

ORDINANCES OF THE VILLAGE OF LYNDONVILLE

ADOPTED JAN. 30, 1995

EFFECTIVE APRIL 1, 1995

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Amended October 10, 2008

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**ORDINANCES OF THE VILLAGE OF LYNDONVILLE, VERMONT
ENACTED BY THE VILLAGE TRUSTEES**

Be it ordained by the Trustees of the Village of Lyndonville, Vermont, as follows:

CHAPTER 1

GENERAL PROVISIONS

Sec. 1. This and all following ordinances shall be known as "Ordinances of the Village of Lyndonville", 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 Subject to the said limitations, all ordinances of the Village heretofore in force are hereby repealed; but this repeal shall not apply to or affect any ordinance heretofore adopted which accepts or adopts the provisions of any statute of the State. No ordinance which has been heretofore repealed shall be revived by the repeal mentioned in this chapter.

Sec. 2. All enactments by the Trustees for the government of the Village 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 TRUSTEES OF THE VILLAGE OF LYNDONVILLE
AS FOLLOWS:"**

For resolutions:

**"BE IT ORDERED BY THE TRUSTEES OF THE VILLAGE OF LYNDONVILLE
AS FOLLOWS:"**

Each ordinance shall be known as a chapter of the Village Ordinances, and shall bear its appropriate number, and each resolution shall be numbered by the Village Clerk in the order of its passage by the Village Trustees.

Sec. 3. The Trustees shall meet regularly during each month on such day as the Trustees 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.

Sec. 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 Trustees.

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 Section 20 of the Village Charter.

Sec. 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.

Sec. 6. The Village Clerk shall be Clerk of the Board of Trustees. It shall be his/her duty to attend all meetings of the Board of Trustees and to make and keep a record of those meetings. The Clerk shall engross these and all other ordinances and resolutions hereafter passed, in the order of their passage, keeping separate books for the ordinances and separate books for resolutions. These books shall be marked "ORDINANCES OF THE VILLAGE OF LYNDONVILLE" and "RESOLUTIONS OF THE VILLAGE OF LYNDONVILLE" respectively. The books will be kept in the office of the Village 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 Village government and for general distribution.

Sec. 7. 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 Trustees, shall when recovered, inure to the Village, and be paid into the Village treasury, unless otherwise directed by the laws of the State or the ordinances of the Village.

Sec. 8. All permits provided for in these ordinances shall be approved only after vote of the Village Trustees. The decision of the Trustees will be recorded by the Village Clerk in the minutes of the meeting in which the vote was taken.

Sec. 9. All licenses provided for in these ordinances shall be issued by the Village Clerk over his signature by the authority granted him by the Village Trustees. However, in case said Village shall have a Village Manager, said licenses shall be issued by such manager over his/her signature.

Sec. 10. All applications for either licenses or permits and any specifications and plans submitted therewith shall be kept on file by the Village 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.

Sec. 11. Words importing the singular number may extend and be applied to more than one person or thing; words importing the plural number may be applied if singular; words importing the masculine gender may extend and be applied to persons of the feminine gender; the words "person" or "individual" may extend and be applied to bodies corporate and politic and to partnerships and unincorporated associations; when time is to be reckoned from a day, date, or an act done, such day, date, or day when such act is done shall not be included in the computation, unless otherwise provided.

Sec. 12. 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. As required by applicable sections of the same law, the following appointments are made:

A. Custodial Official: The Village Custodial Official shall be the Village 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. Village issuing officials include any police officer employed by the Village; the Village Municipal Assistant; the Village Public Works Supervisor Town/Village Grand Jurors; Town/Village constables; the Town/Village Health Officer; the Town/Village Zoning Administrator, State Police Officers and County Sheriff Patrol Personnel.

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

Sec. 13. 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.

Sec. 14. 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.

Sec. 15. 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.

CHAPTER 2

AUTOMOBILES AND TRAFFIC REGULATIONS

Amended Effective December 28, 2012

Sec. 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.

Sec. 2. The speed of motor vehicles on any street or highway within the boundaries of the 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 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 Village Clerk's Office. Any person violating this section shall be fined \$100.00.

Sec. 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 East Street, and Hill Street and Chase Street. Nor shall any operator travel southerly on East Street between the intersections of East Street and Depot Street, and East Street and Hill Street. Nor shall any operator travel northerly on Chase Street. Any person violating this section shall be fined \$50.00.

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

Sec. 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.

Sec. 6. The Board of Trustees of the Village of Lyndonville may regulate motor vehicle traffic by causing signs, markers or markings to be placed or painted on Village 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 Village streets. No person shall operate a motor vehicle or walk upon streets of the Village of Lyndonville in violation of the signs, markers or markings caused to be placed on Village streets. Any person violating signs, markers or markings of this section which regulate parking shall be fined \$50.00.

Sec. 7. Any person driving a motor vehicle or team on any highway or street in the Village of Lyndonville 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.

Sec. 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.

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

Sec. 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.

Sec 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:

- 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 Broad Street from Tute Hill.
- 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 High Street from Chase Street
- LL. Before entering Depot Street from 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.

