaim the vehicle within the time prescribed, the Selectboard may dispose of such vehicle in any manner desired.

C. If the Town Clerk or their duly authorized representative, is unable to ascertain the identity of the registered owner of a vehicle towed or stored pursuant to this section or the holder of a security interest therein, they shall cause to be published once a week for two consecutive weeks in a newspaper of general circulation in the town, the notice set forth in subsection A above.

5. An owner of a vehicle which has been towed pursuant to Section 2 shall not be permitted to reclaim the vehicle except during normal duty hours of the Town Clerk's Office (Monday through Friday, 7:30 AM to 4:30 PM, except for holidays). Before the owner shall be permitted to reclaim the vehicle, they shall go to the Town Offices and shall:

- A. Furnish satisfactory evidence to the Town Clerk, or their duly authorized representative, of their identity and ownership of the vehicle.
- B. Pay all charges for removing said vehicle, all fines incurred pursuant to Section 8 below, and all charges for the storing or parking thereof and for publication of record of removal, and
- C. Sign a written receipt acknowledging delivery of said vehicle.

6. Upon receipt of the information and fees described in Section 5 above, the Town Clerk or duly authorized representative shall inform the Town Road Foreman, or duly authorized

representative, that the vehicle may be released. Upon such notification, the Town Road Foreman or representative shall release the vehicle.

7. All charges made or incurred in making such removal shall be reasonable and shall be in conformity with the prevailing rates therefore in the Town.

8. Any person who violates Section 1 of this chapter shall for a first violation thereof be subject to a fine of not more than fifteen dollars (\$15) (Waiver fine \$10). For all subsequent violations within one year of the first violation, such person shall be subject to a fine of not more than forty dollars (\$40) (Waiver fine \$35)

ARTICLE III: ROAD CONSTRUCTION

All private or Class IV roads will be brought up to the following standards in order for Selectboard to consider taking them over as a town highway or to reclassify them as Class III highways.

1. The road project must be under the direction of the Selectboard and Town Road Foreman.
2. A fifty (50) foot right-of-way must be staked out for inspection by the Board of Selectboard and Town Road Foreman prior to application for an Act 250 permit and before actual construction begins.
3. The Selectboard and Town Road Foreman must inspect the road project during construction.
4. The roadbed will be raised above the surrounding terrain unless the topography of the land is such that this cannot be done, in which case the banks will be uniformly sloped.
5. Size specifications:
 - A. Road width minimum will be 20' with 3-foot shoulders on either side (26-foot-wide base of bank gravel with 20 foot wide top of crusher run, 8" rise on shoulders), except all cul-de-sacs (turn arounds) will have a minimum diameter of 75 feet. If minimal in diameter, then the turnaround is to be completely open.
 - B. Sub-base will be 12" of packed bank run gravel. If the area is wet, it will remain the Selectboard's discretion as to requiring additional gravel.
 - C. Topcoat will be a minimum of 8" of packed crusher run gravel not exceeding 1 and 1/4" in size.
6. Adequate drainage, provided by installation of properly headed culverts, will be required at the discretion of the Selectboard and the Road Foreman. Culverts will be a minimum of 15 inches in diameter unless directed otherwise by the Selectboard. Drainage ditches will be constructed as required, with design and location as directed by the Road Foreman.
7. All banks must be topsoiled, seeded, and mulched. Seed will be the conservation mix, fertilized with 1000 pounds of 10-10-10 per acre.

8. A title to the road will be deeded to the Town. It will be a minimum of 50' width right-of-way, except that cul-de-sacs will be a minimum of 100 feet in diameter for the right-of-way. It will also include all necessary slope and drainage rights.

9. The grantor will be responsible for bank erosion for a period of one year following the Town's acceptance of the completed road project.

10. Other requirements, unique to a particular section of road, may be required as deemed necessary by the Selectboard and Road Foreman. These would include, but not be limited to, guardrails, bridges, road name, and traffic signs. Selectboard may, at their discretion, require wider road construction if such is found to be in the best interest of the Town.

11. In the event that the State of Vermont upgrades its minimum standards to a higher level than spelled out in this ordinance, the Town of Lyndon standards are likewise elevated to match these requirements.

12. The Selectboard, acting in the best interests of the Town, reserves the right to reject any road proposal.

ARTICLE IV: USE OF SNOWMOBILES ON TOWN ROADS

1. Operation of snowmobiles on asphalt, hardtop Town roads or on Town sidewalks is specifically prohibited. Violators of this provision of the ordinance will be fined forty dollars (\$40) (Waiver fine \$30) for each violation.

2. Operation of snowmobiles on Town gravel surfaced roads is only permitted on those sections of roads identified in paragraph 3 below. Such operations will be limited to speeds not greater than 20 MPH and single file travel on the highway. The Town assumes no responsibility for accidents and/or injuries involving snowmobilers, and Town members of the VAST organization shall insure that appropriate signage is posted and maintained.

3. Snowmobile operation is permitted on the following sections of Town highways:

A. SA-9 (McGoff Hill), from Vermont State University to South Wheelock Road.

B. SA-5 (Darling Hill Road), as posted, from a point 1248 feet north of the intersection of SA-5 and Route 114, north for a distance of 3116 feet. The northern limit is approximately 2.3 miles from the Lyndon/Burke town line.

C. TH-40 (known as Burrington Bridge Road), as posted, from a point approximately 1.5 miles east of the intersection with Route 114, east for a distance of 1208 feet to the Lyndon/Kirby town line.

D. TH-46 (known as Cold Hill), as posted, from a point 1.5 miles west of the intersection with South Wheelock Road, west for a distance of .4 miles to the Lyndon/Wheelock town line.

E. TH-9 (Mathewson Hill), as posted, from a point .4 miles north of the intersection with Route 122, continuing north for a distance of .3 miles. The northern end is 1.5 miles south of the Lyndon/Wheelock town line.

F. TH-45 (Sugar Maple Road), as posted, from a point 405 feet south of the intersection with TH-40, south for a distance of 905 feet. The southern end is 1.3 miles north of the intersection with SA-2, Red Village/East Lyndon Road.

F. TH-31 (Vail Drive), from 75 feet south of Bridge 46 to 75 feet north of the same bridge, located about .2 miles south of the intersection of TH-31 and Route 122.

ARTICLE IV-A: ESTABLISHING TRANSIT ZONES FOR ALL TERRAIN VEHICLES ON CERTAIN TOWN ROADS

1. AUTHORITY. Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. § 2291(4), and 23 V.S.A. §3510, the Selectboard of the Town of Lyndon hereby adopts the following ordinance regulating the manner and location of operation of all-terrain vehicles in approved transit zones within the town.

2. PURPOSE. The purpose of this ordinance is to protect the health and safety of operators of all-terrain vehicles and of the residents of the Town and to protect the animals, property, and environment of the Town. To accomplish this purpose The Duck Pond Ridge Runners ATV Club has agreed to be responsible for posting and maintaining signage required by the Selectboard.

3. DEFINITIONS.

A. "All-terrain vehicle," or "ATV," means any non-highway recreational vehicle, except snowmobiles, when used for cross-country travel on trails or on any one of the following or a combination thereof: water, snow, ice, marsh, swampland, and natural terrain.

C. "Operate" shall include any attempt to operate and shall be construed to cover all matters and things connected with the presence and use of all-terrain vehicles whether they be in motion or at rest.

4. OPERATION.

A. All-terrain vehicles may be operated only on the following town highways:

1. Unplowed Class IV roads.
2. On Buchler Road from the Wheelock Town Line to the intersection of Fall Brook Road, approximately .3 miles (three-tenths), to access the Class IV section of Fall Brook Road.

B. Vehicles may operate from 8:00 a.m. to 8:00 p.m. from May 25th to October 10th

C. All ATVs must be registered and operated according to the requirements of 23 V.S.A. Chapters 29(1) and 31.

D. All vehicles must be insured at State minimum liability ratings.

- E. No one under 16 years of age may operate a vehicle unless accompanied by a licensed adult driver.
- F. The Speed Limit while operating in this transit zone will be 20MPH and all ATV's must be in single file, follow all traffic rules and control devices that apply to the Town highways.
- G. DOT approved helmets are required while vehicles are in motion.

5. PENALTIES.

First offense	\$ 50.00, waiver fee \$ 25.00
Second offense	\$100.00, waiver fee \$ 50.00
Third and each subsequent offense	\$200.00, waiver fee \$100.00

6. ENFORCEMENT. This is a civil ordinance and shall be enforced by law enforcement officials through the Judicial Bureau.

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

8. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Lyndon Select Board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

ARTICLE IV-B: RULES FOR BICYCLES, SKATEBOARDS, LONGBOARDS, SCOOTERS, ROLLER SKATES, AND ROLLER BLADES

Sec. 1. Following are restrictions on the use of bicycles, skateboards, longboards, scooters, roller skates, and roller blades within the Town of Lyndon:

A. It shall be unlawful for any person to operate a bicycle on any highway or sidewalk within the Town during the period from one-half hour after sunset to one-half hour before sunrise, unless said bicycle shall be equipped with a lamp or light on the front exhibiting a white light visible from a distance of at least 500 feet and with a red reflector on the rear of the bicycle.

B. The use of skateboards, longboards, roller skates, or roller blades on the highways within the Town of Lyndon, is prohibited with the exception that all may be used within any designated bike lane within the Town from one-half hour before sunrise to one-half hour after sunset. The use of scooters within the Town of Lyndon shall be on the roadway and only in accordance with the State Laws of Vermont. The use of bicycles, skateboards, longboards, roller skates, and roller blades on any sidewalk within the Town of Lyndon shall be done in a safe manner. Upon meeting pedestrians, the rider shall stop, dismount, or turn off the walk. The entering of roadways from a sidewalk on a bicycle shall be made in a safe manner in accordance with the laws of the State of Vermont. Operation of bicycles on the highways of the Town of Lyndon shall be in accordance with the laws of the State of Vermont.

Effective 2-4-2026

C. It shall be unlawful for more than one person to ride on a bicycle unless it is a tandem equipped with two sets of handlebars and two seats.

D. Attaching a bicycle, skateboard, longboard, scooter, roller skates, roller blades, or any other manual ridden, wheeled object (this is not to include proper trailers) while being operated in any manner, to any vehicle upon the highway is prohibited.

E. Persons riding bicycles are prohibited from riding abreast on any Town highway.

Sec. 2. Any person violating any provision of this ordinance shall be fined not more than one hundred dollars (\$100.00) (Waiver fine \$25) for each offense.

ARTICLE V: UNLAWFUL POSSESSION OF TOWN ROAD SIGNS

Unauthorized removal and/or possession of any Town warning, caution, or road name sign and/or post is hereby prohibited. For the purpose of this Article V, the word "unauthorized" shall include any removal or possession that has not been approved by the Selectboard, the Road Foreman, the Municipal Administrator, or the Town Clerk. Any person who violates this provision shall pay a fine of five hundred dollars (\$500) (Waiver fine: \$450) for each violation, together with the costs of prosecution including service fees, court costs, and attorney fees.

**TOWN OF LYNDON
STREETS, HIGHWAYS, AND PARKS**

CHAPTER 4

Sec. 1. Parades. No procession or parade other than for a funeral shall be allowed on the public streets or highways of the Town unless and until the person or persons in charge thereof or responsible therefore shall obtain a permit from the Selectboard for such procession or parade. Such permit shall be issued only upon proof that such procession or parade will be conducted without public tumult or unlawful disturbance of any kind and may be revoked for cause. Any person participating in such a procession or parade for which a permit has not been issued shall be subject to a fine of thirty dollars (\$30) (Waiver fine \$25) plus the costs of prosecution.

Sec. 2. Shows or Circuses. No salesman, peddler, traveling showman, circus, or traveling show company shall sell or conduct any show or entertainment in the public streets, out-of-doors, or in any place within the Town of Lyndon without first applying for and receiving a permit to do so. Such permit shall be issued only upon satisfactory proof that said sale, exhibition or show will be so conducted as to be free from indecency and fraudulent and unsanitary practices, and if conducted out-of-doors, that it will not interfere with traffic or cause a public tumult or unlawful disturbance of any kind. The fee for such permit shall be twenty-five dollars (\$25) per day, and the applicant may be required by the Selectboard to furnish proof of insurance. Said permit may be revoked at any time for cause. Any person violating this ordinance shall be subject to a fine of one hundred dollars (\$100) (Waiver fine \$85).

Sec. 3. Parks.

A. No person, group, organization, or corporation shall sponsor any special events of any kind, specifically including shows, sales, and private parties, in any public park within the Town of Lyndon without first applying for and receiving a permit from the Selectboard to do so. Such permit shall be issued only upon assurance that the event will be conducted without public tumult or unlawful disturbances, and the permit may include specific restrictions in addition to the requirement to pick up and dispose of trash after completion of the event. Said permit may be revoked at any time for cause. The fee for such permit will be one dollar (\$1). If the permit is issued for Bandstand Park and the applicant intends to draw electrical power from connections on the Bandstand, at their discretion the Selectboard may add an additional fee for the use of electricity. The amount of the additional fee can vary based on estimated electrical usage. Any person or group violating this ordinance shall be subject to a fine of fifty dollars (\$50) (Waiver fine \$40).

B. No person shall smoke in any public park within the former limits of the Village of Lyndonville.

The purpose of this section is to protect the public's health, safety, and welfare by addressing and prohibiting smoking/vaping and second-hand smoke/vape within public park limits.

“Smoking” shall mean possession of lighted tobacco and/or cannabis/marijuana products or use of tobacco substitutes and/or alternatives including vaping. “Tobacco and/or cannabis/marijuana products, substitutes and/or alternatives” shall mean cigarettes, electronic cigarettes, vapor cigarettes, cigars, cheroots, stogies, blunts, splifs, dabs, rollies, refuse scraps, clippings, cuttings

and sweepings of tobacco and/or cannabis/marijuana, and other kinds and forms of tobacco and/or cannabis/marijuana prepared in a manner suitable for smoking in a pipe and/or vape device or otherwise for smoking. "Smoke-Free Park" shall mean within the boundaries and limits of designated Parks provided by the Town of Lyndon which are located in the former Village of Lyndonville. "Parks" shall mean any public park within the former limits of the Village of Lyndonville.

Any law enforcement officer may enforce the provisions of this section. Prior to the issuance of a Vermont Municipal Complaint, a law enforcement officer may warn the person to be issued of the prohibition and ask the person to cease smoking. The failure to immediately stop smoking within any public park after such warning shall be a civil ordinance violation punishable by a penalty of fifty dollars (\$50.00), the waiver penalty for which shall be fifty dollars (\$50.00). Law enforcement officers shall not be required to issue additional warnings to any person who has been previously warned of the prohibitions in this section and a person so previously warned who engages in the activity prohibited by this section.

The prohibition of smoking/vaping within park limits shall not apply to: Any person(s) and/or company/organization who applies and is granted a special license to allow smoking/vaping from the Town of Lyndon to hold a public event, provided that there be signage clearly and conspicuously warning patrons and passersby that smoking/vaping is permitted within this leased space.

Sec. 4. Defacing. No person shall move, injure, deface or damage any guidepost, traffic light, street sign or street safety device within the Town of Lyndon. Any person violating this ordinance shall be subject to a fine of sixty dollars (\$60) (Waiver fine \$50).

Sec. 5. Poles and Conduits. No person shall erect any pole or poles, wires or cables on any street within the Town of Lyndon, or lay any pipe or conduit under any of the streets or sidewalks or make any excavations in said streets or sidewalks for the laying of pipes, conduit or sewers or for any other purpose, without first procuring a permit to do so and furnishing suitable indemnity to said Town for all damage done to its streets, sidewalks or other property. Such permit may be revoked at any time for cause. Any person violating this ordinance shall be subject to a fine of one hundred dollars (\$100) (Waiver fine \$85).

Sec. 6. Temporary Signs or Posters. No person shall post, paint or in any way cause to be displayed any showbill, advertisement or paper, written or printed, upon or in any way attached to any post, pole, fire alarm box or other structure standing within the limits of the streets or highways within the Town of Lyndon without a permit to do so, under such reasonable rules and regulations as to manner, method and time as the Selectboard may prescribe. Permits for such signs or posters will include the requirement that they be removed within 48 hours of completion of the advertised event. Such permit may be revoked at any time for cause. Permits for permanent signs within the corporate limits of the Town shall be obtained from the Development Review Board. Any person violating the provisions of this ordinance shall be fined fifteen dollars (\$15) (Waiver fine \$10).

Sec. 7. Trash and Littering. No person shall dump, deposit or throw, or cause to be dumped, deposited, or thrown, any waste or refuse material or any bottles, glass, paper, garbage, cans or other material or noxious thing of whatever nature on any public or private lands, or on or within view of a public or private parking lot, street, sidewalk, park, or building. Any person who

violates any provision of this ordinance shall be subject to a fine of one hundred dollars (\$100) (Waiver fine \$85).

No person shall haul any shavings, sawdust, slabs or rubbish of any sort in the public streets or highways or any part thereof within the Town of Lyndon unless the same shall be covered or loaded properly and secured so that it will not blow, or be strewn upon the street or highway. Any person who violates this provision shall be subject to a fine of one hundred dollars (\$100) (Waiver fine \$85).

No Town property owner shall put out, or allow to be put out any rubbish onto the streets before the afternoon prior to regularly scheduled rubbish pick-up. Violations by tenants or owner shall result in the property owner being fined thirty dollars (\$30) (Waiver fine \$25) for each violation.

Sec. 8. Coasting. No person shall coast or slide in the streets or upon the sidewalks within the Town of Lyndon except upon such streets as may be set apart for coasting and so designated by the Selectboard. A person who violates this ordinance shall be fined not more than one hundred dollars (\$100.00) (Waiver fine \$25).

Sec. 9. Snowmobiles. No person shall operate a snowmobile on any public street, highway, sidewalk, or in any public park within the former boundaries of the Village of Lyndonville without first applying for and receiving a permit from the Selectboard to do so, with the following exceptions:

A. Operators of snowmobiles are permitted to traverse the VAST trail as posted through the Town. Operators may pull off the trail, in areas adjacent to the trail, to visit local businesses as long as a public right-of-way is not obstructed.

B. Operators of snowmobiles are permitted to traverse Pinehurst Street between the area of the Caledonia County Fairgrounds and the location of Mountain View Auto. Operators will travel off or to either far edge of the road.

Snowmobile registration and operation on private lands shall be as directed by State Statutes. Any person who violates this section of the ordinance shall be subject to fine of up to one hundred dollars (\$100) (Waiver fine \$85).

Sec. 10. Fire Alarms. No person other than authorized officers and workmen shall molest or tamper with any fire alarm box within the Town of Lyndon except for the bona fide purpose of ringing in an alarm for fire. Any person violating this ordinance will be fined fifty dollars (\$50) (Waiver fine \$45).

Sec. 11. Funerals. No person shall with any vehicle, motor vehicle, or team cut into or drive in ahead of any of the vehicles making up a funeral procession, provided such procession is made up of cars or vehicles marked with a printed sign or flag "Funeral Car".

Sec. 12. Open Burning. No person shall engage in open burning of any materials within the Town of Lyndon unless that person has the permission of the Fire Chief or his designated representative. No person shall build a fire in a yard or lot without attendance by some responsible person who shall see that the fire is extinguished before leaving it. Persons who violate this ordinance are

subject to a fine of one hundred dollars (\$100) (Waiver fine \$85) plus the cost of any damages caused by their actions.

Sec. 13. Roof Guards. A person owning a building from which snow, ice or water slides or falls, or may slide or fall, upon a street or sidewalk, shall put and maintain such guards upon the roof of the building as will prevent snow, ice or water from sliding or falling from the building onto the street or sidewalk.

Sec. 14. Animals. No person shall permit any goats, sheep, pigs, horses, poultry and/ or wild fowl, or cows, either owned or being kept by that person, to be pastured or allowed to roam in any street, lane, or alley or on any common or park in the **former** Village.

Sec. 15. Moving Buildings. No person shall move or cause to be moved any house, shop, or other building, through any street, or over any bridge in the Town, without first obtaining a permit therefore from the Selectboard, provided that a condition of such permit shall be that no injury shall be done to any tree standing in or contiguous to a street or highway; and such permit shall also specify the streets through which, and the time within which, said building shall be moved, beyond which time such permit shall not be of any force or effect.

Sec. 16. Alcoholic Beverages. No person shall, while (1) in or on a sidewalk, street, highway, or parking lot, (2) in a park or other common area open to the public, or (3) in or on a stationary vehicle located in or on a sidewalk, street, highway, or parking lot, consume any alcoholic beverage or possess any opened container containing any alcoholic beverage. In addition, no person shall, while in a park or other common area open to the public, have in his/her possession any alcoholic beverage container, either opened or sealed. Any person violating any provision of this ordinance shall be subject to a fine of one hundred dollars (\$100) (Waiver fine \$85).

Sec. 17. Loitering. No person shall loiter, loaf, wander, stand or remain idle either alone or with others in a public place or a place open to the public in such manner as to:

A. Impede or hinder the free and uninterrupted passage of vehicles, traffic or pedestrians in any public place or any place open to the public, including streets, parks, sidewalks, or buildings.

B. Commit in or upon any public place or any place open to the public, including streets, parking lots, parks, sidewalks or buildings, any act or thing which is, or results in, an obstruction or interference, whether permanent or temporary, to the open, free and uninterrupted use of any such public place or place open to the public or which is or results in, an obstruction or interference to the open, free and uninterrupted use of property.

C. Either with intent to provoke a break of the peace, or under circumstances such that a breach of the peace may be occasioned thereby, act in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to other persons in a public place or a place open to the public.

When any person causes or commits any of the conditions outlined herein, a police officer or any law enforcement officer shall order that person to cease causing or committing such conditions or acts and to move on or disperse. Any person who refuses to obey such order shall be guilty of a violation of this ordinance. Any person who violates any of the provisions of this ordinance shall

be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500) (Waiver fine \$450).

Sec. 18. Obstructing Sidewalks. No person shall place or cause to be placed any vehicle on any sidewalk or any other object on a sidewalk so as to obstruct the free flow of pedestrian traffic. Neither shall any person or business install or construct any obstacle that would preclude routine sidewalk maintenance, including snow plowing, accomplished using Town maintenance vehicles. Specifically:

A. Awnings installed over sidewalks must be either the "roll-up" type, or if stationary, placed so as the bottom of the awning is a minimum height of eight feet from the sidewalk.

B. Fences or walls installed adjacent to sidewalks must be placed a minimum distance of eighteen inches (18") from the sidewalk.

Violators of this ordinance will be required to move the obstacle, at their expense, to comply with these provisions. However, parking of vehicles on a public sidewalk in violation of the above is hereby declared to be a public nuisance, and the Town Road Foreman, or some other person as appointed by the Selectboard, may remove any vehicle so parked, or cause it to be removed by towing or otherwise, at the sole expense of the owner of such vehicle, to any public garage or other place designated by the Highway Foreman. Procedures for removal and claiming of the vehicle, as well as penalties, will be the same as described in Chapter 3 of the ordinances, "Parking of Motor Vehicles So As Not To Interfere With Snow removal", subsections 3 through 8.

Sec. 19. Discharge of Firearms. Discharge of firearms within the former corporate limits of the Village of Lyndonville is prohibited. Violators of this ordinance are subject to a fine of one hundred dollars (\$100) (Waiver fine \$85).

Sec. 20. Snowplowing. No person is permitted to shovel or plow snow from private property onto any public sidewalk, street, or highway. No person is permitted to shovel or plow snow such that it covers or prevents immediate access to any fire hydrant. Any violator of this section of the ordinance is subject to a fine of up to twenty-five dollars (\$25) (Waiver fine \$20).

Sec. 21. Public Noise. Any person who hosts or attends any party or gathering which results in disturbing the neighbors by unnecessary or offensive noise or actions shall be fined twenty-five dollars (\$25) (Waiver fine \$20) for the first offense; fifty dollars (\$50) (Waiver fine \$40) for a second offense; and one hundred dollars (\$100) (Waiver fine \$90) for all subsequent offenses. For the purpose of this ordinance and violations thereof, the person or persons who rent or are the legal occupants of the residence in which the gathering was hosted may be held responsible for failure to prevent violations as described above and be fined accordingly.

Any damages to adjacent properties caused by a person who attends such a gathering or party shall be paid for by that person, or in the case where the identity of the person cannot be determined, by the renter or legal occupant of the residence in which the gathering was hosted.

Sec. 22. "Coin Drops". No person or organization is permitted to conduct a "coin drop" on any street within the geographical boundaries of the Town of Lyndon without first receiving a permit from the Selectboard. There will be no charge for the permit, but authorized "coin drops" shall

only be conducted with persons of age 16 or older, and all persons participating in a "coin drop" will wear brightly colored clothing to be more easily seen by approaching motorists. Violators of this ordinance are subject to a fine of thirty dollars (\$30) (Waiver fine \$25).

To protect the welfare, safety, and convenience of the inhabitants of the former Village (i.e. Downtown Lyndon, coin drop events will be limited to a maximum number of six per year, one per month during the months of May through October. On or about the date of the annual Town meeting, the Town will advertise that applications will be received to conduct "coin drops" that year. The responding applicants will be placed on a ballot for voter approval at the Town Annual Meeting. The six approved applicants will choose their preferred month in which the "coin drop" will be conducted in order of the vote totals received. Participants will be allowed to exchange assigned months as long as the Town Clerk is notified of the resultant arrangements. If less than six organizations participate in the voting, other organizations may apply to conduct such events, and the Selectboard may permit the remaining events (no more than six total), assigning months on a "first come - first served" basis.

The Selectboard reserves the right to approve special event coin drops, which they judge to be in the best interest of the community and region.

Sec. 23. Urination and defecation in Streets. No person shall urinate or defecate in any street, park or other public place except in facilities specifically provided for this purpose. Any person violating this section shall be fined \$50.00.

Sec. 24. Camping in Parks, public parking spaces, and Municipally Owned or managed public properties is prohibited. It shall be unlawful for any person to camp in any public park, parking space or municipally owned property in the Town unless authorized by the Selectboard. The term "to camp" shall include the placing of any bedding, sleeping bag or other material at a site to serve as a sleeping area; the placing of any tent, lean-to, other structure or vehicle at a site to serve as a sleeping or living area; or the use of any public park or municipally owned property for sleeping between the hours of 10:00 p.m. and 7:00 a.m. Any person violating this section shall be fined \$50.00.

**TOWN OF LYNDON
LICENSED PRIVILEGES AND OCCUPATIONS**

CHAPTER 5

Sec. 1. General Provisions. The word "license" as used in this chapter shall mean a license granted by the Selectboard through the Town Clerk.

Sec. 2. Licenses shall not be transferable or assignable, shall be dated when issued, and shall expire on the 31st day of December next following the date of issue. The Town Clerk will notify licensees when a current license is about to expire; however, it is the licensee's responsibility to insure license currency.

Sec. 3. Before a license shall be granted, the applicant shall file a written application with the Town Clerk, directed to the Selectboard, signed by the applicant, and stating the particular kind of license desired. The applicant in said application shall also state that they will observe the conditions of their license and all provisions of the ordinances governing it.

Sec. 4. The fee shall be paid to the Town Clerk before a license shall be issued.

Sec. 5. All fees received by the Town Clerk for licenses shall be turned over to the Town Treasurer for the use of the Town.

Sec. 6. All licenses shall be granted by the Selectboard and any license may be revoked at any time by the Selectboard, upon hearing and for cause.

Sec. 7. A licensee who shall violate a provision of an ordinance relating thereto or a condition of their license shall, on conviction, in addition to the penalty imposed, forfeit their license.

Sec. 8. All licenses shall be subject to the condition that the licensee shall indemnify and reimburse the Town for any damage sustained by the Town by reason of the granting or exercise of such license.

TRANSIENT RETAIL SALES

Sec. 9. This section of the ordinance is enacted pursuant to Title 24 Chapter 126 § 3(A) of the Act of the General Assembly of the State of Vermont, merging the Village of Lyndonville with the Town of Lyndon, leaving the Town of Lyndon as the surviving corporation, which was approved on July 1, 2023. It is enacted to protect the welfare, safety, and convenience of the Town of Lyndon and its inhabitants.

As used in this ordinance, "transient retail sales" means the display or sale of goods, services, or food from either a specific outdoors location or by mobile salespersons such as a peddler or a

door-to-door salesman. Transient retail sales include routine "yard" or "garage" sales conducted by residents. Restrictions and/or licensing requirements vary, as specified below:

A. Transient Retail Sales from a Specific Outdoors Location:

(1.) This paragraph A. applies to any person displaying and/or selling goods, services, or food from an outdoors, stationary location within the limits of the former Village of Lyndonville, regardless of whether such displays/sales are conducted from a display arrangement (such as on the ground, on a table or tables, or on shelves), or from/using a motor vehicle of any type.

(2.) No person shall engage in transient retail sales from a specific outdoor location except as provided for below in sections (a) through (g) of this subparagraph (2).

(a.) Yard or garage sales (see paragraph C of this section for yard/garage sales provisions and restrictions).

(b.) Sales of food.

(i.) Sale of agricultural produce is permitted without restriction.

(ii.) Sale of other foods, such as from a stationary hot dog and/or ice cream stand, is permitted if the vendor is licensed. The license fee shall be ten dollars (\$10) per day or one hundred twenty dollars (\$120) per calendar year, and the vendor shall obtain the license in accordance with and abide by the provisions of Sections 1 through 8 of this chapter. If the vendor chooses the daily rate, he/she will specify the dates of operation, and the Village Clerk will annotate those dates on the license.

(c.) Sales of Christmas trees and wreaths.

(d.) Occasional displays and sales of goods by nonprofit organizations.

(i.) Nonprofit organizations may conduct transient retail sales within the former Village limits, without a license, on no more than three occasions per calendar year, with the permission of the Selectboard. An occasion is defined as an event lasting no more than twelve hours on one particular day.

(ii.) Nonprofit organizations must request permission from the Selectboard to conduct transient retail sales in accordance with subsection (i) above, providing the name of the organization, date of the event(s), and location(s). The Selectboard shall grant permission if the transient retail sales will not cause safety problems or unacceptable traffic congestion.

(e.) Sales of goods, services, and/or food as associated with major, special Town events that have been approved by the Selectboard, such as the Stars and Stripes Festival or the Burklyn Arts Council Craft Show.

(f.) The display or sale of goods out-of-doors by a person whose principal business is the sale of such goods inside a building located on the same premises, whereby the types of goods sold outdoors are the same types of goods routinely sold on an annual basis on the inside of the premises.

(g.) The display and sales of merchandise (not food) by an independent transient retailer, conducted on private but commercial property with the owner's permission and a Town license, as long as such display and sales are limited to a maximum of four occasions per year from any location within the former limits of the Village of Lyndonville. An occasion is defined as a sales event lasting no more than 12 hours on a specific day.

(i.) The vendor must obtain a license from the Town Clerk in accordance with Sections 1 through 8 of this chapter. In addition, the Town Clerk shall obtain from the applicant the name and resident address of the applicant, the name and address of any person or entity by which the applicant is employed or for which the applicant is an independent contractor, the period of time (dates) for which the license is required, the local address and phone number (if any) where the applicant can be reached, and an identification of the goods or services to be sold. The Town Clerk shall issue the license upon receipt of the information required by this paragraph and the appropriate license fee.

(ii.) The license fee for such commercial events shall be thirty dollars (\$30) per occasion/day.

(3.) Transient retailers conducting business from a specific, outdoors location who violate the provisions of this section of the ordinance shall be fined not more than fifty dollars (\$50) (Waiver fine \$40) for each day of such violation.

B. Mobile Salespersons:

(1.) Mobile salespersons are defined as salespersons not operating from a stationary location, but constantly moving from one location to another as in door-to-door sales, for commercial purposes. Mobile salespersons include peddlers walking on streets selling to pedestrians encountered. Mobile salespersons do not include persons selling to support fund raising for non-profit organizations such as Girl Scouts and Little League.

(2.) Mobile salespersons are permitted to conduct operations within the former limits of the Village of Lyndonville if they are licensed therefor.

(3.) Any mobile salesperson must obtain a license from the Town Clerk in accordance with Sections 1 through 8 of this chapter. In addition, the Town Clerk shall obtain from the applicant the name and resident address of the applicant, the name and address of any person or entity by which the applicant is employed or for which the applicant is an independent

contractor, the period of time (specific dates or calendar year) for which the license is required, the local address and phone number (if any) where the applicant can be reached, and an identification of the goods or services to be sold. The Town Clerk shall issue the license upon receipt of the information required by this paragraph and the appropriate license fee.

(4.) The license fee for mobile salespersons shall be ten dollars (\$10) per day or one hundred twenty dollars (\$120) per calendar year.

(5.) Mobile salespersons conducting business without a license shall be fined not more than fifty dollars (\$50) (Waiver fine \$40) for each day of such violation.

C. Yard and/or Garage Sales:

(1.) Yard and/or garage sales are not permitted within the limits of the former Village of Lyndonville except as follows:

(a.) Households may conduct no more than three yard or garage sale events in one calendar year if licensed to do so. An event is considered to be a sale lasting no longer than 12 hours in one specific day. The three events allowed may be on consecutive days or dispersed throughout the calendar year.

(b.) In multi-family dwellings, each household unit is entitled to sponsor three events as described above.

(c.) The event must be conducted on the property owned or leased by the household sponsoring the event.

(2.) Any household sponsoring a yard or garage sale event must first obtain a license from the Town Clerk. The applicant will provide name, address/location of the event and date(s) of the event(s). The Town Clerk shall issue the license, recording the above information on the license, upon receipt of the required information and the appropriate license fee.

(3.) The license fee shall be one dollar (\$1) per day/event.

(4.) Persons conducting yard or garage sales without first obtaining a license therefor shall be fined not more than fifteen dollars (\$15) (Waiver fine \$10) per day for each day such business was conducted without a license.

Sec. 10. No person or corporation shall place or install vending machines on the streets or sidewalks within the former boundaries of Village of Lyndonville without a license to do so. Vending machines will be placed so as to not interfere with pedestrian traffic. The license fee is five dollars (\$5) per machine per calendar year. Violators of this ordinance are subject to a fine of one hundred dollars (\$100) (Waiver fine \$85).

Taxi Operations

Sec. 11. No owner of any automobile, taxicab, carriage, truck, express wagon, cart or other vehicle, whether propelled by motor power or drawn by a horse or horses, kept or used for hire

for general or public service within the former boundaries of the Village of Lyndonville, shall operate within the former limits of the Village any such vehicle in general or public service without a license to do so.

Every person, firm or corporation desiring or required to obtain a license under this ordinance for the operation of any such vehicle in general or public service shall make a written application for such license in which there shall be set forth an agreement by the applicant to observe and abide by the requirements and restrictions imposed by this ordinance upon such business. The applicant shall also submit proof of insurance.

Such application will be filed with the Town Clerk and shall be accompanied by the required license fee. The fee for such a license shall be ten dollars (\$10). Such license may be revoked at any time for cause.

Any person violating this ordinance is subject to a fine of up to one hundred dollars (\$100) (Waiver fine \$85).

Note: Licensing requirements for commercial snowplowing and filling stations have been deleted in their entirety, effective April 1, 1995.

**TOWN OF LYNDON PET CONTROL ORDINANCE
CHAPTER 6**

1. The term "pet" under this chapter of the ordinances refers to dogs, wolf-hybrids, cats, and ferrets.
2. All pets in the Town of Lyndon shall be inoculated against rabies by a licensed veterinarian in accordance with the applicable provisions of the Vermont State Statutes.
3. No person having the ownership or control of a dog or wolf-hybrid in the Town of Lyndon shall allow that animal to continually howl, bark, whine, or otherwise act so as to continually disturb the peace of one or more persons living in the Town of Lyndon. Violators will first be warned by the Dog Warden/Animal Control Officer or a Town Issuing Official, and if the violation occurs again, the person shall be assessed a penalty of \$30 for each offense (Waiver fine \$25).
4. The person in control of a dog or wolf-hybrid that defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner. Violators will be first warned by the Dog Warden/Animal Control Officer or a Town Issuing Official, and if the violation occurs again, the person shall be assessed penalty of \$30.00 for each offense. (Waiver fine \$25.00).
5. A working farm dog is defined as a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and is used for those purposes and that it is registered as a working farm dog. Anyone who owns such a dog and intends to use it on a farm shall register it with the Town and pay an additional \$5.00 for a working farm dog license. The animal is exempted from municipal regulation of barking or running at large when it is on the property being farmed by the person who registered it if the dog is barking or running at large in order to herd or protect livestock, poultry or crops.
6. No person owning or controlling a dog or wolf-hybrid in the Town of Lyndon will allow that animal to act in a vicious, destructive, or harmful manner against other persons, property, or animals in the Town of Lyndon.
 - A. Violations of this provision will result in an assessed penalty of \$150 (Waiver fine \$130), and the Selectboard may order the destruction of the animal in accordance with V.S.A. 20, Chapter 193. The person owning the animal shall be required to pay the costs incurred to humanely destroy it.
 - B. Upon written complaint by a legal resident of the Town that a dog or wolf-hybrid is alleged to be vicious, the Selectboard shall hold a hearing on the facts of the complaint. If the Selectboard find the animal to be vicious, they may make such order as necessary, including destruction of the animal, to protect the public.

7. All dogs and wolf-hybrids shall be confined to the limits of the property owned or leased by any dog or wolf-hybrid owner or keeper, unless that animal is on a leash in the hands of a responsible person capable of handling said animal. (See permitted exceptions below) Violators of this provision will be charged a \$25 penalty by the Dog Warden/Animal Control Officer or a Town Issuing Official for the first offense, as well as a boarding fee of \$6 per day or portion of a day if the animal is impounded. Penalties for subsequent violations of this provision are as follows with no waiver fines established:

A. Second offense within a twelve-month period: \$50 plus boarding fees.

B. Third offense within a twelve-month period: \$100 plus boarding fees.

C. Fourth offense within a twelve-month period: \$200 plus boarding fees.

D. Fifth offense within a twelve-month period: the Dog Warden/Animal Control Officer or a Town Issuing Official will notify the Selectboard of the offense, providing records of previous offenses and actions taken. The Selectboard may order the dog/wolf-hybrid to be destroyed in a humane manner in accordance with the authority given in V.S.A. 20, Section 3807. The owner shall be required to pay the costs incurred for such destruction.

PERMITTED EXCEPTIONS

Owners or handlers may allow their dog to run free but under their control for the purposes of legal hunting, training for hunting or for competitive events or shows.

8. A dog or wolf-hybrid does not have to be caught or impounded for an owner/keeper to be penalized for a violation of the provision defined in paragraph 6. Nor does the dog/wolf-hybrid have to be caught/impounded for an owner/keeper to be penalized in the amounts outlined in paragraph 7, depending on the number of previous violations. If a Selectboard member, the Municipal Administrator, the Dog Warden/Animal Control Officer, or any other Town Issuing Official observes a dog or wolf-hybrid running at large in violation of the provision of paragraph 7, and if the owner/keeper of the dog or wolf-hybrid can be positively identified, the penalties cited in paragraph 7 shall apply.

9. Dogs and wolf-hybrids will be licensed, and the license will be attached to the animal's collar in accordance with V.S.A. 20, Sections 3581 and 3582. A dog or wolf-hybrid owner or keeper found in violation of these provisions of the law will be assessed a penalty of \$60 (Waiver fine \$50) and be required to (1) show evidence of rabies vaccination, and (2) properly license the dog/wolf-hybrid within five (5) calendar days. Because of the threat of rabies, the owner will be required to keep the dog/wolf-hybrid confined until licensed. This provision applies regardless of whether or not the unlicensed animal is found on the owner/keeper's property. If the owner/keeper does not license the animal within five calendar days, the Selectboard shall issue an order to destroy the animal. The owner shall be required to pay the costs incurred for destruction.

10. Dogs and/or wolf-hybrids found running at large in violation of paragraph 7 will be impounded while the animal control officer attempts to find the owner. If the animal has a license attached to a collar, the animal control officer will contact the person who secured and

registered the license in the Town Office, and the penalties of paragraph 7 shall apply. If the animal is not licensed and/or the animal control officer cannot locate the owner, the animal will be released for adoption seven days from the time that the dog was impounded. The adoption fee shall be one hundred dollars (\$100.00) and will be paid to the animal control officer at the time of adoption. Once an animal has been adopted, the person adopting the animal shall be considered the owner of same and be responsible for compliance with all provisions of this ordinance.

11. Cats that appear to be abandoned or stray (based on taking up residence on a non-owner's property for at least five days) will be considered to have an unknown rabies vaccination history in accordance with V.S.A. 20, Section 3806. Such cats will be delivered by the Animal Control Officer or affected property owner to the local veterinarian and should be reported to the Town Clerk's Office. The Town Clerk will post a notice in an attempt to find the owner. Any individual who claims ownership must produce proof of rabies vaccination and pay all costs associated with boarding and medical treatment. Cats not claimed will be offered for adoption. The individual adopting a cat shall be responsible for paying for appropriate vaccinations. Cats that cannot be adopted will be humanely euthanized.

Amended effective November 13, 2009

Amended effective January 20, 2012

**TOWN OF LYNDON
RENTAL HOUSING HEALTH AND SAFETY ORDINANCE**

CHAPTER 7

1. The Town Health Officer shall have and exercise all of the powers and duties set forth in 18 V.S.A., Section 602a. The Town Health Officer shall enforce the provisions of Subchapter 16 of Chapter 5, Environmental Health, of the Vermont Health Regulations, also known as the Rental Housing Health Code (the "Code").
2. Whenever the Town Health Officer discovers that the condition of a rental dwelling unit or units does not comply with the requirements of the Code, the Town Health Officer shall issue an Order to the owner of the property in which the dwelling unit(s) is located. The Order shall specify (1) the violations, (2) the corrections required to make the property comply with the Code, (3) the date within which the corrections must be completed, and (4) shall provide notice of the Town Health Officer's intention to take one or more of the actions set forth in Section 3 hereof if the corrections are not made within the time specified in the Order. The Town Health Officer shall serve a copy of the Health Code Order on the owner of the affected property and to all tenants affected by the Order, by hand or by first class mail (postage prepaid, return receipt requested) sent to the addressees' last known addresses.
3. Whenever an Order that has been issued by the Town Health Officer, Town Fire Chief, or any other person authorized to conduct health or safety inspections, and such Order is neither complied with nor appealed within the time prescribed by the Order or any amendment thereto, the Town Health Officer or Fire Chief shall post a Notice of Health and Safety Code Violations in a public place located on the premises where the violation has occurred and at the Town Offices, and may record the Notice of Health and Safety Code Violations in the Town land records.
4. The Notice of Health and Safety Code Violations shall identify the location of the property including street name and number if applicable, the owner of the property, the name, address and telephone number of a person that can provide additional information about the violations, and a statement that any person not excepted from the application of Section 7 who removes the notice is liable to pay a fine of one hundred dollars (\$100).
5. Prior to concluding an agreement to rent a dwelling unit that is subject to any Health or Safety Order or located on property that is subject to an Order, the owner of the premises must first obtain from the Town Health Officer or Fire Chief a Certificate of Compliance with the Order. The Certificate will be issued after an inspection, or some other means of determining compliance, is performed by the Town Health Officer or Fire Chief, or by the officer who issued the Order if it was not issued by a Town Officer. If the property is in compliance with the Order, and if a Notice of Health and Safety Code Violations has been recorded in the Town land records, the Town Officer shall record in the Town land records a Certificate of Compliance with Health and Safety Code Order, identifying the location of the property including the street name and number if applicable, the owner of the property, the person who verified compliance, and the date of such verification.