Sec. 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.

Sec. 13. State/ Town/ Village, police, emergency medical, the Village Superintendent 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.

Sec. 14. The Trustees 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 Trustees 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. Any person violating this section shall be fined \$25.00

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 shall be fined \$25.00.

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 shall be fined \$25.00

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 shall 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 shall be fined \$25.00.

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 Street. This shall include the green space between the street and sidewalk. Any person violating this section shall 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 shall be fined \$25.00

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 shall be fined \$25.00.

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 shall 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 shall 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 shall 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 shall be fined \$25.00 or towed at the owner's expense."

M. 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 govern the parking of semi's within the limits of the Village of Lyndonville:

1. No semi parking on a village 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 the village, 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 regards to parking within the Village.

Sec. 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.

Sec. 16. The Trustees 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 Village for a taxicab parking space, and signs marking taxicab parking will be erected and maintained at the licensee's expense.

Sec. 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.

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

Sec. 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 rear view mirror. Any person violating this section shall be fined \$100.00.

Sec. 20. 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 Village 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 Village 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 Village 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 his 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 his 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 Village of Lyndonville. 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 his 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, he/she 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.

Sec. 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 Village of Lyndonville. 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 Village of Lyndonville, the owner of which has three (3) or more unpaid parking violations may be immobilized by an officer or member of the Lyndonville 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 Lyndonville 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 – 5 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 20 A of the village ordinances.

Further, should the immobilization of the vehicle, cause same to become in violation of the village 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 Village of Lyndonville, 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 Village of Lyndonville 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 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 (60) sixty 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.

CHAPTER 3

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

Sec. 1. No vehicle shall be left parked on any street or highway within the limits of the 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 Village Superintendent. 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 Village 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 Old Firehouse Street on the west side, to the railroad tracks on the east side.

Sec. 2. The parking of any vehicle in violation of Section 1 of this chapter is hereby declared to be a public nuisance, and the Village Superintendent, or some other person as appointed by the Village Trustees, 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 Superintendent.

Sec. 3. Any and all expenses incurred by the Village 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.

Sec. 4. The Village Superintendent, or some other person appointed by the Village Trustees, 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 Village 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 Village Superintendent, Clerk, or Municipal Assistant has not been contacted by the owner or operator of a stored vehicle within three (3) days of the storing of the vehicle, the Village Clerk or his 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 his 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 Village Trustees may dispose of such vehicle in any manner desired.

- C. If the Village Clerk or his 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, he/she 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.

Sec. 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 Village 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, he/she shall go to the Village Offices and shall:

- A. Furnish satisfactory evidence to the Village Clerk, or his duly authorized representative, of his/her 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.

Sec. 6. Upon receipt of the information and fees described in Section 5 above, the Village Clerk or duly authorized representative shall inform the Village Superintendent, or duly authorized representative, that the vehicle may be released. Upon such notification, the Village Superintendent or representative shall release the vehicle.

Sec. 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 Village.

Sec. 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).

CHAPTER 4

STREETS, HIGHWAYS, AND PARKS

Sec. 1. Parades. No procession or parade other than for a funeral shall be allowed on the public streets or highways of the Village unless and until the person or persons in charge thereof or responsible therefore shall obtain a permit from the Trustees 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 corporate limits of the Village of Lyndonville 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 Trustees 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. 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 corporate limits of the Village of Lyndonville without first applying for and receiving a permit from the Trustees 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 Trustees 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).

Sec. 4. Defacing. No person shall move, injure, deface or damage any guidepost, traffic light, street sign or street safety device within the corporate limits of the Village of Lyndonville. 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 corporate limits of the Village of Lyndonville, or lay any pipe or

conduit under any of the Village 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 Village 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 corporate limits of the Village of Lyndonville without a permit to do so, under such reasonable rules and regulations as to manner, method and time as the Village Trustees 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 Village shall be obtained from the Planning and Zoning 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 corporate limits of the Village of Lyndonville 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 Village property owner shall put out, or allow to be put out any rubbish onto Village 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 corporate limits of the Village of Lyndonville except upon such streets as may be set apart for coasting and so designated by the Village Trustees. 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 corporate limits of the Village of Lyndonville without first applying for and receiving a permit from the Trustees to do so, with the following exceptions:

A. Operators of snowmobiles are permitted to traverse the VAST trail as posted through the Village. 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 corporate limits of the Village of Lyndonville 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 corporate limits of the Village of Lyndonville 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 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 Village, without first obtaining a permit therefore from the Trustees, 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 Village 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 Village Superintendent, or some other person as appointed by the Village Trustees, 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 Superintendent. 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 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 Village of Lyndonville without first receiving a permit from the Village Trustees. 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 Village, 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 Village meeting, the Village 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 Village Annual Meeting. The six approved applicants will choose his/her 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 Village 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 Trustees may permit the remaining events (no more than six total), assigning months on a "first come - first served" basis.

The Trustees reserve 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.