6. Any person who fails to comply with the provisions of the preceding Section or with a Notice of Health and Safety Code Violations shall pay a fine, plus the costs of prosecution, including service fees, court costs and attorney's fees, as follows:

A. For a first offense, or any other offense not identified in Subsections B and C below, three hundred dollars (\$300) (Waiver Fine: \$250),

B. For a second offense within a two-year period, four hundred dollars (\$400) (Waiver Fine: \$350), and

C. For a third offense within a three year period, five hundred dollars (\$500) (Waiver Fine: \$450).

7. Any person who removes a Notice of Health and Safety Code Violations shall pay a fine of one hundred dollars (\$100) (Waiver Fine: \$90). This Section 7 shall not apply to the Town Health Officer, Fire Chief, the Town Clerk, the Municipal Administrator,, or a person designated by any of these four municipal officials.

8. The provisions of this ordinance are in addition to, and not in substitution of, any other rights and remedies, criminal or civil, which the Board of Selectboard may have according to the law of the State of Vermont.

(Note: this example letter is not included in the ordinance).

In the matter of Rental Housing
Code Violations at an apartment
house owned by Earl Adams at
101 North St., in the Town
of Lyndon.

EMERGENCY ORDER

I, John Doe, Health Officer for the Town of Lyndon, hereby find that:

1) A four-unit apartment house located at 101 North St. in the Town of Lyndon is owned by Earl Adams.

2) Except for unit 3 which is vacant, all the apartments are occupied by legal tenants.

3) On January 23, 1995, I inspected the 3 units that are occupied and found the following violation of the Vermont Rental Housing Health Code:

Section 2.3 Heating - The inside temperature in the living room of each of the apartments was measured at 52 degrees F even though the thermostats were all set as high as possible. The outdoor temperature was 25 degrees F.

4) These conditions represent an imminent and substantial public health hazard to the occupants of the apartment house.

Therefore, by the authority granted to me by Title 18 V.S.A. Sections 107, 127, and 602A, and Subchapter 16 of the Vermont Health Regulations - the Rental Housing Health Code, and by the Ordinances of the Town of Lyndon, it is hereby ORDERED:

1. Within 24 hours of receipt of this order, Earl Adams shall have had the furnace repaired in order for the temperatures in each apartment to reach a minimum of 65 degrees F.

2. If Earl Adams or his agent does not comply with this Order within the time allowed, the Town Health Officer may post a Notice of Health Code Violations on a public location on the premises and at the Lyndon Town Offices and may record the Notice of Health Code Violations in the Town land records.

3. Any persons other than the Town Health Officer, the Municipal Administrator,, the Town Clerk, or the designee of any of the three, who removes a Notice of Health Code Violations shall pay a fine of one hundred dollars (\$100) (Waiver Fine: \$90).

4. Prior to renting a unit in the four-unit apartment house located on 101 North Street, Lyndon, Earl Adams must obtain a Certificate of Compliance with Health Code Order from the Town Health Officer. If Earl Adams fails to comply with this provision, he shall pay a fine of three hundred dollars (\$300) (Waiver Fine: \$250), together with the costs of prosecution, including service fees, court costs and attorney's fees. The fine for a second offense within a two-year period is four hundred dollars (\$400) (Waiver Fine: \$350). The fine

for a third offense within a three-year period is five hundred dollars (\$500) (Waiver Fine: \$450).

A copy of this Order is being sent to the tenants currently residing in the units in the apartment building.

Date: _____

Signed: _____

John Doe, Health Officer
Town of Lyndon

**TOWN OF LYNDON
SOLID WASTE MANAGEMENT**

CHAPTER 8

An Ordinance regulating the disposal of solid wastes.

WHEREAS, the Town of Lyndon has, by virtue of authority granted in 10 V.S.A. § 564 and 24 V.S.A. §§ 1971 and 2202a(a), the powers to adopt, amend, repeal, and enforce ordinances, and the responsibility to manage and regulate solid waste disposal within its boundaries in conformance with the State Solid Waste Management Plan;

WHEREAS, the manner of managing solid waste is a matter of public interest and concern;

NOW THEREFORE, to protect public health and safety and to promote the responsible use of resources and protection of the environment, the Selectboard of the Town of Lyndon hereby adopts this ordinance to regulate the management of solid waste in the Town of Lyndon.

ARTICLE I. Definitions.

- A. "Air contaminants" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof
- B. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface water.
- C. "Emission" means a release into the outdoor atmosphere of air contaminants.
- D. "Enforcement Officer" means a person authorized to issue a complaint citation as provided herein, acting in accordance with 24 V.S.A. 1977.
- E. "Incineration" means the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator, or similar device.
- F. "Hazardous waste" means waste that is identified as hazardous in, and regulated by, the Vermont Hazardous Waste Management Regulations including, but not limited to, waste that contains toxic, corrosive, reactive, explosive, or flammable ingredients.
- G. "Open fire" means burning of solid waste in the open where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney, or other enclosure.
- H. "Person" means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont or any agency, department or subdivision of the state, a federal agency, or any other legal or commercial entity.
- I. "Recyclable" means any type of refuse designated by the Town of Lyndon Selectboard or by the Northeast Kingdom Waste Management District to be separated for recycling.
- J. "Solid waste" means any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and other discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from residential, municipal government, industrial, commercial, mining or agricultural

operations and from community activities such as 1.) parades 2) activities on public property and any similar activities, but does not include animal manure and absorbent bedding used for soil enrichment or solid or dissolved materials in industrial discharges which are point sources subject to permits under the Water Pollution Control Act, 10 V.S.A. Chapter 47 or motor vehicles. For the purposes of this ordinance, solid waste shall also include marketable recyclables.

K. "Solid waste facility" means any site or structure used for receiving treating, storing, processing, recycling, or disposing, of solid waste which has been certified by the Vermont Agency of Natural Resources under 10 V.S.A. Chapter 159 section 6605. A facility may consist of a single or several treatments, storage, recycling, or disposal units.

L. "Natural wood" means any of the following, provided such material has not been treated with chemicals, preservatives, paint, or oil:

1. Trees, including logs, boles, trunks, branches, limbs and stumps;
2. Lumber, including timber, logs, or slabs dressed for use; and
3. Pallets and skids.

Processed wood products such as plywood, particle board, fiber board and press board and other processed wood products are not "natural wood."

M. "Mandated recyclable" means the following source separated materials: aluminum and steel cans; aluminum foil and aluminum pie plates; glass bottles and jars from foods and beverages; polyethylene terephthalate (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles and jugs; corrugated cardboard; white and colored paper; newspaper; magazines; catalogues; paper mail and envelopes; boxboard; and paper bags. As defined in Act 148.

ARTICLE 2. Illegal Disposal

- A. It shall be unlawful to dispose of any hazardous waste except in a solid waste facility certified to accept such hazardous waste.
- B. It shall be unlawful to deposit, dump, dispose of, or allow the disposal of any solid waste on any land or into any water, public or private, including but not limited to municipally or state-owned lands and waters except as follows:
 - a. The composting of organic material if authorized by the Vermont Solid Waste Management Rules, provided no nuisance is caused.
 - b. Open burning or incineration as allowed by Article 3.
 - c. The disposal of solid waste in a privately owned or maintained container with the express consent of the owner of the container or the person bearing the cost of its being maintained.
 - d. Disposal of other materials as approved by the Vermont Department of Environmental Conservation, the Town of Lyndon Selectboard, and/or the Northeast Kingdom Waste Management District, as applicable.
- C. Further, it shall be unlawful to deposit, dump or leave solid waste in any publicly owned or maintained waste container, other than solid waste created or originating in public buildings or on their grounds or highways or generated during the use of said public buildings, grounds, or highways.
- D. Further, it shall be unlawful to deposit or leave solid waste for pickup by a collection service before the afternoon prior to the scheduled pick-up.

- E. Nothing in this article shall be interpreted as affecting the operation or use of a licensed junkyard as defined in 24 V.S.A. §§ 2241-2291 or a solid waste facility.
- F. Any person who violates the prohibitions contained in this article shall immediately remove the solid waste so deposited dumped or left and shall be subject to the penalties in Article 6.

_ G. No person shall maintain a public or private dump for the disposal of waste material within the former limits of the Village of Lyndonville. Any person who shall establish or maintain a public or private dump for the disposal of waste material within the former limits of the Village of Lyndonville shall be fined up to five hundred dollars (\$500) (Waiver fine \$450) and the cost of cleaning up the dump. ** Not sure this section is necessary from the Village Ordinance given the above.*

ARTICLE 3. Open Fires and Incineration.

- A. Except as provided by this Article, the burning of any solid waste either by open fire or in a furnace, stove or other device is prohibited in the Town of Lyndon, unless the practice has been approved by the Department of Environmental Conservation.
- B. To the extent allowed by the Vermont Air Pollution Control Regulations, a specific permit may be granted by the fire warden for the following types of open burning:
 1. The open burning of leaves, brush, garden wastes, slash, slabwood and other such natural wood wastes resulting from property maintenance, logging operations and clearing operations.
 2. The open burning of natural wood, grass, leaves and similar materials for agricultural improvement, forest or wildlife habitat management or festive celebrations.
 3. After providing notice to the Vermont Department of Environmental Conservation, the burning of solid or liquid fuels or structures for bona fide fire training provided that materials other than natural wood are removed from any structures to the greatest extent possible prior to the training.
 4. With the prior approval of the Department of Environmental Conservation burning authorized by the Selectboard as necessary for the protection of the public health liability or welfare, or to thwart a hazard.
 5. With the prior approval of the Department of Environmental Conservation burning of natural-wood demolition or construction materials and natural-wood commercial wastes, such as pallets or skids, the open burning of natural wood by the Town of Lyndon in accordance with 10 V.S.A. § 565.
- C. The fire warden shall not issue a permit unless he or she is satisfied that no hazardous condition will be created by such burning and the emission of air contaminants will not create a danger to the health and property of the citizens of the Town of Lyndon. Permits which are issued under the provisions of this ordinance shall be for a specified date, time, and location, and only for materials specified in the permit.
- D. The provisions of this ordinance shall not apply to the burning of natural wood or any virgin fuel such as oil, coal, propane, natural gas or similar fuels in a stove or furnace used to produce heat or in a stove for the purpose of preparing food.
- E. Any person who violates the prohibitions contained in this Article shall immediately cease burning and immediately dispose of the solid waste.

ARTICLE 4. Integrated Solid Waste Management Program.

A. Purpose and applicability:

A program to improve solid waste management in the Town of Lyndon is hereby established. This program is designed to provide for the collection or self-hauling of ordinary household generated solid waste including recyclables.

B. Residential Wastes Excluding Recyclables:

This program is designed to allow collection at the roadside or self-hauling to an approved facility ordinary household-generated solid waste. The following wastes are excluded from this section:

- wastes generated by commercial activities;
- bulky items such as tables, couches, and chairs;
- hazardous wastes;
- heavy metal items such as stoves and refrigerators
- automobiles and parts thereof such as tires;
- used automotive fluids such as oil, transmission fluid, brake fluid and anti-freeze; and
- household fixtures such as furnaces, toilets, cabinets, and the residue from renovations of a structure.
- Mandated recyclables

Placing excluded items listed above at the roadside for collection (except for mandated recyclables collected on a separate schedule (see below)) shall constitute Illegal Dumping in the context of this ordinance. Items excluded in this section may be managed by the Northeast Kingdom Waste Management District or through special events (such as “Bulky Weeks”) paid through the sanitation fees.

1. Pick up Arrangements.

- i. The Selectboard is authorized, but not obligated, to franchise one or more commercial waste collection firms to pick up household solid waste (excluding mandated recyclables) placed at the roadside of those residents who so desire the service. The frequency of pickup shall be the decision of the commercial hauler and or resident/property owner. Persons depositing waste for pick up are required to place the waste in secure plastic garbage bags or secure containers. In the event that bags, or containers are disturbed prior to pick up the owner and/or the residents of the property from which the waste originated are responsible for cleanup. Further, it shall be unlawful to deposit or leave solid waste for pickup by the collection service before the afternoon prior to the scheduled pick-up. Rates for collection services and billing procedures shall be determined by the commercial hauler and shall conform to “Unit Based Pricing” principles accepted by the Dept. of Environmental Conservation.
- ii. Residents may contract with independent haulers for the regular pick up of household solid waste (excluding mandated recyclables). In the event containers are disturbed prior to pick up, the owner and/or the residents of the property from which the waste originated are responsible for cleanup. Further, it shall be unlawful to deposit or leave household solid waste for pick up by the independent hauler before the afternoon prior to the scheduled pick up. This action, however, will not exempt residents from liability for the municipal Sanitation Fee.

2. Self-Hauling Arrangements.

Residents may self-haul residential wastes (excluding mandated recyclables) to any solid waste consolidation point authorized by the Department of Environmental Conservation. Rates for disposal shall be determined by the operator of the consolidation point and be based on principles of Unit Based Pricing as accepted by the Department of Environmental Conservation.

C. Residential Recycling:

This program is designed to offer two options for the mandatory management of residentially generated recyclables to the residents of the Town of Lyndon.

1. Residents may self-haul recyclables to the Northeast Kingdom Waste Management District (NEKWMD) facility located at 224 Church Street in Lyndonville. This facility accepts residential recycling on Wednesdays and Saturdays, and/or by special arrangement. Materials accepted at the NEKWMD facility include the mandated recyclables as defined in Act 148 as well as many other materials. There are no fees for mandated recyclables. Fees may apply for other materials, and some materials are collected only seasonally.
2. Residents may contract with independent haulers for the regular pick up of unsorted recyclables. In the event containers are disturbed prior to pick up the owner and/or the residents of the property from which the waste originated are responsible for cleanup. Further, it shall be unlawful to deposit or leave recyclables for pick up by the independent hauler before the afternoon prior to the scheduled pick up. This action, however, will not exempt residents from liability for the municipal sanitation fee.

D. Establishing the Fee- Billing, Failure to Pay:

1. Rates and charges for sanitation service fee which covers municipally provided residential special waste collection events and general administrative costs shall be fixed by the Selectboard who shall have power to amend, alter and abolish such rates and fees and to establish new rates and fees from time to time as they deem appropriate. No hearing is required. A multi-family or commercial business property owner may request in writing to be not included in the sanitation program on the basis of providing self- service, but such owner will be required to pay an annual administration fee of \$10.00 per household or business unit.
 2. Billing Procedure:
Annually, on or about June 30, the Town shall bill each property owner of record based on the number of households units in the property as of April 1, in the amount of the Sanitation Fee pertaining to the property for the current calendar year and stating the date upon which the payment of the Sanitation Fee is due.
 3. Failure to Pay Fee:
In the event that the Sanitation Fee is unpaid for 30 days past due, the Town is authorized to advise the Northeast Kingdom Waste Management District to suspend services covered by the sanitation bill.
The property owner will be given notice concurrently. Delinquent sanitation accounts will be charged interest at the rate of one percent per month for the first three months and thereafter the interest rate will be one and one-half percent per month. In addition, there will be due a penalty of eight percent of the annual fee.
- Lien on Property:

All sanitation charges due the Town, in case of non-payment thereof on or before sixty days from the time the same became due and payable, shall be and remain a lien on the premises involved in the nature of a tax upon the real estate so supplied with sanitation service. Such lien shall be enforceable in the same manner and to the same effect as the lien for taxes under the laws of the State.

4. Penalty:

The penalty for violation of this Article 4 shall be \$100.00. A waiver fee of \$50.00 may be paid into the town treasury in lieu of an appearance before the judicial bureau.

ARTICLE 5. Accumulation of Discarded Household Waste.

It shall be a violation of this ordinance for a person to accumulate or allow the accumulation of discarded household waste that can be seen from a highway or from adjoining property. For the purposes of this section discarded household waste includes but is not limited to bagged and unbagged refuse, debris, scrap metal, tires, appliances, furniture, building materials other similar waste matter and unregistered and inoperable vehicles including campers and snowmobiles and ATVs, which are left open to such view. An owner, occupant, or both of property on which discarded household waste is allowed to accumulate in violation of this section may be independently liable for such violation and subject to penalty. The temporary storage of an unregistered and inoperable vehicle for a period not exceeding one month shall not constitute a violation of this ordinance.

ARTICLE 6. Penalties and Civil Enforcement.

This ordinance is a civil ordinance and enforcement shall follow the procedures described in 24 V.S.A. § 1974a, including but not limited to:

- A. A civil penalty of not more than \$800.00 may be imposed for a violation of this ordinance unless stated to be otherwise for a specific violation. Each day the violation continues shall constitute a separate violation. A waiver fee of \$200.00 may be paid into the town treasury in lieu of an appearance before the judicial bureau unless stated to be otherwise.
- B. Violations of this ordinance where the penalty is \$800.00 or less shall be brought before the judicial bureau. If the penalty for all continuing violations is greater than \$800.00, or injunctive relief other than as provided in subsection (c.) is sought, the action shall be brought in superior court.
- C. The judicial bureau hearing officer, on application of the Town of Lyndon, may order that the ordinance violation cease.

ARTICLE 7. Designation of Enforcement Personnel.

- A. For purposes of this ordinance, the Selectboard does hereby designate the following persons as enforcement officers:
 - a. Members of the Selectboard
 - b. The Municipal Administrator
 - c. The appointed representatives to the board of supervisors of the Northeast Kingdom Waste Management District
 - d. The Town Health Officer
 - e. The Town Agent

- f. The Town Constable(s)
 - g. The Fire Chief
 - h. Law Enforcement Officers
 - i. Zoning Administrator
- B. Enforcement officers are authorized and directed to investigate complaints, seek correction of violations, and otherwise enforce this ordinance.
- C. Enforcement officers shall issue a municipal ticket and are to be the appearing officer at any hearing.

ARTICLE 8. Repeal of Inconsistent Provisions.

All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

ARTICLE 9. Severability.

This ordinance and its various parts, sentences, sections, and clauses are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

ARTICLE 10. Effective Date.

This ordinance shall become effective November 30, 2018

Adopted this 1st day of October 2018

Adopted this 17th day of November, 2003.

Amended December 10, 2010

Amended January 20, 2012

Amended September 11, 2014

Amended January 26, 2015

Amended July 25, 2016

Amended October 1, 2018

**TOWN OF LYNDON
REGULATION AND LICENSING FOR ALL PARKS
FOR TRAILER COACHES AND MOBILE HOMES**

CHAPTER 9

Pursuant to the provisions of Title 24, Chapter 51, Subchapter 9 of Vermont Statutes Annotated, IT IS HEREBY ORDAINED by the Selectboard of the Town of Lyndon that the following Ordinance be adopted:

SECTION 1. PURPOSE. The purpose of this Ordinance is to provide certain minimum standards for the licensing and regulation of mobile home and trailer coach parks in the Town of Lyndon, Vermont.

SECTION 2. DEFINITIONS.

- (a) As used in this Ordinance the word “person” shall be construed to include any individual, partnership, firm, company, corporation, owner, lessee or licensee or their agents.
- (b) “Licensee” means any person licensed to operate and maintain a trailer park or mobile home park under this Ordinance.
- (c) “Licensing authority” means the Town of Lyndon.
- (d) A “trailer coach” is similar to a mobile home but is not equipped with sanitary facilities, bath and toilet.
- (e) A “mobile home” is a home which is mobile, a unit similar to a trailer coach, and is equipped with running water and sanitary facilities, bath and toilet.
- (f) A “trailer park” is land upon which two or more trailer coaches are parked and occupied for camping or living purposes.
- (g) A “mobile home park” is land upon which two or more mobile homes are parked and occupied for living purposes.

SECTION 3. TRAILER, MOBILE HOME PARKS; LICENSE. No person shall maintain or operate within the limits of the licensing authority any trailer or mobile home park unless such person shall first obtain from the licensing authority a license therefor. All trailer or mobile home parks in existence upon the effective date of this Ordinance shall within ninety days thereafter obtain such license and comply with the requirements of this Ordinance, except that the licensing authority shall, upon application of a park operator, waive such requirements that require prohibitive reconstruction costs if such waiver does not alter the sanitation requirements herein provided.

SECTION 4. FEES. The clerk of the licensing authority shall charge an annual license fee as determined by the legislative branch of the Town of Lyndon, provided, in case of overlapping jurisdiction within a Town, only one license fee per annum may be imposed, and that by the Town. The period covered by the license fee shall be from April 1 until the following April 1. The licensing authority shall charge a fee for the transfer of the license in the amount of \$75.00. The

license fees herein provided for in this subdivision of this Ordinance shall be in lieu of all inspection or other fees and all other local taxes, except real estate taxes.

SECTION 5. APPLICATION FOR LICENSE. Original applications for a trailer or mobile home park shall be filed with the clerk of the licensing authority and said application shall be in writing and signed by the applicant. The application must contain the following:

- (a) Name and address of applicant.
- (b) The location of the trailer or mobile home park.
- (c) A complete scale drawing of the proposed park.
- (d) A complete listing of all utilities and sanitation facilities.

Any renewal application shall contain such information as the licensing authority deems necessary.

SECTION 6. PARK REQUIREMENTS. Each Park shall conform to the following requirements:

- (a) The park shall be located on a site graded to insure proper drainage of surface water, subsurface water, sewage, and freedom from stagnant pools.
- (b) A minimum of twenty-five hundred square feet shall be provided for each mobile home or trailer coach space.
- (c) There shall be a minimum of fifteen feet clearance between each mobile home or trailer coach.
- (d) All spaces shall abut upon a roadway of not less than thirty-three feet in width.
- (e) In all trailer or mobile home parks, roadways shall be well drained, and at least eighteen feet in width shall be graveled, hard-surfaced, or paved, and maintained in good condition and be lighted at night.
- (f) Each mobile home space shall have water connection, sewage, and electrical outlet.
- (g) In trailer or mobile home parks, garbage cans and rubbish cans must be provided with tight fitting covers or an incinerator or other means of disposal approved by the licensing authority. Adequate garbage and rubbish collection must be provided.
- (h) In any park where trailer coaches are allowed, there must be a sufficient number of bath and toilet facilities for the occupants of such coaches, and which shall meet the minimum requirements of the State Board of Health.
- (i) No open fire shall be permitted except in specified areas approved by local authorities.

SECTION 6A. RECORDS. The licensee shall keep a register of all trailer coaches and mobile homes in their park and said register shall be available for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three years following date of registration.

SECTION 7. REVOCATION OF LICENSE. The Town of Lyndon licensing authority may revoke any license to maintain a trailer or mobile home park when the licensee has been found guilty by a court of competent jurisdiction of violating any provisions of this Ordinance. After such revocation, the license shall be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in compliance with this Ordinance.

SECTION 8. INCONSISTENT ORDINANCES REPEALED. All Ordinances of the Town of Lyndon inconsistent with or contrary to the provisions of this Ordinance are hereby repealed and nothing in this Ordinance shall be interpreted so as to conflict with State legislation regulating mobile home or trailer parks.

SECTION 9. VIOLATION OF ORDINANCE; PENALTY. Any person found guilty of violating this Ordinance or any provision hereof shall be deemed guilty of a misdemeanor and shall be fined not less than \$100.00, nor more than \$200.00, and each day such violation exists shall be construed as a separate offense and shall be punishable as such hereunder.

SECTION 10. ORDINANCE EFFECTIVE, WHEN. This Ordinance shall become effective when approved by a majority of the legal voters of the Town of Lyndon present and voting on the question at a regular or special meeting thereof duly warned for the purpose.

Approved, adopted, and enacted by the Selectboard of the Town of Lyndon December 21, 1967.

F. W. CHESTER
H. B. STETSON
H. G. SONYO
Selectboard of the Town of Lyndon

Attest: S. R. LANG, Clerk

Voted to adopt: Lyndon Annual Town Meeting March 5, 1968

**TOWN OF LYNDON, VERMONT
NUISANCE STRUCTURES-DANGEROUS BUILDINGS ORDINANCE**

CHAPTER 10

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Lyndon under authority granted in 24 V.S.A. §§ 2291 (13), (14), and (15) and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to establish measures to abate the public nuisances, health and safety hazards, and other harmful effects that arise from dangerous buildings and nuisance structures in the Town of Lyndon.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall have the following meanings:

A. **Dangerous Building:** Any building or structure or part thereof that, for the lack of proper maintenance, repair, or sanitation, is hazardous to the health or safety of the public or likely to endanger other buildings or property.

B. **Nuisance Structure:** Any building or part thereof that is in a state of dilapidation, deterioration, or decay, has faulty construction, or is open (unsecured), abandoned, or damaged by fire or other casualty to the extent that it is not habitable, or that is considered to be an attractive nuisance to children, wild or feral animals, and that detracts from the value, use, and enjoyment of neighboring or adjacent property.

C. **Building Safety Officers.** The officers (Fire Chief, Assistant Fire Chief, Health Officer, Deputy Health Officer, and Zoning Administrator) appointed by the Town of Lyndon Selectboard to enforce this ordinance. The Building Safety officers may hold any other office in the Town of Lyndon. Nothing in this ordinance shall prevent the Building Safety Officers from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce. In the event that the Building Safety Officers are unavailable, or have a conflict of interest, any Issuing Official for the Town of Lyndon (as defined in Chapter 1 7B) may perform the functions of the Building Safety Officer.

SECTION 4. ABATEMENT OF DANGEROUS BUILDINGS.

A. **Building Safety Inspection.** Upon receiving information that any building or structure in the Town of Lyndon may be a Dangerous Building or Nuisance Structure, one of the Building Safety Officers shall cause the building or structure to be inspected.

1. Written notice of intent to conduct an inspection shall be given to the owner of the building or structure at least seventy-two (72) hours prior to the inspection. A copy of this ordinance shall be attached to the notice.

2. If the Building Safety Officer(s) have reason to believe that an emergency situation exists, which poses an immediate danger to the health or safety of the public, no notification shall be necessary prior to inspection.
3. If the owner of a building or structure fails or refuses to consent to the inspection, the Building Safety Officer(s) shall obtain a search warrant from the Vermont Superior Court for the purpose of conducting the inspection.
4. The Building Safety Officer(s) may retain such law enforcement officers, fire officials, engineers, and other qualified experts as necessary to assist with a building safety inspection and the preparation of a Building Safety Order.

B. Building Safety Order. If, upon inspection, the Building Safety Officer(s) determine(s) that a building or structure is a Dangerous Building or Nuisance Structure, the Building Safety Officer(s) shall issue a Building Safety Order. The Building Safety Order shall:

1. Identify the hazardous condition(s) that cause(s) the building or structure to be a Dangerous Building or Nuisance Structure.
2. Identify the actions that must be taken by the owner to secure the Dangerous Building or Nuisance Structure and abate the hazardous conditions identified in the Building Safety Order, including, where appropriate, removal of the Dangerous Building or Nuisance Structure.
3. Set a date by which the actions to secure the Dangerous Building or Nuisance Structure and to abate the hazardous condition(s) must be completed by the owner, which shall be not less than fifteen (15) days from the date of service of the Building Safety Order.
4. Inform the owner of his/her right to appeal the Building Safety Order and the right to be represented by legal counsel at the appeal hearing.

The Building Safety Order shall be served upon the owner of the Dangerous Building or Nuisance Structure by certified mail, return receipt requested, and by first class mail. A copy of the Building Safety Order shall be given to the Town of Lyndon Selectboard.

C. Appeal.

1. A person aggrieved by a Building Safety Order may appeal such Order to the Town of Lyndon Selectboard within fifteen (15) days of service of the Order. The notice of an appeal shall be in writing and shall set forth a brief statement of the basis of the appeal.
2. Within thirty (30) days of service of the notice of appeal, the Selectboard shall hold a hearing on the appeal. The Selectboard shall issue a written decision within fifteen (15) days of the close of the hearing. The decision may reverse or sustain the Building Safety Order and may contain such additional requirements as the Selectboard deems necessary and appropriate to implement the purpose of this ordinance.

D. Penalty and Enforcement.

1. If the owner fails to comply with a Building Safety Order, the owner shall be considered to be in violation of the Order and this ordinance. The violation shall be a civil matter, which may be enforced in the Vermont Judicial Bureau or in the Caledonia County Superior Court, at the election of the Building Safety Officer(s).
2. This ordinance is a civil ordinance and enforcement shall follow the procedures described in 24 V.S.A. § 1974a, including but not limited to:
 - a. A civil penalty of not more than \$800.00 may be imposed for a violation of this ordinance unless stated to be otherwise for a specific violation. Each day the violation continues shall constitute a separate violation. A waiver fee of \$200.00 may be paid into the town treasury in lieu of an appearance before the Judicial Bureau unless stated to be otherwise.
 - b. Violations of this ordinance where the penalty is \$800.00 or less shall be brought before the Judicial Bureau. If the penalty for all continuing violations is greater than \$800.00, or injunctive relief other than as provided in subsection (c.) is sought, the action shall be brought in Superior Court.
 - c. The Judicial Bureau hearing officer, on application of the Town of Lyndon, may order that the ordinance violation cease.

SECTION 5. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Lyndon and all applicable laws of the State of Vermont.

SECTION 6. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Town of Lyndon Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

**TOWN OF LYNDON
SEWER AND WASTEWATER
CHAPTER 11**

Article I: OWNERSHIP, PURPOSE, AND AUTHORITY:

1. Ownership

The Town of Lyndon owns and operates a wastewater treatment plant (Plant) and a wastewater collection system (collection system) as defined in 24 V.S.A., Section 3501(6) and 3601. The Plant has a permitted capacity and is operated in accord with Discharge Permit No. 3-1111 issued by the Agency of Natural Resources under authority granted in 10 V.S.A., Chapter 47 and the Clean Water Act. The Board of sewage disposal commissioners (BOARD) is obligated by law to comply with conditions of that permit, and to operate and manage the Plant and sewers as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101.

2. Purpose and Authority

This Ordinance, which regulates the use of public and private sewers and drains, the installation and connection of building sewers and sewer collection systems, the discharge of waters and wastes into the public sewer system, and provides penalties for violations and non-compliance thereof, is adopted by the Town of Lyndon pursuant to the authority set forth in 24 V.S.A. § 617 and Chapter 59 of Title 24, V.S.A. It shall be a civil ordinance per 24 V.S.A. § 1971 (b).

This Ordinance is further intended to:

1. Protect the health and safety of the public, Town employees, waters of the State, the environment, and to ensure compliance with Discharge Permit No. 3-1111 and 40 CFR Part 403;
2. Establish requirements to protect and ensure the proper operation of the collection system including but not limited to requirements for the construction, installation, connection, and maintenance of sewers discharging into the wastewater collection system;
3. Establish requirements to protect and ensure the proper operation of the Plant, including but not limited to prohibiting, restricting, or controlling the discharge of pollutants into the collection system and/or the Plant;
4. Establish requirements that ensure the use of the Plant is sustainable and is maximized;
5. Establish procedures to allocate the treatment capacities of the Plant;
6. Establish procedures to provide for fees that equitably distribute the cost of operations, maintenance, and improvements at the Plant; and
7. Establish procedures and penalties for violations of this Ordinance.

ARTICLE II: WASTEWATER RESERVE CAPACITY ALLOCATION

1. Introduction to Reserve Capacity Allocation

The permitted capacity of the Plant and collection system is the property of the Town of Lyndon. The uncommitted reserve capacity of the Plant and collection system shall be allocated by the BOARD in the manner described below. This ordinance is adopted pursuant to the provisions of 24 V.S.A., Section 3625, in the manner provided in 24 V.S.A., Chapter 59, and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the Board to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the Town, nor shall it be construed to impair or inhibit the ability of the Town to contract with persons for the collection, transmission and treatment of sewerage.

The Plant has a design hydraulic treatment capacity of 750,000 gallons per day and a design organic treatment capacity of 1877 pound per day of Biochemical Oxygen Demand, at the time of adoption of this ordinance.

3. Definitions

The following words will have the meanings below when used in this ordinance.

- A. "Person" shall have the meaning prescribed in 1 V.S.A., Section 128.
- B. "Department" shall mean the Vermont Department of Environmental Conservation.
- C. "Discharge Permit" shall mean a permit issued by the Department pursuant to authority granted in 10 V.S.A., Chapter 47.
- D. "BOARD" shall mean the Selectboard of the Town of Lyndon acting as a Board of Sewage Disposal Commissioners under 24 V.S.A., Section 3614.
- E. "Impact Fee" shall mean a fee imposed on applicants for capacity allocation equal to the capital cost per gallon of sewage treatment and disposal capacity attributable to the project or development. This fee shall be consistent with the intent of impact fees authorized under 24 V.S.A., Chapter 131.
- F. "Connection Fee" shall mean a fee imposed on applicants for the municipality's cost of performing, supplying materials, supervising, inspecting, and administering a connection to the sewage system including any necessary sewer service extension, upgrading sewers or for any portion of these activities.
- G. "Plant Wastewater Flow" is the wastewater passing through the treatment Plant in gallons per day on an annual average basis (365-day average) except where flows vary significantly from seasonal development. In the latter case, Plant wastewater flow is determined as the average throughout the high seasonal use period, as determined by the BOARD.

H. "Permitted Wastewater Flow" is the maximum Plant wastewater flow authorized in the Discharge Permit on an annual average (365-day average) basis.

I. "Development Wastewater Flow" is the flow resulting from full use of the development at its peak capacity, which flow shall be calculated using flow quantities, adopted as rules by the Department, as promulgated at the time a connection permit application is made.

J. "Reserve Capacity" is the permitted wastewater flow minus the actual Plant wastewater flow during the preceding 12 months.

K. "Uncommitted Reserve Capacity" is that portion of the reserve capacity remaining after subtracting the development wastewater flow of all projects approved by the Department but not yet discharging to the collection system.

L. "Committed Reserve Capacity" is the total amount of total development wastewater flow (gallons per day) from all projects/buildings approved by the BOARD and the Department for discharge to the Plant, but not yet discharging at the time of the calculation.

M. "Sanitary Wastewater" is wastewater of the same character and range of strength as expected from homes.

N. "Sewer Service Area" is that area of a municipality that is with 250 feet horizontally from existing municipal collection lines and manholes.

O. "Plant" is the municipal wastewater treatment plant owned by the Town of Lyndon.

P. "Sewers" are the sewage collection and transmission system owned by the Town of Lyndon.

Q. "Development" - the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial activity.

(1). "Initiate Construction" -

- a. For building development, the completion of the foundation.
- b. For subdivision development, the sale of the individual lots.

(2). "Completed Construction" -

- a. For building development, completion of construction of all foundations, framing, siding, and roofs.
- b. For subdivision development, the sale of the individual lots.

4. Reserve Capacity Allocation

A. Allocation Flow Basis

All allocations to projects shall be based on development wastewater flow. Any differential between actual flows and development wastewater flows that occurs is not available to the development owner for re-allotment to another project or a project expansion.

B. Allocation Priorities

Allocation of uncommitted reserve capacity shall comply with the following priority intended to govern the gross allocation of reserve capacity before the allocation principles are applied to specific projects.

Residential, commercial, institutional, and industrial facilities existing within the sewer service area on the date of adoption of this ordinance which are required to be connected to the municipal sewer by the municipal sewer use ordinance, or by virtue of existing pollution from the facilities to waters of the State, shall be entitled to first priority in allocation of uncommitted reserve capacity. New development within or outside the sewer service area will have second priority of uncommitted reserve capacity provided that the development is in the best interest of the Town as determined by the BOARD. 60,000 gallons per day of uncommitted reserve capacity is set aside to fulfill sewer obligations defined by contract, dated April 30, 1984, between the Town and the Northeastern Vermont Development Association regarding development of the St. Johnsbury-Lyndon Industrial Park.

C. Allocation Principles

Subsequent to application of the allocation priority, uncommitted reserve capacity in the wastewater treatment facility may be allocated to specific projects according to the following procedure.

Once sewer permit applications have been returned to the Town office and marked with the time and date by the person receiving the application, the BOARD may review the applications on a first come, first served basis. The total remaining uncommitted wastewater reserve capacity shall be allocated by the BOARD in such a way that there are no limitations on what total reserve amounts can be allocated in any one year as long as uncommitted capacity exists, and no limitation of the type of development receiving the allocation. The total reserve capacity will be determined each six months and committed reserve will be continuously recorded for use in allocation decisions.

The BOARD retains the right to review applications and make allocations on other than a first come, first served basis if they find such action is in the Town's best interest.

5. Cost Recovery for Sewers Expansion

A. Any extension of the sewer service area to provide for new users shall be funded in the following way: The proposed users to be served by the expansion will pay the entire cost of the expansion and upgrading of the Sewers determined necessary and adequate by the BOARD.

B. Any payments made as required by Section 5(A) shall not be construed as payments towards treatment capacity that may be provided for the development.

6. Application Requirement

Persons wishing to use the PLANT and SEWERS shall apply to the BOARD on a form prescribed by the BOARD and available at the Town Clerk's Office. Such application shall:

- A. Be accompanied by a calculation of the development wastewater flow to be generated by the project/development;
- B. Include calculations for the volume, flow rate, strength and any other characteristics determined appropriate by the BOARD;
- C. Unless waived by the BOARD all calculations required in (A) and (B) above for developments generating over 1000 gallons per day shall be certified by a Vermont registered engineer.
- D. Be accompanied by plans and specifications for the construction of building sewers (from the buildings to Town sewers) and any Town sewer extensions, including pump stations, required to service the development prepared by a Vermont registered engineer. This requirement to submit plans and specs may be waived by the BOARD until final connection approval.

7. Preliminary Connection Approval Findings

Upon receipt of the connection application and supportive documents, the BOARD may make preliminary approval of uncommitted reserve capacity upon making affirmative findings that:

- A. The proposed wastewater is of domestic, sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection; or
- B. The proposed wastewater is not of domestic sanitary origin and that sufficient evidence has been presented by the applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the PLANT and SEWERS and that the proposed wastewater will not alone or in combination with other wastes cause a violation of the discharge permit, pass through the PLANT without treatment, interfere or otherwise disrupt the proper quality and disposal of PLANT sludge or be injurious in any other manner to the PLANT or SEWERS and that there is sufficient uncommitted reserve capacity to accommodate the strength and volume of the proposed development;
- C. The proposed use of wastewater capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the BOARD.

8. Conditions of Preliminary Connection Approval

The BOARD, after making the approval findings above, may issue a preliminary connection approval, which approval shall be a binding commitment of capacity to the project contingent on compliance with any conditions attached to the preliminary approval and the subsequent issuance of a final connection approval. The preliminary approval conditions may include:

- A. Specification of the period of time during which the interim connection approval shall remain valid. Unless otherwise specified, this time is 120 days. Application may be made to the BOARD for time extensions.
- B. Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the preliminary connection approval.
- C. Provision for revocation by the action of the BOARD on failure of the applicant to fulfill requirements of the preliminary connection approval.
- D. Specification that the recipient of the preliminary connection approval may not transfer, by any means, the preliminary connection approval to any other person or connection location to the SEWERS.

PRIOR TO FINAL CONNECTION APPROVAL THE FOLLOWING COMMITMENTS SHALL BE MET BY THE APPLICANT:

- A. Applicable local, State and Federal permits have been secured for the development/project;
- B. Connection fees, impact fees, permit fees and other local fees or taxes set by the BOARD have been paid in full to the Town of Lyndon. Impact fees will be partially based on the volume and strength of the proposed wastewater flow.
- C. The plans and specs for connection to and, if necessary, extension of the Town SEWERS are acceptable to the BOARD.

9. Final Connection Approval Requirements

The BOARD, on making affirmative findings that all conditions of the preliminary connection approval and final connection approval prerequisites in Section 8 have been fulfilled, shall issue the final connection approval permit, which approval may be conditioned as follows:

- A. The permit shall specify the allowed volume, flow rate, strength frequency and any other characteristics of the proposed discharge determined appropriate by the BOARD.
- B. The capacity allocation is not transferable to any other person or project unless requested by the original owner and approved by the BOARD.
- C. The construction of the connection and, if necessary, the municipal SEWER extension, must be overseen to assure compliance with the plans and specs and good construction practice in a manner acceptable to the BOARD.

D. Capacity allocated in conjunction with the final connection permit for building development shall revert to the Town if the permit recipient has failed to initiate construction within one year of the issued date on the permit.

E. The permit shall expire three years from the date of issuance based on the original development plan at the time of permit approval. The unused portion of the committed capacity allocation will revert to the Town and there will be no refund of connection, impact, permit or other fees. Generally, the unused capacity reverting to the Town is associated with buildings that do not at least have foundations, framing and roofs.

Regardless of the permit expiration period above, the BOARD may order construction of the development over a longer period if this action is in the Town's best interest.

F. For subdivision projects the permit holder (developer) of a proposed subdivided parcel must indicate the development planned for each lot. If all prerequisites defined for final connection approval herein are met, final connection permits will be issued to the subdivision owner for each lot with a specific reserve capacity allocation associated with the proposed development. These final connection permits will expire after three years from the date of initial issuance unless the developer has sold the lot for development or has completed construction in accord with the approved development plan. The expiration at three years from original issuance will not be modified by any revisions to the subdivision or development plan subsequent to the initial approval. The BOARD shall then notify the Vermont Agency of Natural Resources of the expired subdivision permit.

The reserve capacity allotted to lots that are either unsold or do not have building construction completed at the time of permit expiration shall revert to the Town without refund of any fees paid. Reserve capacity shall also revert to the Town from any reductions made to the development wastewater flow planned for each lot subsequent to initial approval.

The subdivision owner shall file the final connection permits in the land records of the Town along with copies of all fees paid and reference to the location of the approved connection plans and specifications. When the owner/developer of a subdivision sells individual lots with the three-year time frame, the final connection permit shall transfer when the property transfers and the new owner becomes bound to comply with all permits issued and the plans and specifications for connecting the Town SEWERS. The transferred permit will be considered a new permit issued on the date of property transfer and the constraints of 9(E) will apply to this permit.

G. In cases where a final connection permit expires and a new person applies for capacity on the same or a different project, the BOARD may consider previous fees paid by the original person when setting fees for the new person applying for capacity.

H. The chief wastewater treatment Plant operator or Municipal Administrator shall be notified one week in advance of any proposed sewer connection authorized by a final connection permit. The connection to the municipal sewer shall not be performed unless the municipal official or designated representative is present and shall not be covered

until approved by the official. Additional constraints may be found in the Sewer Use Ordinance.

10. Transfer of Allocation

A. Initially reserve capacity is allocated by the BOARD to a specific person, project, and parcel of land. The allocation is not made solely to a parcel of land and therefore does not run with the land during project completion. After completion of the project or permit expiration, however, the allocation (adjusted to the actual development constructed, if necessary) will run with the land.

B. The transfer of the capacity allocation is prohibited unless approved in writing by the BOARD at the original owner's request.

C. The BOARD may approve transfer of capacity from one project to another and one owner to another provided the new project and owner meets all the requirements for the final connection approval originally issued and the original owner requests such transfer.

11. Authority to Require Connection

Nothing herein shall be construed as limiting or impairing the authority of the Town or the BOARD to require connections to the PLANT and SEWERS under the general laws of the State or local ordinances.

12. Adoption of Ordinance

This ordinance originally became effective at midnight, September 2, 1990. To the extent that any provision herein shall be inconsistent with or contrary to any provision of the Town Sewer Use Ordinance, then the provisions of this ordinance shall apply. The adoption of this allocation ordinance shall not interfere with the authority and responsibility of the legislative body as Sewer Commissioners, in matters relating to the management and operation of the Public Sewer System as provided in Chapters 97 and 101 of 24 V.S.A.

ARTICLE III: REGULATION OF SEWER USE

REGULATING THE USE OF:
PUBLIC AND PRIVATE SEWERS AND DRAINS,
THE INSTALLATION AND CONNECTION OF BUILDING SEWERS,
THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM,
AND PROVIDES PENALTIES FOR VIOLATIONS THEREOF IN THE TOWN OF
LYNDON.

1. Definitions: unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- A. "BOD or BOD₅ (Biochemical Oxygen Demand)" shall be the quantity of oxygen utilized in the biochemical oxidation of organic matter in a wastewater sample determined by the five-day BOD test expressed in milligrams per liter (mg/L) as specified in the current edition of "Standard Methods for the Examination of Water and Wastewater" SM 5210B (11)"
- B. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- C. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- D. "Collection System" shall mean a sewer or a public piping system that collects and carries wastewater to the Plant. May also be referred to as a 'sanitary sewer'.
- E. "Combined Sewer" shall mean sewer receiving domestic or residential wastewater and surface runoff, storm water, ground water or any other type of inflow that is piped to the public sanitary sewer.
- F. "Commercial Wastes or Wastewater" shall mean wastewater generated from business processes, trades, or businesses and is distinct from domestic wastes or wastewater.
- G. "Discharge Permit" shall mean the permit issued by the State of Vermont Agency of Natural Resources, Department of Environmental Conservation pursuant to authority granted in 10 V.S.A., Chapter 47 and the Clean Water Act.
- H. "Domestic Wastes or Wastewater" shall mean typical wastewater as defined in terms of BOD, pH, total suspended solids, total phosphorus, and total nitrogen from domestic or residential usage and is distinct from commercial or industrial wastes or wastewater.
- I. "Fats, Oils and Grease ("FOG")" shall mean both petroleum-based products generated from industrial activities (lubricants, oils and greases) and animal and vegetable-based fats, oils and greases generated from domestic, commercial, institutional or industrial

food processing activities or from other processes. Fats, Oils and Grease shall be analyzed by EPA Method 1664A and the results shall be expressed in mg/l.

J. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

K. "High Strength Waters & Waste" shall mean any waters or waste being discharged into the collection system that are above domestic wastes strength and require additional treatment and handling at the Plant. See Article VII. Section 4.

L. "High Strength Waters or Waste Surcharge" shall mean a fee charged to certain discharges received at the Plant from industrial or commercial processes that are not domestic in nature and require additional treatment and handling at the Plant.

F. "Industrial Wastes" shall mean wastewater from industrial or commercial manufacturing processes, trades, or business and is distinct from domestic wastewater.

G. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

H. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

I. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

J. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

K. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

L. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

M. "Secretary" shall mean the State of Vermont, Secretary of the Agency of Natural Resources or their authorized representatives

N. "Selectboard" shall mean the duly elected Legislative body Selectboard of the Town of Lyndon.

O. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

P. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Q. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

R. "Sewer" shall mean a pipe or conduit for carrying sewage.

S. "Shall" is mandatory; "May" is permissive.

T. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

U. "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

V. "Public Works Supervisor" shall mean the Public Works Supervisor of Sewage Works and/or of Water Pollution Control of the Town of Lyndon, or his authorized deputy, agent, or representative.

W. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

X. "Total Nitrogen" shall mean the total sum of all organic and inorganic forms of nitrogen in a wastewater or water sample. Total nitrogen shall be measured in mg/l as follows: $TN (mg/l) = TKN (mg/l) + NO_x (mg/l)$. TKN is the sum of nitrogen in the forms of ammonia (unionized (NH_3) and ionized (NH_4^+)), soluble organic nitrogen, and particulate organic nitrogen. NO_x are nitrite and nitrate and are oxygenated forms of nitrogen. Testing shall be in accordance with TKN (EPA 351.2, R.2 (1993)) and Nitrate/Nitrite (EPA 300.1).

Y. "Total Phosphorus" shall mean the total sum of all forms of phosphorus in a wastewater or water sample including orthophosphate, polyphosphate and organic phosphate. Total phosphorus shall be measured in mg/l. Testing shall be in accordance with EPA 365.1, R.2(1993)

Z. "Total Suspended Solids" (TSS) shall mean the suspended solids residue after filtering and drying at 103 – 105 degrees Celsius for one hour. TSS is measured in mg/L. Testing shall be in accordance with Standard Methods Test SM 2540 D-11

AA. "Town" shall mean the Town of Lyndon.

BB. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

2. Use of Public Sewers Required.

A. All new buildings needing sewage facilities constructed, or in the process of being constructed, after the effective date of this ordinance shall be required to connect to the Town sewer line within (60) days of occupancy if the building is within 250' of said sewer line. All permits and fees in effect at the time shall be required.

B. If at any time in the future a new Town sewer line is constructed or an existing Town sewer line is extended, any building in which sewage is generated and located within 250' of said sewer line shall be required to connect to said sewer line within (60) days of occupancy. A permit will be required, and all fees shall be paid.

C. Exceptions to sections A. and B of this subsection: any existing building or any new building which may be built in the future, shall be exempt from sections A and B of this subsection if they are separated from a Town sewer line by a state highway or railroad track, unless the Town at its sole option and discretion shall have made available proper connection by virtue of extending the sewer line across such state highway or railroad track. In all such cases, property so affected shall immediately be denied all benefit of this exception and sections A and B of this subsection shall apply.

D. As respects any or all sections of this ordinance, should conditions be present such as unusual easement expense, terrain, soil conditions, weather, or any other unforeseen hardship on the part of the Town or building owner, the Town SelectboardSelectboard shall pass final judgment.

E. All costs and expenses incurred in the construction of a sewer line to comply with the regulations of this section shall be borne by the building owner to his lot line. All costs and expenses incurred from said lot line to the Town sewer line shall be the responsibility of the Town.

3. Private Sewage Disposal.

Where a public sanitary or combined sewer system is not available under the provisions of Section Two (2) the building sewer shall be connected to a private sewer disposal system which meets all requirements of the local and state Boards of health which are in effect or may hereinafter be required.

4. Building Sewers, Connections and Maintenance.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Public Works Supervisor. Any person proposing a new discharge into the system, or a substantial change in volume associated with a change of use, or a change in the character of pollutants that are being discharged into the system, shall

notify the Public Works Supervisor at least forty-five (45) days prior to the proposed change or connection.

B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Supervisor. A permit and inspection fee of one thousand dollars (\$1000) for a residential building sewer permit shall be paid to the Town at the time the application is filed. Fees for commercial and industrial permits shall be determined by the Selectboard on a case-by-case basis with consideration being given to amount and type of discharge. Commercial and industrial permit fee payment shall be a condition of permit approval. In the event of a substantial change as defined in Section 4A above, the Selectboard retain the right to impose additional fees accordingly.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Any sewer line constructed shall become the property of the Town as far as the property line of the private building which will utilize such service, and such part shall be maintained by the Town.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available, or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Supervisor, to meet all requirements of this ordinance.

F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provision's or in amplification thereof the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. '9 shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or

building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Works Supervisor before installation.

J. No sewer connection shall be opened, no pipe laid, and no joints made except under the inspection of the Public Works Supervisor or their duly authorized representative.

K. Any work not conforming to the provisions of Sec. J. shall be removed.

L. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

M. Any sewer line from private land or buildings to existing public sewer lines shall be maintained at the expense of the person or persons requiring the service. If it should become necessary to maintain sewer lines within the highway' right of way limits, permission must first be obtained from the Plant Public Works Supervisor and Selectboard before any digging or maintenance operations begin.

N. Any private sewer line that is installed new or replaced which connects to the public sewer system shall be constructed using SDR35 gasketed pipe.

5. Prohibited Discharges

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes into the collection system or the Plant:

- a. Any waters or wastes which create an atmospheric hazard with oxygen, hydrogen sulfide, carbon monoxide, and lower explosive limit levels below or above OSHA confined space entry acceptable limits, explosion, or fire hazard in the collection system or at wastewater treatment Plant, including but not limited to, pollutants which have a closed cup flashpoint of less than 140°F (60°C).
- b. Any waters or wastes containing petroleum oil, gasoline, benzene, naphtha, fuel oil, non-biodegradable cutting oil, or products of mineral oil origin.
- c. Any waters or wastes containing toxic or poisonous solids, liquids (such as paint) or gases in sufficient quantity, either singly or by interaction with other wastes that have a reasonable potential to adversely impact the proper operation of the wastewater collection system or the wastewater treatment process, constitute a safety hazard, create a public nuisance, or pass through the Plant without proper treatment.

- d. Any waters or wastes containing heat in amounts which will inhibit biological activity which adversely impact the proper operation of the Plant or that causes the influent temperature at the Plant to exceed 104^oF (40^oC) unless approved by the Town.
- e. Any waters or wastes having a pH lower than 5.0 or higher than 9.5 or having any other corrosive properties capable of causing damage to structures and equipment in the wastewater collection system, adversely impacting the proper operation of the Plant, or posing a safety risk to Town Staff.
- f. Any waters or wastes capable of causing an obstruction to the flow in the collection system or adversely impacting the proper operation of the collection system or the Plant, including but not limited to, ashes, cinders, sand, mud, straw, wood, sawdust, plaster, paint, concrete, metal shavings, glass, rags, feathers, tar, plastics or plastic bags, shredded garbage, whole blood, paunch manure, hair and fleshing, entrails, paper cups, dishes, milk containers either whole or ground by garbage disposals, dental floss, disposable wipes (marketed as “flushable”), plastic applicators, condoms, grains, needles and diapers.
- g. Any waters or wastes, including oxygen demanding wastes, discharged at a flow rate and/or at a pollutant concentration which will cause interference or adversely impact the proper operation of the Plant.
- h. Any waters or wastes having a concentration of any substance that would interfere with the proper operation of the collection system or the proper operation of the Plant.
- i. Any waters or wastes hauled or trucked except as authorized and at discharge points designated by the Town staff.
- j. Any surface water, storm water runoff or drainage, groundwater from building or foundation drains, roof runoff, and discharges from storm water collection systems.

6. Discharges of Waters to the Storm Sewer System

- a. Stormwater, naturally occurring groundwater, and other unpolluted drainage may be discharged to storm sewers or to a natural outlet upon written approval from the Town and in conjunction with permits issued by the Vermont Agency of Natural Resources.
- b. Cooling water, boiler blowdown, treated contaminated groundwater, and byproducts from remediation activities may be discharged to storm sewers or to a natural outlet upon written approval from the Town and in conjunction with permits issued by the Vermont Agency of Natural Resources.

7. Permit Required

No unauthorized person shall expose, connect to, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.

8. Discharges of Incompatible Substances Potentially Adverse to Treatment Process

No person shall discharge or cause to be discharged the following described waters or wastes if in the opinion of the Town, there is a reasonable potential that these waters or wastes will adversely impact the proper operation of the wastewater collection system, the Plant treatment process and/or equipment, pass through without proper treatment to the receiving water, endanger public property, or constitute a safety hazard or nuisance.

In forming its opinion as to the acceptability of these waters or wastes, the Town shall consider such factors as the concentration of the pollutants and the quantities of the waters and wastes in relation to flow at the Plant, the flow and velocities in the sewers, and the construction of the sewers. The Town shall also consider factors such as the design and operation of the wastewater treatment process, the capacity of the Plant, treatability of wastes, the costs of treating the wastes, sludge generation and costs of managing these wastes at the Plant and such other factors as the Town may deem relevant to its evaluation.

a. Incompatible Substances include but are not limited to:

1. Any liquid or vapor having a temperature higher than 150°F (65°C) and /or any waste that would create an atmospheric hazard as outlined in the OSHA Confined Space Entry Program.
2. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oils, wax, or grease, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32°F (0°C) and 150°F (65°C).
3. Any garbage that has not been properly shredded. The installation and operation of a garbage grinder equipped with a motor of 3/4 Hp (550 watts) or greater and installed by a licensed plumber shall be subject to the review and approval of the Town staff prior to installation.
4. Any chemicals or chemical compounds with the following properties or having similarly objectionable properties: alcohols, arsenic and arsenicals, phenols or cresols, formaldehydes, iodine, manganese, cyanide, heavy metals, metal processing wastes, acidic wastes, mercury and mercurials, silver and silver compounds, sulfonamides, toxic dyes (organic or mineral), zinc, all strong oxidizing agents such as chromates, dichromates, permanganates, peroxide and compounds producing hydrogen sulfide, or any other toxic, inflammable or explosive gases, either upon acidification, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulfides, sulfites, and similar compounds, radioactive materials or isotopes, whether neutralized or not, carcinogenic substances and agents, and surfactants or chemicals that cause a sheen or foaming.
5. Any water or wastes containing excessive solids, iron, heavy metals such as cadmium, chromium, copper, nickel, zinc, etc., or toxic substances.
6. Any waters or wastes containing excessive concentrations of pollutants listed in the Plant's current solid waste certification or sludge management plan or wastes in volumes which can exert an excessive treatment requirement such that the waters or wastes removed into the wastewater sludge would cause an exceedance of the limits necessary

for the Plant to comply with terms and conditions of its solid waste certification or sludge management plant.

7. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established to meet the requirements of State, Federal or other public agencies having jurisdiction for such discharge to the receiving waters.
 8. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or Federal Regulations.
 9. Any waters or wastes containing suspended solids of such character and quantity that requires additional cleaning of the sewer collection system (beyond normal cleaning) and/or unusual treatment, processing, or expense to handle such materials at the Plant.
 10. Any noxious or malodorous gas, liquid, or waste capable of creating a public nuisance.
 11. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process or are only treatable to such a degree that the Plant effluent cannot meet the terms and conditions of Discharge Permit No. 3-1111.
 12. A toxic pollutant in amounts as defined in the Standards under Section 307(a) of the Clean Water Act.
 13. Waters or wastes which contain or cause:
 - i. Unusual concentrations of inert suspended solids or dissolved solids.
 - ii. Excessive discoloration (such as, but not limited to dyes and tanning solutions).
 - iii. Unusual BOD, chemical oxygen demand, or chlorine demand that have a reasonable potential to adversely impact the proper operation of the Plant or cause the effluent limitations of Discharge Permit No. 3-1111 to be exceeded.
 - iv. Unusual volumes of flow or concentrations of wastes constituting "slugs" as defined herein.
- b. In reviewing the acceptability of these waters or wastes, the District may:
1. Reject the waters or wastes, or
 2. Require pollution prevention and waste management procedures or systems be implemented or constructed to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
 3. Require pretreatment facilities be constructed to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
 4. Require flow equalization to control over the rate of discharge into the collection system,

5. Accept the waters or wastes; or
 6. Require any combination of the above.
- c. Any non-residential entity discharging potentially Incompatible Substances into the collection system shall provide 45 days prior notification to the Town for any of the following:
1. Any proposed new discharge into the system, or a substantial change in volume or character of pollutants from an existing discharge into the collection system.
 2. Any proposed new discharge into the collection system of pollutants from any source which would be a new source as defined in Section 306 of the Clean Water Act.
 3. Any proposed new discharge into the collection system from any source which would be subject to Section 301 of the Clean Water Act.

9. Discharges of High Strength Waters or Wastes

- a. The discharge of high strength waters or wastes from industrial or commercial processes can adversely impact the proper operation of the Plant, consume excessive organic treatment capacity, require additional treatment and solids management costs, and reduce the ability of the Plant to accept additional connections. Therefore, the discharge of any waters or wastes from industrial or commercial processes which have the following characteristics into the wastewater collection system shall be subject to an additional review and approval by the Town.
1. an average five (5) day BOD concentration greater than 300 mg/l;
 2. an average total suspended solids concentration greater than 300 mg/l;
 3. an average total phosphorus concentration greater than 10 mg/l;
 4. an average total nitrogen concentration greater than 50 mg/l.
- b. In reviewing the acceptability of these waters or wastes, the Town may:
1. Reject the waters or wastes;
 2. Require pollution prevention and waste management procedures or systems be implemented or constructed to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
 3. Require pretreatment facilities be constructed to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or

4. Require flow equalization to control the rate and timing of discharge into the collection system,
5. Accept the waters or wastes; or
6. Require any combination of the above.

The Town shall consider the concentrations of the pollutants in the discharge, the volume (flow) of the discharge, the frequency of the discharge, and the impacts of the discharge at the Plant and in the collection system as part of its review to determine the acceptability of these waters or wastes.

- c. Any person discharging high strength waters or wastes to the Plant shall provide the Town 45-calendar day's prior notification of any of the following changes in writing:
 1. any proposed substantial change in the volume, loading, or type of pollutants discharged to the Plant.
 2. any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants to the Plant.
- d. The Town reserves the right to adjust the wastewater base charge, and/or assess such surcharges as established by the BOARD, for any person or entity expressing interest in connecting or discharging into the sewer collection system or into the Plant waters or wastes that results in of positive findings above.
- e. No statement contained in this Article shall be construed to prevent an agreement between the BOARD and any discharger of high strength waters or wastes that may be accepted by the Town for treatment. Any agreement is subject to payment by the discharger. No agreement shall contravene any requirements of existing Federal and State laws and regulations and sound engineering practices. Any agreement shall be compatible with any user fee or surcharge schedule in effect.

10. Pollution Prevention and Waste Management for the Discharge of Incompatible Substances or High Strength Waters or Wastes

- a. Prior to discharging any incompatible substances or high strength waters or wastes into the collection system, all reasonable pollution prevention and waste management procedures or systems applicable to the industrial or commercial process shall be implemented to reduce the pollutants discharged into the collection system and to ensure the long-term sustainable operation of the Plant. These measures include but are not limited to:
 1. The implementation or construction of pollution prevention and waste management procedures or systems in the industrial or commercial processes which would reduce the volume of and/or concentration of pollutants in, the waters or wastes discharged into the collection system;

2. The use of materials in the industrial or commercial processes which would reduce the volume of and/or concentration of pollutants in the waters or wastes discharged into the collection system;
 3. The recovery, reuse, or internal recycling of waters or wastes in the industrial or commercial processes;
 4. The separation, collection, and removal of high strength solid wastes from the discharge; and
 5. The separation, collection, and removal of high strength liquid wastes from the discharge.
- b. The design of pollution prevention or waste management procedures or systems shall be prepared by qualified individuals trained and experienced in the applicable industrial or commercial processes and the associated pollution prevention and waste management procedures or systems necessary to meet the requirements of this Ordinance.
 - c. The design, operation, and any other pertinent information of any pollution prevention or waste management procedures or systems shall be submitted to the Town staff for review and approval.
 - d. No discharge of incompatible substances or high strength waters or wastes into the sewer collection system shall occur until the pollution prevention or waste management procedures or system approvals are obtained from the Town in writing.
 - e. The Owner of the property or operator of the activity shall provide the Town staff with updated Safety Data Sheets information upon request.
 - f. The Owner of the property or operator of the activity shall ensure that their staff is properly trained in the pollution prevention and waste management procedures or systems necessary to meet the requirements of this Ordinance and shall provide the District with appropriate documentation of training upon request.

11. Discharges of Fat, Oil, Grease (FOG) and Grit and Interceptors

- a. The discharge of FOG or grit shall not adversely impact the proper operation of the collection system, including but not limited to, obstruction of the proper flow in the system or the accumulation of excessive solids in the system.
- b. The discharge of FOG or grit shall not adversely impact the proper operation of the Plant.
- c. FOG or grit interceptors shall be provided when in the opinion of the Town, are necessary for the proper handling of liquid wastes containing fats, oils, or grease in excessive amounts, flammable wastes, sand, and other harmful ingredients. Interceptors shall not be required for private living quarters but may, be required for residential properties with in-home businesses depending on the nature of the business and the waste stream.

- d. Interceptors shall be installed in the sewer service line serving only the plumbing fixtures within a building or structure with non-residential uses where the wastewater from the fixtures, such as kitchen sinks and dishwashers in restaurants, cafeterias, and kitchens, may include fats, oils, and grease.
- e. All interceptors shall be of a type and capacity approved by the Town staff and shall be located to be readily and easily accessible for cleaning and inspection.
- f. Prior to discharging a wastewater into a FOG interceptor, all reasonable pollution prevention and waste separation procedures shall be implemented minimize the volume of FOG discharged into the interceptor to ensure the proper long-term operation of the interceptor and to reduce the discharge of these pollutants into the collection system and the Plant.
- g. FOG interceptors shall be designed to reliably produce an effluent of 100 parts per million or less and shall be approved by the Town prior to installation.
- h. Gravity FOG interceptors shall be baffled and shall be sized based on Section 1-0909 of the Vermont Environmental Protection Rules, Wastewater System and Potable Water Supply Rules, effective April 12, 2019, or as amended. Specifically:

1. Meals per peak hour (A) x Wastewater Flow Rate (B) x Retention Time (C) x Storage Factor (D) = Size Requirement in liquid capacity in gallons.

(A) Meals per peak hour = Number of meals served at peak operating hour (Seating Capacity) X Peak Factor or maximum number of seats, where Peak Factor is:

- (i) Peak Factor for fast food restaurants1.33
- (ii) Peak Factor for all other food service types ...1.0

(B) Wastewater Flow Rates:

- (i) With dishwasher6-gallon flow
- (ii) Without dishwasher 5-gallon flow
- (iii) Single Service kitchen2-gallon flow
- (iv) Garbage Grinder (Food waste disposal)..... 1-gallon flow

(C) Retention Times:

- (i) Commercial kitchen waste/dishwasher 2.5 hours
- (ii) Single service kitchen 1.5 hours

(D) Storage Factors:

- (i) Fully equipped commercial kitchen8 hour operation ...1
- (ii) Fully equipped commercial kitchen16 hour operation ..2
- (iii) Fully equipped commercial kitchen24 hour operation ..3
- (iv) Single service kitchen1.5

Note: "Single service kitchen" means a kitchen: (A) where the food preparation consists of only heat and serve; (B) that uses service items not expected to be used again on the premises; and (C) where service items that are reused are not washed on the premises. Kitchens that include the operation of grills, frying machines, or cooking devices other than those used to heat food do not constitute a single service kitchen.

- i. The Town may accept alternative FOG interceptor designs, such as hydromechanical interceptors, if the owner provides adequate information from a designer demonstrating that the

alternative interceptor design and operation provides FOG removal equal or greater than an appropriately sized gravity interceptor.

j. Interceptors shall be constructed of robust impervious materials capable of withstanding abrupt and extreme changes in temperature and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

k. All interceptors shall be routinely inspected, maintained, and operated as efficiently as possible at all times at the expense of the Owner. Collected materials shall not be discharged into the sewer system.

1. A routine cleaning schedule for the FOG interceptors shall be developed based on the storage volume of FOG in the interceptor, the number of meals served per day, and the typical grease generation per meal based on meal type.
 2. Documentation of interceptor maintenance and pumping shall be provided by the Owner to the Town upon request.
 3. At a minimum, these records shall include the date and time of the inspection and/or maintenance, the volume of waste removed, and the waste hauler.
- l. If the Town determines that the discharge from an interceptor is adversely impacting the proper operation of the wastewater collection system or the wastewater treatment facility, then the Town may require:
1. the Owner to improve or increase pollution prevention and waste separation procedures to minimize the volume of wastes discharged into the interceptor; or
 2. the Owner to increase the inspection, cleaning, or maintenance of the interceptor; or
 3. the Owner to modified to the design of the interceptor to ensure proper operation; or
 4. the Owner replace the deficient interceptor with a properly designed and approved interceptor.

The owner shall be liable for any costs necessary to ensure the proper operation, modification, or replacement of the interceptor.

m. The owner shall be liable for any costs incurred by the Town to maintain the sewer system or the wastewater treatment Plant due to adverse impacts attributed to the discharge of FOG or grit as provided by Article IV below.

12. Pretreatment and Flow Equalization Facilities

If after initial review by the Town, pretreatment or flow equalization of waters or wastes are deemed to be required, then the design plans, specifications, and any other pertinent information relating to pretreatment or flow equalization at the facility shall be submitted for approval to the

Town, and if a permit is required under 10 VSA 1259.a. and 10 VSA 1263, to the Agency of Natural Resources.

- a. The design of any pretreatment or flow equalization facility shall be prepared by qualified individuals trained and experienced in the applicable industrial or commercial processes and the associated pretreatment facilities necessary to meet the requirements of this Ordinance and permits issued under 10 VSA 1263.
- b. No construction of a pretreatment or flow equalization facility shall occur until approvals and the necessary permits if applicable are obtained in writing.
- c. Pretreatment or flow equalization facilities shall be constructed and operated to meet the terms and conditions of this Ordinance and any Pretreatment Discharge Permit issued by the Agency of Natural Resources under 10 VSA 1263.
- d. Pretreatment or flow equalization facilities shall be operated as efficiently, as possible, at all times by qualified personnel and shall be maintained at the expense of the Owner.

13. Sampling Structure

When required by the Town, the owner of any property serviced by a building sewer carrying commercial or industrial wastes shall install either a suitable manhole or vault with necessary meters, valves and or other appurtenances in the building or exterior on the property to facilitate observation, sampling, and measurement of the wastestream. Such a structure, when required, shall be accessible and safely located and constructed in accordance with industry standards for sampling systems. Prior to construction the owner shall submit plans of the sampling structure for approval by the Town. The structure shall be installed and maintained at the owner's expense.

14. Monitoring Industrial Discharges

All industries discharging into the public sewer shall perform monitoring, sampling, and measurement of their discharges as the Town may reasonably require at the owner's expense. Any maintenance and monitoring records as well as any reports that are submitted to the Secretary in accord with a discharge permit shall also be submitted to the Town.

15. Sampling, Measurement, Testing and Analysis Requirements

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the most current edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. All sampling shall be performed at the sampling manhole provided. In the event no special manhole has been required, the control or sampling manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be performed by certified and/or licensed wastewater treatment Plant operators or lab technicians either employed by the Town or by a State approved contracted laboratory.

Approved representative sampling techniques, as specified in the 'Standards Methods' and in accordance with the State of Vermont DEC Wastewater Laboratory Manual shall be used. The particular analyses involved shall determine the type of sampling that will be performed (i.e. 8 hour composite, 24 hour composite, grab) as well as the type of sample preservation required.

16. Special Agreements

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the BOARD and any industry where an industrial waste of unusual strength or character may be accepted by the Town for treatment, provided that such agreements are in compliance with existing State and Federal requirements and compatible with any user charge and industrial cost recovery system in effect. A wastestream necessitating such an agreement shall be subject to surcharges, as established and adopted by the BOARD.

Article IV: Powers and Authority of Inspectors

- A. Town staff, upon reasonable notice and bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. Except in the case of emergency, in the event that access to property is refused, the Town staff shall not enter the property and shall seek legal or other recourse to facilitate access. The Town staff shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, or other industrial activity beyond that point of the process having a direct impact on the volume and pollutants of the discharge into the collection system.
- B. While performing the necessary work on private properties referred to in Section A. above, the Town Staff shall observe all safety rules applicable to the premises established by the landowner. The landowner shall be held harmless for injury or death to the Town employees. The Town shall also indemnify the landowner against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the landowner stemming from the work performed by the Town employee, except that which may be caused by negligence or failure of the landowner to maintain safe conditions.
- C. Subject to Section A. above, the Town Staff, upon reasonable notice and bearing proper credentials and identification, shall be permitted to enter any properties through which the Town Sewer System or any connected service line or component lies, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works. In the event of an emergency involving any line or component attached to the Town Sewer System located on private property, including, without limitation, any line or component that is leaking or has reasonable potential to threaten the public health, safety and welfare or cause damage to public or private property, the Town shall give the owner of the property on which the line or component is located a reasonable opportunity, under the circumstances presented, to address the emergency situation. If the property owner fails to act promptly, the Town may take reasonable steps to remedy the emergency situation and may charge the costs of such work to the property owner. Such charge shall constitute a lien upon the real estate on which such work is performed in the same manner and to the same extent that sewer disposal charges constitute a

lien under 24 V.S.A. § 3612 and may be enforced in the same manner and to the same extent set forth therein.

Article V: Penalties.

- A. Any person found to be violating any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations. If the violation does not cease, or is not satisfactorily resolved, within the specified time, the Town, acting through the Municipal Administrator or any other designated issuing officer, may issue a municipal complaint to be enforced in accordance with 24 V.S.A. § 1974.
- B. Any person who shall continue' any violation beyond the time limit provided for in Section A above shall be fined in the amount not exceeding two hundred and fifty dollars (\$250.00) (Waiver fine of \$200) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such offense.
- D. In addition to the civil penalties referenced in Section B, above, any person found in violation of any provisions of this Ordinance may be required to reimburse the Town to cover the costs of:
 - 1. removing clogs, additional cleaning, or repairing damages to the collection system;
 - 2. additional treatment of a water or waste at Plant; or
 - 3. additional handling and disposal of a water or wastes not covered by existing fees.
 - 4. The amount reimbursed to the Town shall include not only the aforementioned costs but may also include any engineering, monitoring, and/or legal fees incurred by the Town to identify and remedy the violation, identify the responsible party, and prosecute the violation.
- E. Nothing herein shall constitute a waiver by the Town of its right and duty to take any all actions, as authorized by federal, state, or local law, to operate, maintain and protect its collection system and Plant from damage. Notwithstanding any of the foregoing provisions, the BOARD may institute, in the name of the Town, any appropriate action or proceeding, including action seeking injunctive relief, to prevent, restrain or abate violations thereof.

ARTICLE VI: VALIDITY; WAIVER

- A. All prior sewage ordinances or parts of such ordinances in conflict herewith are hereby repealed.
- B. The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

- C. This Ordinance may be amended at any time by the Town in the manner provided by law.
- D. When requested in writing by an applicant or potential applicant, and supported by credible information from a Professional Engineer demonstrating to the reasonable satisfaction of the BOARD that strict adherence to the Town Design and Constructions Standards, as defined in this Ordinance, is not necessary to protect public health, safety and welfare and/or to protect the collection system or Plant from damage or unreasonable operational or maintenance costs, the BOARD, in consultation with the Municipal Administrator, may waive or modify such Standards and, in so doing, may impose reasonable conditions and safeguards, including requiring the submission of a bond, escrow or other surety in a form acceptable to the BOARD, to ensure that the purposes of this Ordinance are, and will continue to be, met notwithstanding any waiver or modification that is granted.
- E. Any disagreements between the Municipal Administrator, or duly authorized representative and a building owner are subject to review by the BOARD.

ARTICLE VII: RATES

- A. Per 24 V.S.A. §§ 3615 and 3617 the BOARD is authorized to establish the sewer user rates and charges, including the industrial user cost recovery system described herein, and shall due so pursuant to a duly adopted Sewage Rate Schedule, which shall include such rates, charges, surcharges, and other recoverable costs as the Town may specify and as authorized by law.
- B. The BOARD shall, in establishing in the rates referred to in Article A make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of 40 CFR's 35-13 and V.S.A. Chapter 79
- C. In addition to other remedies available by law, any delinquency in the payment of sewage rates and charges may be enforced in accordance with Chapter 129 of Title 24. In accordance therewith, the Town may charge fees for collection of overdue accounts and reconnection of any service disconnected because of non-payment, including interest on delinquent accounts if voted by the Town according to 32 V.S.A. § 5136.
- D. In connection with any rate, fee or charge incurred under this Ordinance, the BOARD, in consultation with the Municipal Administrator, shall have the authority and discretion to waive or modify, in appropriate circumstances, such rate, fee or charge upon proper application by the customer, or on the BOARD's own motion, using the abatement factors in 24 V.S.A. § 1533(a), as amended from time to time, as the basis for the exercise of such authority and discretion.

**TOWN OF LYNDON
WATER ORDINANCE**

CHAPTER 12

Adopted: June 24, 2013
Amended July 5, 2016

Effective: August 23, 2013
Effective: September 6, 2016

Regulating the Use of Lyndon's Municipal Water System

This ORDINANCE establishes the policies, rules, and regulations necessary to govern and operate the municipal water system of the Town of Lyndon, Vermont (24 V.S.A. Chapter 89, Section 3315). This ORDINANCE supersedes all previous rules, regulations and ordinances and applies to all users regardless of the municipality in which they are located. All existing agreements between individual property owners and the Village of Lyndonville, Vermont shall remain in effect provided such agreement is recorded in the Village Clerk's office now known as the Town Clerk's Office. A copy of this ORDINANCE is available at the Town Clerk's office. Questions about this ORDINANCE should be directed to the Municipal Administrator.

ARTICLE 1

General Provisions

SECTION 1.01-GENERAL PROVISIONS

All Rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "WATER ORDINANCE" hereinafter referred to as this ORDINANCE. This ORDINANCE is adopted under 24 V.S.A. Chapter 89, Section 3313, by the Selectboard of the Town of Lyndon.

The Lyndon Town Clerk shall file certified copies of this ORDINANCE, as well as certified copies of any additions and amendments to this ORDINANCE as may be hereafter adopted, in the municipal records and with the BOARD and Health Officer.

The principal objective of the Water Works is to provide a State permitted potable water supply under timely and efficiently managed conditions.

The provisions of the ORDINANCE may be reviewed at intervals not exceeding five (5) years by the BOARD with the objective of assessing the continued applicability of these provisions; to consider any recommendations proposed for their improvement; and to determine if, and what, changes are advisable due to advances in the technical methods or processes of potable water treatment, storage and transmission available to the Town.

The BOARD shall be responsible for enacting regulations and policies governing the operation of the Water Department. The BOARD shall make and establish all needful water rates for the control and operation of the water system. It shall carry out the duties specifically required of it under the regulations and policies which it enacts.

The BOARD may contract to sell water to such customers outside the Town as it may deem beneficial to the Town, providing that there is, at the time such contract is made, water in excess of that necessary for use within the limits of the Town service area.

The BOARD may prescribe emergency rules governing the supply and use of water as it may deem appropriate to accommodate water supply emergencies. Such rules shall be adopted at any duly held meeting of the BOARD.

All new main lines and service lines with an inside diameter of 4" or greater shall be made of ductile iron unless they are placed by horizontal drilling.

In any extension of main lines or service lines involved with a subdivision shall be of a material approved by the BOARD. The need for fire hydrants or flushing hydrants shall be determined by the Town. All related costs of subdivision shall be the responsibility of the developer.

All service lines of four (4) inches inside diameter or greater shall be of ductile iron. All service lines smaller than four (4) inches inside diameter **shall be copper or SDR 9 (Blue Poly) rated @ 200 PSI with a solid copper tracer wire and stainless steel inserts and copper compression fittings.**

All services connected to the Town's water system shall have a ball valve, back flow prevention device, and a pressure reducer installed before the water meter; and an additional ball valve shall be installed after the meter.

If there is a conflict between the terms of this ORDINANCE and any other applicable regulation, by-law, ordinance or statute, the more strict shall apply.

ARTICLE 2

Definitions

SECTION 2.01-DEFINITIONS

Unless specifically defined in the Article, words and phrases used in this ORDINANCE shall have their common ordinary meaning, and are intended to give the ORDINANCE its most reasonable application.

"Best interest" shall be defined by the BOARD and may include meeting economic development or community institutional needs.

"BOARD" shall mean the Selectboard of the Town of Lyndon, comprised as the Water Commissioners as provided in 24 V.S.A. Chapter 89. (See "Water Commissioners")

“Business days” shall mean Monday through Thursday, excluding legal holidays and the day before any day when the Town Office is not open to the public.

“Chief Operator” shall mean that person appointed by the BOARD to act as the BOARD’s agent in managing the day to day operations of the Water Department. It shall be the duty of the Chief Operator to insure that the regulations and policies of the Water Department are implemented and enforced. Decisions of the Chief Operator may be appealed within thirty (30) days to the BOARD.

“Clerk” shall mean the Town Clerk of the Town of Lyndon.

“Committed Reserve Capacity” shall mean the total amount of development water supply (gallons per day) for all projects/buildings approved by the BOARD and the DEPARTMENT, for supply, storage, and distribution, but not yet connected to the water system at the time of the calculation.

“Completed Construction” shall mean-

1. For building development; completion of construction of all foundations, framing, siding and roofs.
2. For subdivision development; completion of infrastructure and subdivision improvements.

“Customer” means any individual, group, society, association, firm, company, or corporation who receives water service from the Town and is a property owner, whether or not that individual is the ultimate user.

“Delinquency” means a failure of the Customer to tender payment for a valid bill or other charge by a “due date” at least thirty (30) days after the mailing, which due date shall be clearly printed on the bill or other charge, or, in the absence of such a printed due date, the date thirty (30) days after postmarking of such bill or charge.

“Department” shall mean the Vermont Department of Environmental Conservation.

“Development” shall mean the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial, manufacturing, farming, educational, medical, charitable, civic, recreational, religious uses, and subdivisions with the intent to subdivide.

“Disconnection” means the deliberate interruption by the Town of water service to the Customer, for reason of delinquent payment.

“Existing Use” means a Water department sanctioned use of the municipal water system through permanent water supply lines which has occurred on a customer’s property on or after January 1, 1980. NOTE: The mere existence of a water supply line does not, in and of itself, constitute “use” as herein defined.

“Flow Basis” shall mean the calculated water demand as determined using the Environmental Protection Rules, Chapter 1, current edition.

“Health Officer” shall mean the legally designated Health Officer or Deputy Health Officer of the Town.

“Hearing Officer: shall mean the person appointed by the Town, pursuant to 24 V.S.A. Chapter 129, Section 5147, to act as a fact finder and to hear and investigate evidence, and to make recommendations to the BOARD for final determination of a dispute.

“House Connection” shall mean that part of the water system that runs from the municipal water main to the property line or right-of-way limit and includes all necessary fittings.

“Initiate Construction” shall mean:

1. For building development; the completion of the foundation.
2. For subdivision development; substantial commencement of any site improvement(s) pursuant to the approved subdivision and infrastructure plans.

“Municipality” shall mean the Town of Lyndon, Vermont.

“One-Time Water System Fee” or “System Fee” shall mean the financial amount due, as determined by the BOARD, charged to property owners for the benefit to connect to the Town’s water system.

“Owner” shall mean any person, who owns or possesses any property connected to the municipal water system or proposes to connect to the municipal water system as applicant.

“Payment of a Bill and/or Other Charge” means receipt at the Town office of cash, check or money order which is subsequently honored.

“Permit to Operate” shall mean a permit issued by the Department pursuant to authority granted in 10 V.S.A., Chapter 47.

“Person” shall mean any individual, firm, company, association, society, corporation, institution, partnership, group, governmental entity or other entity.

“Physician’s Certificate” shall mean a written statement by a duly licensed medical practitioner certifying a Customer or resident within the Customer’s household would suffer an immediate and serious health hazard by the disconnection of the Town’s service to that household.

“PLANT” shall mean the municipal water treatment PLANT owned by the Town.

“PLANT Water Supply” shall mean water passing through the treatment PLANT in gallons per day on a monthly average daily flow basis for the most recent twelve (12) months.

“Public Water Supply System or Facilities” shall mean all facilities for supply, treatment, pumping, storage, transmission, distribution, and metering of water and is controlled, owned and operated by the Town.

“Reserve Capacity” shall mean the permitted water treatment capacity minus the actual PLANT water supply monthly average daily flow during the preceding twelve (12) months.

“Secretary” shall mean the Secretary of the Agency of Natural Resources, State of Vermont or his/her representatives.

“Shall” is mandatory; “May” is permissive.

“Subdivision” shall mean a tract of land, which has been divided or is intended to be divided into two (2) or more lots for any purpose, in accordance with the Town’s current Subdivision Regulations.

“Tapping/Inspection Fee” shall mean the fee incurred by a customer when the Town makes the physical water service tap or connection to the existing municipal water main.

“Tax collector” shall mean the person appointed by the Town to collect all municipal taxes including delinquent taxes and delinquent municipal utility charges.

“Tenant” means one who occupies or temporarily possesses land or structures the title to which is held by another, such as one who rents or leases from a landlord.

“Town” shall mean the Town of Lyndon, the Selectboard, or their designated agents and representatives.

“Uncommitted Reserve Capacity” shall mean the portion of the reserve capacity remaining after subtracting the development water demand of all projects approved by the DEPARTMENT and/or BOARD but not yet connected to the water works.

“Village” shall mean the Village of Lyndonville, the Board of Trustees or their designated agents or representatives.

“Water Commissioner (or Water BOARD)” shall mean the members of the Town of Lyndon Selectboard and/or group of individuals who shall be designated from time to time by the Selectboard to have that title, or their authorized deputy, agent or representative.

“Water Department” is that subdivision of the Town government which is responsible for providing municipal water service.

“Water Main” shall mean the Town-owned water pipe laid longitudinally along street or other rights-of-way and which all owners or abutting properties have equal rights and which is controlled by public authority and designed to carry water.

“Water Service Area” shall mean that area of properties connected to the Town water works.

“Water Treatment Plant” shall mean any arrangement of devices and structures used for treating water.

“Water Works” see Public Water Supply.

ARTICLE 3

Abbreviations

SECTION 3.01-ABBREVIATIONS

For the purpose of this ORDINANCE, the following abbreviations shall have the meaning ascribed to them under this ARTICLE. References to standards of the following organizations shall refer to the latest edition of same.

ANSI shall mean American National Standards Institute.

ASME shall mean American Society of Mechanical Engineers.

ASTM shall mean American Society for Testing and materials.

AWWA shall mean American Water Works Association.

cm. shall mean centimeter.

CS shall mean Commercial Standards.

Degrees C shall mean degrees Centigrade.

gpd shall mean gallons per day.

kg. shall mean kilograms.

l. shall mean liters.

m. shall mean meter.

mg/l shall mean milligrams per liter. 1 mg/l equals 1 ppm.

Mgl/d shall mean million gallons per day.

NPC shall mean National Plumbing Code.

ppm shall mean parts per million. 1 ppm equals 1 mg/l.

sq.m shall mean square meters.

V.S.A. shall mean the Vermont Statutes Annotated.

PWTF shall mean Potable Water Treatment Facility.

ARTICLE 4

Water Meters

SECTION 4.01-WATER METERS

All water, except as otherwise provided, will be sold by meter. Meters shall be read by the Town's authorized agents on a frequency established by the BOARD. Refer to Article 12 for Prohibitions and Penalties for Violation of Rules.

Except when otherwise provided, meters shall be furnished and owned by the Town and shall be located in satisfactory locations to protect against frost and other damage. In no case shall the Town deliver water through any meter over which it does not have exclusive control.

SECTION 4.02-DAMAGED METERS

Should a meter be damaged by frost or be damaged in any other manner for which the customer is responsible, the customer shall be charged the cost of removing, repairing and replacing the meter.

SECTION 4.03-MALFUNCTIONING METERS AND METER READING DISCREPANCIES

Meters which malfunction without fault of the customer shall, under normal circumstances, be removed and replaced at the Town's expense.

When a meter does not register, the Town will charge the customer for a quantity of usage comparable to the customer's prior usage during the same season of the past year, so long as all other conditions remain the same.

If a customer believes the water usage recorded by his/her meter is too high, the customer may request a meter test. A written report on the test shall be provided to the customer within ten (10) days of receipt by the Town's Water Department. The Town shall determine which of the following applies:

- A. If the service meter registers less than 2% fast, the customer will be charged the cost of removing, transporting, testing and replacing the meter.
- B. If the service meter registers more than 2% fast, the water bill for the past six months will be adjusted and a credit shall be given to the customer.

- C. If a residential service meter registers more than 10% slow, the customer will be charged, in addition to the cost of removing, transporting, testing and reinstalling the meter, an adjusted charge for the past six (6) months.
- D. If a service meter used for other than strictly residential service is more than 5% slow, the customer will be charged, in addition to the cost of removing, transporting, testing and reinstalling the meter, an adjusted charge for the past six (6) months.

SECTION 4.04-METER ACCESSIBILITY

Inspectors of the Water Department or persons so authorized by the BOARD must have free access to every building and other installation for the purpose of inspecting, removing, or replacing water meters.

SECTION 4.05-REMOTE READERS

Wherever practical, meter remotes shall be installed in order to facilitate the reading of meters. Remotes shall not be required in buildings accessible to the public and to Town employees during normal business hours.

Should circumstances change so that a meter in a public building is not accessible to the Town's authorized agents during normal business hours (8:00 a.m. to 4:00 p.m. Monday through Friday) the installation of a meter remote will be required at the customer's expense.

ARTICLE 5

Capacity Allocation and Connection

SECTION 5.01-OWNERSHIP AND PERMIT TO OPERATE

The Town owns and operates a water treatment PLANT (PLANT) and a water distribution system as defined in 10 V.S.A. Chapter 56. The PLANT has a permitted capacity, and is operated in accordance with the Permit to Operate issued by the Vermont Department of Environmental Conservation (DEPARTMENT) under authority granted in 10 V.S.A. Chapter 56. The BOARD is obligated by law to comply with conditions of that permit, and to operate and manage the PLANT and water system as governmental functions under and pursuant to 10 V.S.A. Chapter 56, and the Federal Safe Drinking Water Act and subsequent regulations.

SECTION 5.02-WATER SYSTEM EXPANSION PAID BY DEVELOPER

Any extension of the water system to provide for new users shall be funded in the following way:

- A. The engineering, design, construction and development costs of public water system expansions and extensions which have been approved by the BOARD shall be borne by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansions, unless the voters of the Town shall vote at a duly warned annual or special meeting to assume all or a portion of the costs, such costs will be paid from the collection of water rents unless the voters of the Town approved some other means of raising the required monies.

SECTION 5.03-INTRODUCTION TO RESERVE CAPACITY ALLOCATION

The permitted capacity of the PLANT and water system is the property of the Town. The uncommitted reserve capacity of the PLANT and water system shall be allocated by the BOARD in the manner described below. This ORDINANCE is adopted pursuant to the provisions of 24 V.S.A. Chapter 89, in the manner provided in 24 V.S.A. Chapter 59 (or in the manner provided for in 24 V.S.A., Chapter 117), and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the BOARD to regulate, control and supervise all means and methods of water treatment and distribution within the Town, nor shall it be construed to impair or inhibit the ability of the Town's PLANT to contract with persons for the treatment and distribution of water.

The Town maintains a running summary of committed reserve capacity and uncommitted reserve capacity.

SECTION 5.04-RESERVE CAPACITY ALLOCATION

A. Allocation Flow Basis

Approvals of allocated flows shall be based on the applicant's water "flow basis" not actual flows. Any differential between actual flows and the development water flow basis that occurs is not available to the applicant for re-allotment to another project or a project expansion.

B. Allocation Principles

Subsequent to application of the allocation priority, uncommitted reserve capacity in the PLANT may be allocated to specific projects according to the following procedure:

1. Once water capacity allocation applications have been received at the Town Office, the BOARD may review the applications on a first come, first serve basis. The total remaining uncommitted reserve capacity shall be allocated by the BOARD, in a manner consistent with the Town's allocation priorities. The total uncommitted reserve capacity shall be reviewed by the BOARD every six (6) months and committed reserve shall be regularly recorded and updated for use in allocation decisions.

2. The BOARD retains the right to review applications and make allocations on other than a first come, first serve basis if they find such action is in the Town's best interest.

SECTION 5.05-APPLICATION PROCESS INTRODUCTION

Application for a new water connection to the water system or for the change of an existing connection must be made by the applicant or his/her authorized agent and will be subject to all provisions and specifications that the Town may require.

Persons who own property or plan to purchase property connected to the municipal water system which they plan to develop or to further develop, thereby creating a new use or expanding/decreasing an existing use, shall submit a letter outlining those plans to the BOARD along with the appropriate application forms available at the Town offices.

The Town shall at no time authorize more new water services than it can supply. The Town shall be under no obligation to commit to any development any portion of its capacity, but may allocate its capacity amongst the various types of uses as the Town deems most appropriate.

Boundaries of areas served by the municipal water system shall be defined by the Town and the furnishing of water outside of the boundaries shall be at the discretion of the BOARD.

SECTION 5.06-APPLICATION PROCESS SUBMITTALS

- A. Owners (also referred to herein as "applicants") wishing to use the Town's water system, or water works, shall apply to the BOARD on forms prescribed by the BOARD. Such applications shall:
 1. Be accompanied by a calculation of the applicant's water flow basis to be generated by the project/development. The calculations shall be certified by a Vermont registered Professional Engineer, unless this requirement is waived by the BOARD.
 2. Include payment of fees as set forth in the Town's Schedule of Rates and Fees.
- B. The water capacity allocation application/permit process consists of three (3) phases:
 1. Preliminary Water Capacity Allocation Application for Approval.
 2. Final Water Capacity Allocation Permit approval.
 3. Water Connection Permit approval.

- C. The Preliminary Water Capacity Allocation Application for Approval makes a reserve capacity commitment for one (1) year.
- D. Final Water Capacity Allocation Permit approval makes a reserve capacity commitment for two (2) years.
- E. The Water Connection Permit approval maintains the reserve capacity commitment for two (2) years.

SECTION 5.07-PRELIMINARY CAPACITY ALLOCATION APPROVAL REQUIREMENTS

Upon receipt of an acceptable application and supportive documents, the BOARD may issue the preliminary approval of allocation upon making affirmative findings that:

- A. There is sufficient capacity to accommodate the flow basis of the proposed connection.
- B. The proposed use of the water allocation complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the BOARD.

SECTION 5.08-PRELIMINARY CAPACITY ALLOCATION APPROVAL CONDITIONS

The BOARD after making the approval findings in SECTION 5.07 may approve the Preliminary Water Capacity Allocation, which approval shall be a binding commitment of capacity to the applicant contingent on compliance with any conditions or comments attached to the preliminary permit and the subsequent issuance of a Final Water Capacity Allocation Permit. The Preliminary Water Capacity Allocation Approval conditions may include:

- A. Specification that the period of time during which the Preliminary Water Capacity Allocation Approval shall remain valid is one (1) year from the date of the Town's preliminary allocation approval date. The BOARD may issue time extension(s) upon the request of the Owner. For each extension granted, the maximum extension is one (1) year and requires an additional application fee.
- B. Incorporation of specific conditions which must be fulfilled by the applicant in order to maintain validity of the Preliminary Water Capacity Allocation Approval.
- C. Provision for revocation by the action of the BOARD on failure of the Owner to fulfill requirements of the Preliminary Water Capacity Allocation Approval.
- C. Specification that the recipient of the Preliminary Water Capacity Allocation Approval may not, by any means, transfer this approval to any other person or connect to the water system. If there is a change from the original application, then the Owner must reapply and the revised project will be considered a new project.

SECTION 5.09-FINAL CAPACITY ALLOCATION PERMIT APPROVAL REQUIREMENTS

Prior to Final Water Capacity Allocation Permit approval, the following requirements shall be met by the Owner:

- A. The Owner's plans and specifications for connection to and, if necessary, extension of the municipal water system have been submitted and are acceptable to the BOARD. The requirement for plans and specifications may be waived by the BOARD until the Water Connection Permit application is submitted to the Town.
- B. Applicable local, State and Federal permits have been secured for the development/project;
- C. All local fees or taxes set by the BOARD have been paid in full to the Town. The BOARD shall establish the fees in the Town's Schedule of Rates and Fees. Financial Hardship Case. The due date for the applicable fees may be extended by the BOARD. Said applicant may file its request in writing to the BOARD, for BOARD review. All fees, however, shall be paid by the Owner at the time when the Water Connection Permit application is Submitted to the Town.
- D. The owner shall schedule and pay the Town for the physical construction of its service connection to the Town's water system.

SECTION 5.10-FINAL CAPACITY ALLOCATION PERMIT APPROVAL CONDITIONS

A Final Water Capacity Allocation Permit is an agreement between the Town and the Owner. The Owner who is issued this permit does not own the capacity and forfeits all rights to capacity if Preliminary Capacity Allocation Approval and/or Final Capacity Allocation Permit conditions are not met.

The BOARD may approve the project as proposed, recommend or require changes, or reject the application for cause. The BOARD on making affirmative findings that all conditions of the Preliminary Water Capacity Allocation Approval prerequisites in SECTION 5.08 of this Article have been fulfilled shall issue the Final Capacity Allocation Permit, which may be conditioned as follows:

- A. The committed reserve capacity allocation is not transferable to any other person or project unless requested by the original applicant and approved by the BOARD, however, a new application must be submitted.
- B. Specification that the period of time during which the Final Water Capacity Allocation Permit approval shall remain valid is two (2) years from the date of the Town's final allocation permit approval date. The BOARD may issue time extensions(s) upon the request of the Owner. For each extension granted, the maximum extension is one (1) year, and requires an additional application fee.
- C. Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the final allocation permit approval.
- D. Provision for revocation by the action of the BOARD on failure of the Owner to fulfill requirements of the Final Water Capacity Allocation Permit approval.

- E. No approval of any application is considered to be final until all appropriate fees are paid in full. Nonetheless, the effective date is the date of approval. Failure of the applicant to pay the appropriate fees immediately shall not serve to extend the effective period of the approved application.

SECTION 5.11-FINAL CAPACITY ALLOCATON PERMIT EXPIRATION/EXTENSIONS

Committed Reserve Capacity allocated in conjunction with the Final Water Capacity Allocation Permit for building development shall revert to the Town if the permit recipient has failed to “initiate construction” within two (2) years of the issued date on said permit.

The Final Water Capacity Allocation Permit shall expire two (2) years from the date of its approval. A revised development plan and Final Water Capacity Allocation Application may be approved by the BOARD in the same manner as the original. Such revised plans must also be approved under local bylaws and by the applicable State Laws and Regulations. If the BOARD approves a revised permit, it may issue the revised permit with reduced or increased capacity allocation determined in accordance with the allocation priorities and principles. Where reduced capacity is granted in a revised Final Water Capacity Allocation Permit, the unused capacity shall revert to the Town. The BOARD shall determine the amount of unused capacity returned. With any approval of a revised final allocation permit, the BOARD may consider extension of the original two (2) year permit expiration date.

If a permit expires after two (2) years or after any extension of time provided by the BOARD, the unused portion of the committed capacity allocation at the time of expiration shall revert to the Town and **there shall be no refund** of system fees, application or other fees paid.

Regardless of the permit expiration period above, the BOARD may extend the Final Water Capacity Allocation Permit expiration date over a longer period if this action is in the Town’s best interest.

SECTION 5.12-FINAL ALLOCATION PERMIT REGARDING SUBDIVISIONS

For subdivision projects the permit holder of a proposed subdivided parcel must indicate the development planned for each lot. If all prerequisites defined for the Final Water Capacity Allocation Permit approval herein are met, permits shall be issued to the subdivision Owner for each lot with a specific reserve capacity allocation associated with the proposed development. These Final Water Capacity Allocation Permits shall expire after two (2) years from the date of permit approval unless the developer has sold the lot for development or has completed construction in accordance with the approved development plan. The expiration at two (2) years from original issuance shall not be modified by any revisions to the subdivision or development plan subsequent to the preliminary approval.

The reserve capacity allotted to lots that are either unsold or do not have building construction completed at the time of permit expiration shall revert to the Town without refund of any fees

paid. Reserve capacity shall also revert to the Town from any reductions made to the development water demand planned for each lot subsequent to preliminary approval.

When the owner of a subdivision sells individual lots within the two (2) year time frame, the Final Water Capacity Allocation Permit shall transfer when the property transfers and the new owner becomes bound to comply with all permits issued and the plans and specifications for connecting the municipal water system. The transferred permit shall be considered a new Final Water Capacity Allocation Permit issued on the date of property transfer and the constraints of this ORDINANCE shall apply to this permit. The permit shall expire as provided in the approved permit.

SECTION 5.13-TRANSFER OF ALLOCATION

Reserve capacity is initially allocated by the BOARD to a specific applicant, project and parcel of land; however, the allocation does not automatically run with the land during project construction.

The capacity allocation belongs to the Town and is not transferable until the project/building/development is constructed and connected to the Town's main water line. The transfer of the capacity allocation is prohibited unless approved in writing by the BOARD at the original Owner's request.

The BOARD may approve transfer of capacity from one project to another and one Owner to another provided the new project and new Owner meet all the requirements for the Final Water Capacity Allocation Permit approval originally issued and the original Owner applies for such transfer.

SECTION 5.14-CONNECTION PERMIT APPROVAL REQUIREMENTS

The construction of the water service connection/tap and, if necessary, the municipal water line extension, must meet the Town requirement for Town oversight.

The Owner shall complete and submit a Water Connection Permit Application to the Town along with the applicable fees at least forty-five (45) calendar days in advance of any proposed water connection construction. This permit will expire two (2) years after the date of BOARD approval. If construction of and connection to the municipal water system is not complete after two (2) years, reserve capacity shall revert to the Town and **there shall be no refund** of system fees, application or other fees paid. The BOARD may issue time extension(s) upon the request of the Owner. For each extension granted, the maximum extension is one (1) year and requires an additional application fee.

The construction of the water service tap to the municipal water main shall be performed by the Town. Additional constraints may be found in the ORDINANCE, where applicable.

The Town shall have the authority to inspect activities pertaining to the construction of other portions of waterline extensions, whether or not such extensions will become part of the municipal water system, as they deem is in the best interest of the Town. Given the nature of the

connection or extension project, the BOARD may contract engineering service for consultation and inspection services during construction, at the expense of the Owner.

Fees are set by the BOARD and have to be paid in full to the Town prior to granting Water Connection Permit approval and therefore, prior to commencing construction. A fee shall be paid for a residential permit and standard ¾" meter, with the fee being payable upon submission of the application. The fee for commercial uses will be established by the Town Selectboard upon receipt of an application for a commercial use, and the fee will be based on the cost of the meter required to monitor water use through the requested size (diameter) service line. Commercial fees must be paid before the service line is tapped into the main line.

The applicant shall file the Connection Permit in the land records of the Town along with copies of all fees paid and reference to the location of the approved connection plans and specifications.

SECTION 5.15-CHANGE OF USE

Any person proposing a change of use, whether or not this change affects the property's existing daily water flow basis, shall be required to complete the three (3) phase application/permit process stated in this Article unless waived in part or in full by the BOARD. If the applicant is required to obtain these permits, the BOARD may decide to waive some or all of the fees if they determine that the change of use does not require additional allocation when compared to the property's existing flow basis. No such change or connection shall be made without the necessary permits or written approval from the BOARD.

ARTICLE 6

Construction Phase

SECTION 6.01-CONSTRUCTION PHASE

After all permits for construction are obtained and all construction approvals are obtained, construction may begin.

SECTION 6.02-PRE-CONSTRUCTION MEETING

It shall be the responsibility of the Owner to schedule a pre-construction meeting between the Owner or Owner's agent, the contractor(s) and the Town's authorized agent at least fifteen (15) days prior to beginning an excavation relating to installation of any water lines or appurtenances(s). It is understood that the Contract Agreement between the Town and the contractor, if applicable, is executed prior to the pre-construction meeting.

- A. The purpose of this meeting, which shall be held at the site of the planned project with the approved Connection Permit on hand, is to review with the contractor(s) the Town's requirements and to familiarize the contractor(s) with the site conditions, which may, in the opinion of the Town's agent, bear review.

- B. If there is a change in contractor(s) after the date of the pre-construction meeting, the Owner shall schedule another pre-construction meeting before commencing/continuing with construction.
- C. During the pre-construction meeting, the Town's authorized agent shall keep a record of all the items discussed and/or required by the Town.
- D. The Owner shall attest that it recognizes the authority of the Town's authorized agent at the site to halt work if he/she determines that the work is not being performed in a manner consistent with the standards of the Water Department or in accordance with the standards or written specifications to which the Owner has agreed. The Owner shall further attest that it shall not hold the Town liable for work stoppages occasioned by such actions.
- E. The Owner shall attest that he/she shall not hold the Town liable for loss or damage that may directly or indirectly result from the performance of the permitted activity.
- F. The Owner shall attest that he/she agrees to pay all costs and expenses related to the permitted work including, but not limited to, street damage, damage to underground and aboveground utility lines, which result from the performance of the permitted activity.
- G. Winter Shut-Down: The validity of the Water Connection Permit approval shall be superseded from October 1st until May 1st each year unless an exemption is granted by the Public Works Supervisor.
- H. The applicant shall be responsible for scheduling the installation of water system appurtenances with the Town at least fifteen (15) days before beginning the permitted activities.

SECTION 6.03-CONSTRUCTION

The Customer shall pay the entire cost of design and construction of water lines, appurtenances and extensions of the water system, regardless of whether such construction or extension is ultimately accepted by the Town after installation.

- A. Construction of water lines and appurtenances shall be performed according to the applicable Town permits and all subsequent written changes or additions thereto which the Town and the permittee have agreed. At a minimum, all construction piping shall be built to the specifications of the Town including a minimum of a ¾" inside diameter service line made of copper, and if applicable, the Vermont Department of Environmental Conservation, U.S. Environmental Protection Agency, and any other State or Federal agencies having jurisdiction of same.
- B. Construction of water lines and appurtenances must be inspected and approved by the Town before being covered.

- C. The Customer shall not connect any plumbing connected to the Town water service to a well, spring or other source of water. Connections to the Town water system shall be entirely separate from any other water service.
- D. Ground wire attachments causing electrolytes shall not be connected in such a manner as to cause damage to the Town's water system.
- E. Upon completion and approval of the installation and payment of all applicable charges by the applicant to the Town, and upon the legal transfer of rights-of-way where required, the installation, as far as the curb stop at the Customer's property line or other point agreed upon by the Town, will be maintained by the Town.
- F. The Customer shall be responsible for maintaining in good repair all plumbing on the Customer's side of the curb stop, or other point agreed upon by the Town and the customer. This shall include the maintenance and cost of maintenance for repairing breaks and/or leaks in, or replacement of, the service line on the Customer's side of the curb stop, for repairing or replacing faulty household plumbing, and for repairing or replacing fixtures which, when not functioning properly, discourage, or tend to discourage the inspection, removal or replacement of the water meter by authorized persons.
- G. The Customer shall be responsible for all costs of such maintenance whether the maintenance is undertaken at the Customer's discretion or upon the order of the Chief Operator.

SECTION 6.04-AUTOMATIC FIRE SUPPRESSION "SPRINKLER" SYSTEMS

Applicants who propose to install a sprinkler system shall submit a letter requesting approval to do so stating the estimated maximum flow requirements of the system and outlining the details of the sprinkler system. Sprinkler systems may be approved contingent upon meeting applicable State codes. In addition, the customer shall submit an application for water service.

The Town may decline to supply service, in whole or in part, to any sprinkler system if, in the determination of the BOARD, the system would place undue demands upon any portion of the Town's water system.

The Customer shall furnish the Town with a complete set of drawings which show the locations of the premises to be sprinklered and the location of all valves, pipes, hydrants, tanks, sprinkler heads and other appurtenances. These plans will remain as the property of the Town. The Customer shall also furnish drawings of any later revisions to piping or appurtenances when they are made.

All sprinkler systems shall be subject to periodic inspections by the Town for the purpose of determining water usage only. The Owners of these systems will give the Town inspectors all reasonable assistance in making the inspection and will give all required information about the system. Inspections will be made with as little inconvenience to the Owner as possible.

SECTION 6.05-FIRE HYDRANTS

The Town may install public fire hydrants wherever and whenever it deems necessary.

The Town will consider written requests for the installation of public fire hydrants by property owners connected to the system

The Town will consider official requests for the installation of public fire hydrants by the Lyndonville Fire Department.

The Town may require any applicant for new or expanded service to install public fire hydrants in its project as a condition for receiving approval to connect to the water system. The number and location of the hydrants shall be determined by the Town. All hydrants erected as a portion of a waterline replacement or extension shall be inspected and approved by the Town before water service is restored or provided to the replaced or extended section of waterline.

All fire hydrants and their connections become the property of the Town once they have been inspected, approved and accepted, provided the water supply piping the hydrants are connected to also becomes part of the Town property.

No person or persons shall obstruct the access to any fire hydrant by placing or permitting snow, debris or building materials or other obstruction to remain on or about the hydrant.

All use of fire hydrants shall be under the direct supervision of Fire Department, Water Department or other authorized Town personnel and shall be for bona fide purposes of these departments of the Town only, unless written consent of the BOARD is obtained.

All hydrants found to be inoperative shall be flagged/bagged in a manner acceptable to the Fire Department, to indicate that condition. When hydrants are found to be inoperative the Fire Department shall be notified in writing within twenty-four (24) hours.

All hydrants installed on the Town water system shall be manufactured by Waterous unless the BOARD authorizes another type of hydrant.

SECTION 6.06-TOWN INTERRUPTION OF SERVICE

The Town is not liable for any damage caused by interruption of service.

- A. The Town will exercise reasonable diligence and care in delivering a continuous supply of water at a proper pressure and will attempt to avoid shortage or disruption of service. No responsibility will be assumed for any damage to any apparatus in any house or building due to shutting off water without notice either for:
 - 1. Repairs;
 - 2. Pipeline breaks; or
 - 3. Necessary operations
- B. No person shall be entitled to damages, nor to have any portion of a payment refunded, for any stoppage occasioned by accident to any portion of the water works.
- C. While it is the intention to give notice, as far as reasonable, in advance of any work which must be done that will necessitate interruption of the supply, such notice is to be considered a courtesy only, and not a requirement on the part of the Town. Failure of a tenant or property owner to receive notice of interruption of service shall entail no liability on the part of the Town or its employees. Property owners should install range boilers, hot water tanks and all other equipment connected with the water system in such a manner that damage will not occur if the water is shut off without notice.
- D. The Town will endeavor to maintain a high standard of water quality, but it cannot guarantee the purity and potability of the water supplied. The Town will comply with Vermont Department of Health, Vermont Department of Environmental Conservation and U.S. Environmental Protection Agency monitoring and reporting requirements.

SECTION 6.07-STEAM THAWING OF FROZEN WATER SERVICE LINES

- A. When a service line freezes, it may not be possible to determine where the freezing has occurred until the shut-off has been tested and the pipe has been thawed.
- B. If the Town determines that the service line was frozen only on the Customer's side of the shut-off, the Customer is responsible for thawing the pipe. Additionally, it shall be the Customer's responsibility to excavate the pipe as soon as possible and/or to take such steps as will prevent the freezing from recurring.
- C. If the Town determines that the service line was frozen only on the Town's side of the shut-off, the Town shall be responsible for the cost of steam thawing the service line.

D. If the Town determines that the service line was frozen on both sides of the shut-off the Customer shall be responsible for one-half of the cost of steam thawing the service line. The Customer will be responsible for one-half the cost of labor and equipment provided by the Town.

E. The Town recommends that, when service pipes have frozen, the customer run water continuously through the pipes until the conditions which caused the freezing have changed, in order to prevent the re-freezing of the pipes. Under this circumstance, the Town shall issue a written permit to the customer allowing this to be done.

1. Where the freezing is determined to have been on the customer's side of the shut-off, the Owner will be liable for the water charge for the water run for this purpose.

2. Where the freezing is determined to have been on the Town's side, the Customer will receive credit for the additional water charge for the water run for this purpose.

3. Where the freezing is determined to have occurred on both sides of the shut-off the Customer will be responsible for half the additional water charge applicable when water is run for this purpose.

F. Where necessary, the Town will determine the additional amount of water run to prevent re-freezing.

SECTION 6.08-LEAK IN PRIVATE LINE

If based upon a water meter reading or other information, the Town has a reasonable basis to believe there is a water leak in a private water line; the Town may schedule a hearing with the BOARD to turn off or disconnect the water to said line.

- A. The Owner of the property shall be provided with a written notice of the date, time and place of the hearing, mailed at least seven (7) days prior to the hearing by Certified Mail, Return Receipt Requested, to the last known address of the Owner.
- B. If the mailing address of the Owner and the property address are different, the Town shall also deliver a notice in hand to an adult at the property affected or leave a copy of the notice at the building if in hand notification to an adult cannot be accomplished.
- C. The notice of hearing shall indicate that the Town has recommended that the water to the property be disconnected. The notice shall also indicate that the Owner has until the date of the hearing to repair or otherwise correct the leak.
- D. If repairs are made to the satisfaction of the Town's Chief Operator, he/she shall notify the BOARD and the hearing shall be cancelled. In that event, notice of cancellation shall be mailed to the Owner by first class mail.
- E. If the Owner does not believe that there is a leak or there are other circumstances that the Owner or occupants believe the BOARD should consider, the Owner and occupants shall be entitled to attend the hearing of the BOARD and be heard. In the

alternative, the Owner and occupants may also submit a written response to the BOARD.

- F. If a hearing is conducted and the BOARD is not satisfied that the leak has been repaired or corrected, it shall issue an order instructing Town employees to shut off the water at the curb stop to such property on the second business day following the date of the order. A copy of the order shall be mailed or delivered to the Owner and occupants in the manner described in subsection 6.08A above.
- G. If water is shut off in accordance with such an order, the Owner will be required to satisfy the Town that the leak has been repaired or otherwise corrected and pay any outstanding balance on the account before the Town authorizes the water to be turned back on.
- H. If the Owner or occupant is dissatisfied with any decision made by the Town in connection with a water leak, the Owner or occupant may request a hearing before the BOARD. However, such a request shall not stay a disconnect order previously issued by the BOARD, nor shall it delay a previously scheduled hearing.

SECTION 6.09-REQUIREMENTS FOR CONNECTION/RE-CONNECTION

No new water service shall be turned on for service in a premises in which the plumbing does not comply with the ordinances of the Town and applicable State plumbing codes; provided that water may be turned on for construction work in unfinished buildings, subject to the provisions in this chapter. The Town Public Works Supervisor or another employee of the Town of Lyndon authorized by the Public Works Supervisor or Selectboard is authorized to inspect plumbing and determine compliance with this provision prior to initiating water service.

All water service connections, both existing and new shall be constructed and maintained in accordance with the Selectboard of Lyndon “Water System Backflow Prevention Policy” and the Backflow policy of the State of Vermont Water rule Chapter 21.

1. The Town of Lyndon shall be responsible for the protection of the public potable water distribution system from the contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. For all new water service connections; the backflow assembly shall be installed by a plumber licensed by the State of Vermont prior to the water service being turned on for service. If, in the judgment of the Town an approved backflow prevention assembly is required at a consumer’s private water system for the safety of the water system, the Town or its designated agent shall give notice in writing to said consumer to install such an approved backflow prevention assembly(s) at a specific location(s) on his premises. The consumer shall have installed by a plumber licensed by the State of Vermont such an approved backflow prevention assembly(s) at the consumer’s own expense within the time schedule required by

the notice; and, failure, refusal or inability on the consumer to install, have tested and maintained said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

2. Existing properties shall be required to have installed by a plumber licensed by the State of Vermont, a backflow prevention assembly(s) prior to re-connection if the water is shut off to perform rehabilitation/modification on their existing water line on their property. This also applies to vacant residences that have had their service disconnected.
3. Consumers who have had service discontinued for nonpayment of water bills or seasonal shut offs shall be given 30 days' notice in writing by the Town or its designated agent to install such an approved backflow prevention assembly(s) at a specific location(s) on his premises. The consumer shall have installed by a plumber licensed by the State of Vermont such an approved backflow prevention assembly(s) at the consumer's own expense within the time schedule required by the notice; and, failure, refusal or inability on the consumer to install, have tested and maintained said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

ARTICLE 7

Water Fund Management

SECTION 7.01-SINKING FUND/CAPTIAL RESERVE FUND ESTABLISHMENT

The following provides for and restricts the use of set-aside (sinking/capital reserve) funds to finance future major maintenances/replacement costs and PLANT/distribution system expansion/upgrade costs.

SECTION 7.02-SINKING FUND/CAPITAL RESERVE FUND ESTABLISHMENT

A separate sinking fund and/or capital reserve fund may be utilized for major maintenance/replacement expenditures and for expansion/upgrading expenses associated with the water distribution and treatment system in the Town. Sinking fund/capital reserve fund establishment for maintenance/replacement expenditures shall be based upon at least the following in writing: major maintenance/replacement identification, estimated expenditures, estimated year of expenditure, payment amount, type of account used to accumulate sinking fund/capital reserve fund assets, source of funding and when payments are to stop. All sinking funds/capital reserve funds shall be established and maintained in accordance with 24 V.S.A. Chapter 89, Section 3313.

SECTION 7.03-SINKING FUND/CAPITAL RESERVE FUND MANAGEMENT

The Town reserves the right to increase, decrease, stop and or maintain regular deposits to a sinking fund/capital reserve fund. The water fees charged for expansion costs shall be deposited into a separate account and a record shall be kept to show payment date, person making payment, and payment amount. The water BOARD holding office has the authority to withdraw sinking fund/capital reserve fund amounts only for the purpose of paying for major maintenance/replacement expenditures and for expansion/upgrading expenses for which the fund was established.

SECTION 7.04-SINKING FUND/CAPITAL RESERVE FUND ASSETS

When sinking fund/capital reserve fund assets are not disbursed fully for major maintenance/replacement expenditures and/or plant expansion, excess money shall remain in the fund for future related expenditures similar in nature.

ARTICLE 8

Water Charges

SECTION 8.01-WATER BASE AND USE RATE

The Water Base Rate and the Water Use Rate shall be charged to customers on the Town's water system for the purpose of the payment associated with the costs of operating, maintaining and repairing said system including loan repayment expenses as appropriate. These fees shall be based upon rate structure(s) decided by the BOARD. Fees may be updated on an annual basis or as the BOARD deems necessary. Fees shall be posted on the duly adopted "Schedule of Rates and Fees" which is available at the Town offices.

SECTION 8.02-CHARGING CONNECTED VACANT PROPERTIES

Vacant properties that are connected to the public water system may be charged the Water Rate established in SECTION 8.01 whether or not the property is occupied.

SECTION 8.03-CUSTOMER RESPONSIBILITY

Water bills are rendered in the name of the customer. A Customer who has tenants metered separately shall receive one (1) bill for each tenant so metered. If more than one tenant is on the same meter, the customer shall receive one bill which will include all tenants on that meter.

- A. The customer is responsible for the payment of water bills, without regard as to whether the customer is the ultimate user. By applying for water service, the customer agrees to pay all bills as they become due, and failing to do so, agrees to pay all costs of collection, including attorney fees.

- B. The customer is responsible for notifying the Town, at the Town office, of any changes in mailing address.
- C. Failure to receive a bill does not relieve the customer of the obligation for payment or for payment of penalties for late payment.

SECTION 8.04-COLLECTION OF DELINQUENT WATER CHARGES

In the event any water charge is not paid by the bill's due date or within thirty (30) days from the bill's postmark date, an interest charge shall be added to the water charge. The amount of the interest charge on the overdue account shall be 1% per month. The Town has the authority to place a lien on the real estate or may defer the property for tax sale if delinquent water charges remain unpaid. Refer to SECTION 9.07 of the ORDINANCE for further information on liens and tax sales.

SECTION 8.05- Customer Requested Service Calls.

Any customer request to turn a water service connection on or off shall be charged based on a fee established by the Town Selectboard.

ARTICLE 9

Disconnection of Service

SECTION 9.01-DELINQUENT ACCOUNTS/DISCONNECTIION OF SERVICE

Under the Uniform Water and Sewer Disconnect, 24 V.S.A., chapter 129, water accounts which are not paid within thirty (30) days of the bill's postmark date become delinquent and may be disconnected. Disconnections are subject to certain restrictions as specified in the Vermont Statutes.

SECTION 9.02-NOTICE REQUIREMENTS BEFORE DISCONNECTION

Before disconnection can occur, the customer must be given notice of delinquency and advised of the possibility of having its service interrupted. The notice must meet the following requirements as stipulated in 24 V.S.A., Chapter 129:

- A. It must be sent within forty (40) days after delinquency.
- B. It must be sent not more than twenty (20) days, nor less than fourteen (14) days prior to the planned disconnection of service.
- C. It must be on pink paper.

- D. It must be on the Uniform Notice Form provided for by law, informing the customer of their delinquency, collection and reconnection fees, methods of arranging payment of the bill and appeal rights.
- E. A copy of the notice shall be sent to the occupant of the residential dwelling that will be affected by the disconnection if the occupant is different than the Customer.
- F. The notice may provide for the disconnection of service for an aggregate delinquency, comprised of more than one (1) delinquent charge, so long as the notice is sent within forty (40) days after one (1) such charge becomes delinquent.

SECTION 9.03-TIME AND MANNER OF DISCONNECTION

- A. The Town shall disconnect water service only between the hours of 8:00 a.m. and 2:00 p.m. of the business day specified on the Uniform Notice Form or within the same hours during the four (4) business days thereafter. See Article 2 for the definition of “business days”.
- B. When service is disconnected at the premises of the Customer, which shall include disconnection at or near the premises of the Customer, the individual making the disconnection shall give written notice “Notice: Your Water Service Has Been Disconnected” to a responsible adult on the premises that service has been disconnected. If no responsible adult is present, the individual shall leave the notice on the premises in a conspicuous and secure place. The notice shall state what the Customer must do to have service restored.

SECTION 9.04-WHEN DISCONNECTION IS PROHIBITED

The Town shall not cause the disconnection of water service in any of the following circumstances:

- A. The delinquent bill or charge, or aggregate delinquent bills or charges, do not exceed Fifteen Dollars (\$15.00)
- B. The delinquency is due solely to a disputed portion of a charge which is the subject of an appeal.
- C. The delinquency is due to a failure to pay a deposit, line extension, special assessment, special construction charge or other non-recurring charge.
- D. The disconnection would represent an immediate and serious hazard to the health of the Customer or a resident within a Customer’s household, as set forth in a physician’s certificate which is on file with the Town. Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, providing the certificate is in fact received within seven (7) calendar days thereafter. The certificate will be considered valid and in force for thirty (30) days or the duration of the hazard, whichever is less. See Article 2 for the definition of “Physician’s Certificate”.

- E. The Customer has not been given an opportunity to enter into a reasonable agreement to pay the delinquent bill, as provided in Section 9.05 below, or, having made such agreement, has abided by its terms.

SECTION 9.05-AGREEMENT FOR PAYMENT OF DELINQUENT BILL OR OTHER CHARGE

Any rate payer who seeks to avoid disconnection by entering into a written agreement with the Town to pay a delinquent bill or other charge shall be given an opportunity to do so as follows:

- A. Such an agreement may be entered into at any time, either before or after the disconnection of the customer's service.
- B. As a matter of business practice, the Town will not enter into any such agreement for payment of the full amount of the delinquent bill over any period in excess of six (6) months, nor will the Town enter into any agreement which does not also require the customer to pay all future charges as they become due.
- C. In the event that an agreement is reached after collection trips have been made, or service has been reconnected, the charges for such action may be added to the delinquent bill or charge to which the agreement relates.
- D. Interest shall accrue on the entire outstanding delinquent amount to which the agreement relates.
- E. It shall be the responsibility of the Customer to obtain and execute a written agreement on the form specified by the BOARD.
- F. Failure to satisfy the terms of such agreements shall be deemed to constitute a failure by the Customer to abide by the terms of the said agreement and will subject the Customer to disconnection without further notice, in addition to any other collection action which the Town may take.

SECTION 9.06-RESTORATION OF WATER SERVICE

If water service has been disconnected for delinquency of payment of a valid bill or other charge, the Town shall, within twenty-four (24) hours, restore service upon the Customer's request when the cause for disconnection has been removed, or when an agreement has been reached between the Customer and the BOARD regarding the dispute which led to the disconnection.

Restoration of service, to the extent feasible, shall be done so as to avoid charging a Customer overtime wages and other abnormal expenses.

Prior to reconnection the Town shall require the presence of the customer or their representative to allow for an inspection of the plumbing inside the house to insure the required ball valves, pressure reducer and back flow prevention device are present and properly functioning. Furthermore, it will serve as a precautionary measure to ensure that there was nothing that was left on after the disconnection occurred which could lead to unintended water usage or water damage to the property.

In cases where disconnection or interruption of service is made for reasons of health or safety of the Customer or of the general public, no collection or reconnection fees shall be charged.

SECTION 9.07-TAX SALES AND LIENS ON REAL PROPERTY

Upon delinquency of payment of a valid bill for service provided to the Owner of the real estate or other charge for water service properly charged to the Owner of the real estate, the BOARD may file notice of a lien or notice of a tax sale upon the real estate with respect to which the water service was rendered, provided in 25 V.S.A., Chapter 89, Section 3306. Such notices shall be in the standard form furnished by the Town and recorded with the Clerk of the Town. A copy of the notice shall be mailed to the Owner and all lien holders or mortgagees of the property. Before filing the lien or deferring the property for tax sale, the BOARD shall give the Owner of said property an opportunity to be heard.

If the Owner fails to enter into any agreement for payment of a delinquent bill, or if the Owner fails to abide by the terms of said agreement, the BOARD has the authority to place the real estate up for tax sale, in accordance with 32 V.S.A., Chapter 133, Section 5252, regardless of the total dollar amount of the delinquency and the period of time for which the Owner has been delinquent, as the BOARD deems necessary.

The Town also has the authority to foreclose on liens in the same manner as provided by law for the foreclosure of mortgages on real estate, when such lien has been in effect for more than two (2) years, 24 V.S.A., Chapter 89, Section 3306 and 32 V.S.A., Chapter 133, Section 5061. While foreclosure of a lien is generally only undertaken when the value of the real estate is worth less than the dollar amount of the lien, the BOARD may use their discretion to determine what is in the best interest of the Town.

Upon full payment of all delinquent bills and other charges, the BOARD shall notify the Clerk of the Town in which the lien was filed that the lien has been discharged.

ARTICLE 10

Appeals

SECTION 10.01-APPEALS

A customer may appeal with respect to the proper amount of its bill or the applicability of this ORDINANCE to it relating to the provision of water service. No appeal may be maintained with

respect to the level or design of water rates themselves. During appeal, disconnection shall be postponed.

The BOARD may appoint one or more of its number to act as Hearing Officer (s) for the purpose of appeal. Alternately, the BOARD may appoint a responsible citizen to act as a Hearing Officer.

The Hearing Officer is appointed pursuant to 24 V.S.A., Chapter 129, Section 5147 to act as a fact finder and to hear and investigate evidence, and to make recommendations to the BOARD for final determination of a dispute.

Claims, complaints and appeals will first be referred to the Municipal Administrator. If a mutually satisfactory settlement cannot be reached, the claimant will be so informed, in writing by Certified Mail, Return Receipt Requested. The claimant will be notified at that time that he/she will have the opportunity to present his or her claim to the BOARD, either in writing or in person, within thirty (30) days of such notification. If such a claim is not presented, the BOARD will act on the recommendation of the Hearing Officer.

Upon appeal to the BOARD, the BOARD shall fairly and promptly hear any and all written requests for appeals by the Customer after notice to all interested parties.

Upon just cause shown, the BOARD may grant exception to any customer.

ARTICLE 11

Unauthorized use of Water

SECTION 11.01-UNAUTHORIZED USE OF WATER

- A. The Town may take legal action against any person who shall use municipal water without authorization from the Town by:
 1. Tapping or making any connection with any street main or service or distribution pipe.
 2. Opening or closing any valve or hydrant connected with said system.
 3. Obtaining the use of water without authorization in any way or by any device, including the operation of curb valves by repairmen or plumbers for any purpose.

- B. Water shall not be allowed to run to waste through any faucet or fixture to prevent freezing or be kept running for any longer than necessary for its proper use without written approval from the Town or the Public Works Supervisor. The Town is required to restrain and prevent any and all waste of water and to that end may, when necessary, turn off water or take such other action as, in its judgment appears proper. If the Town or Public Works Supervisor does authorize the use of running water to prevent freezing, no adjustment in fees will be made unless the Town has determined

that the freezing issue is on the Town's side of the customer's water shut-off, refer to SECTION 6.07 of the ORDINANCE.

ARTICLE 12

Prohibitions and Penalties for Violations of Rules

SECTION 12.01-PROHIBITIONS

- A. No person shall deny access to any inspector of the Town or any person authorized by the Town to conduct an inspection or perform such other duties as set forth in this ORDINANCE.
- B. No person shall violate any emergency rule adopted by the BOARD as provided in Article 1 of this ORDINANCE.
- C. No person shall damage, remove, or tamper with any meter through which water service is being provided. No person shall break the seal of any such meter.
- D. No person shall damage, remove, or tamper with any meter remote or wire connecting the meter and remote at a service location. No person shall break the seal of any such remote.
- E. No person shall knowingly cause water to be taken at any service location or elsewhere, in any manner inconsistent with the application for service governing such location, any contract for the supply of water application to such location, any terms and conditions based upon service at such location by the BOARD or this ORDINANCE.
- F. No person shall take, use, or re-sell water from the Town's water system at any location or in any manner that is not authorized by the BOARD. No person may make, and no customer shall suffer or permit any person to make, any connection to that system, unless such connection is authorized by the BOARD.
- G. No person shall obstruct the access to any fire hydrant.
- H. No person shall make any connection to any hydrant on the Town's water system, and no person may cause any such hydrant to be opened, except as authorized by this ORDINANCE, or otherwise by the BOARD.
- I. No person shall make any material misstatements of fact in any application for water service.

- J. No person shall complete construction of any service connection with the Town's water system in any manner other than that set forth in any plans and specifications submitted to and approved by the BOARD. No person shall fail to disclose any deviations or variations from such plans to the BOARD at the first date such variations or deviations become known to such person.
- K. No person shall violate and no customer shall suffer or permit any person to violate at the customer's service location, any provision of this ORDINANCE, or shall violate any order, direction, or emergency rule adopted by the BOARD.

SECTION 12.02-PENALTIES FOR VIOLATION OF THIS ORDINANCE

- A. This is a civil ORDINANCE. Enforcement procedures for this civil ORDINANCE shall be in accordance with the provisions of 24 V.S.A., Chapter 59, Sections 1974(a) and 1977 et seq.
- B. Any person violating any of the provisions of the ORDINANCE, shall become liable to the Town for any expenses, loss or damage caused by such offense and shall be served by the BOARD with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease the violation.
- C. Any violation of this ORDINANCE shall be a civil matter enforceable to the extent as referenced in Paragraph A of the SECTION. A civil penalty shall be assessed for each offense. The amount of the civil penalty shall be determined by the hearing officer, not to exceed five hundred dollars (\$500.00) per offense. Each day the violation continues shall constitute a separate offense. The offender can choose to pay the waiver fee on the complaint or request a hearing to contest the violation with the Judicial Bureau. The waiver fee shall be determined by the hearing officer and shall be less than the civil penalty.
- D. Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction, or other proceeding to prevent, restrain or abate violations hereof, and any other legal and equitable relief to seek compensatory damages and compensation for other fees and expenses as provided in the ORDINANCE.

ARTICLE 13

Amendments, Changes and Petitions

SECTION 13.01-AMENDMENTS AND CHANGES

The BOARD may make such amendments, changes, etc to the ORDINANCE that appear in its judgment to be necessary for the efficient operation and/or in the best interests of the water system.

All Rules, Regulations, Ordinances, Policies, Procedures, or other regulatory provisions in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or provision of the ORDINANCE shall not affect the validity of any other part of the ORDINANCE which can be given effect without such invalid part or parts.

SECTION 13.02-PETITIONS

Citizens have the right to petition for a vote on the ORDINANCE and amendments at an annual or special meeting as provided in 24 V.S.A., Chapter 59. If a petition is received in accordance with 24 V.S.A., Chapter 59 a special meeting shall be called within sixty (60) days of the receipt of the petition to determine whether the voters will approve/disapprove the ORDINANCE and/or amendment hereto.

ARTICLE 14

Ordinance in Force

SECTION 14.01-ORDINANCE IN FORCE

This ORDINANCE shall be in full force and effect from and after its passage, approval, recording and publication as provided by law, replacing the Water Ordinance enacted January 30, 1995.

Duly enacted and ordained by the Board of Water Commissioners of the Village of Lyndonville, Caledonia County, State of Vermont, on the 24th day of June, 2013, at a duly called and duly held meeting of said BOARD. This ORDINANCE shall become effective sixty (60) days from the date hereof. BOARD OF WATER COMMISSIONERS VILLAGE OF LYNDONVILLE.

I, the undersigned duly elected Town Clerk for the Town of Lyndon, do acknowledge by my signature that the document is the Rules and Regulations as amended by the Board of Water Commissioners on _____, 2023.

Dated this day of , 2023.

Town Clerk Signature

Town Clerk Printed Name

Appendix A