Sec. 24. Camping in Parks Prohibited. It shall be unlawful for any person to camp in any public park in the Village unless authorized by the Village Trustees. The term "to camp" shall include the placing of any bedding, sleeping bag or other material at a site to serve as a sleeping area; the placing of any tent, lean-to, other structure or vehicle at a site to serve as a sleeping or living area; or the use of any public park for sleeping between the hours of 10:00 p.m. and 7:00 a.m.

CHAPTER 5

LICENSED PRIVILEGES AND OCCUPATIONS

Sec. 1. General Provisions. The word "license" as used in this chapter shall mean a license granted by the Village Trustees through the Village 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 Village 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 Village Clerk, directed to the Trustees, signed by the applicant, and stating the particular kind of license desired. The applicant in said application shall also state that he/she will observe the conditions of his license and all provisions of the ordinances governing it.

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

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

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

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

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

TRANSIENT RETAIL SALES

Sec. 9. This section of the ordinance is enacted pursuant to Section 4(g)V of the Act of the General Assembly of the State of Vermont, incorporating the Village of Lyndonville, that was approved on March 20, 1941. It is enacted to protect the welfare, safety and convenience of the Village of Lyndonville 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 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 para 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 Village limits, without a license, on no more than three occasions per calendar year, with the permission of the Village Trustees. 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 Village Trustees 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 Trustees 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 Village events that have been approved by the Village Trustees, 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 Village license, as long as such display and sales are limited to a maximum of four occasions per year from any location within the 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 Village Clerk in accordance with Sections 1 through 8 of this chapter. In addition, the Village 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 Village 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 Village 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 limits of the Village of Lyndonville if they are licensed therefor.

(3.) Any mobile salesperson must obtain a license from the Village Clerk in accordance with Sections 1 through 8 of this chapter. In addition, the Village 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 Village 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 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 Village Clerk. The applicant will provide name, address/location of the event and date(s) of the event(s). The Village 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 corporate limits of the 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 corporate limits of the Village of Lyndonville, shall operate within the corporate 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 Village 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.

CHAPTER 6 WASTE AND REFUSE

Sec. 1. A person owning or having the care of lands or buildings abutting on a street in the Village of Lyndonville through which a public sewer has been or shall hereafter be constructed shall drain such lands and buildings into such public sewer, at his own expense, without any charge therefore from the Village except the actual cost of making the connection; provided that all connections with the public sewers shall be made under the direction and supervision of the Trustees or the Superintendent of the Water Department, upon the written application of such person. This application, or permit, must receive the approval of the Selectmen of the Town of Lyndon. The Selectmen will also determine the fee for the hook-up.

Sec. 2. All private drains connecting with a public sewer shall be constructed of iron or vitrified tile pipe, not less than four inches in diameter, or such other pipe as the Trustees or the Superintendent of the Water Department may approve, and all joints of such drains be so made as to prevent the escape of gas therefrom. Cellar drains shall be laid on an inclination or pitch of not less than one quarter of an inch to two feet; and all sewage drains shall be laid on an inclination or pitch of not less than one-quarter of an inch to one foot. The Trustees and/or the Superintendent may require installation of a back-flow preventer if, in their judgement, the situation so dictates. All construction described herein, including installation of a back-flow preventer if required, will be accomplished at the expense of the owner of the land and premises.

Sec. 3. Any sewer lines constructed from private lands or buildings to existing public sewer lines maintained by the Village shall be at the expense of the person or persons requesting such service. Any sewer lines so constructed shall become the property of the Village as far as the property line of the person or persons requesting such service, and such part shall be maintained by the Village. Maintenance of sewer lines from the building or premises served to the main line shall remain the responsibility of the property owner.

Private Sewers

Sec. 4. No person shall construct, lay or rebuild a private sewer or septic tank within the corporate limits of the Village of Lyndonville without first procuring the appropriate Act 250 and/or Town of Lyndon permits to do so. For additional Town guidance, applicants should refer to the Town Sewer Use Ordinance.

Any person who shall construct, lay or rebuild a private sewer or septic tank without first procuring the necessary permits therefore shall be fined no more than two hundred dollars (\$200) (Waiver fine \$175).

Public or Private Dumps

Sec. 5. No person shall maintain a public or private dump for the disposal of waste material within the corporate 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 corporate 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.

CHAPTER 7

RULES FOR BICYCLES, SKATEBOARDS, LONGBOARDS, SCOOTERS, ROLLER SKATES, AND ROLLER BLADES

Sec. 1. Following are restrictions on the use of bicycles, skateboards, scooters, roller skates and roller blades within the corporate limits of the Village of Lyndonville:

A. It shall be unlawful for any person to operate a bicycle on any way within the Village 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. (adopted Sept 13, 2004; affective Nov. 10, 2004)
The use of skateboards, longboards, roller skates or roller blades on the sidewalks or roadways within the Village of Lyndonville, is prohibited with the exception that all may be used within any designated bike lane within the Village Limits from one-half hour before sunrise to one-half hour after sunset. The use of scooters within the Village of Lyndonville shall be on the roadway and only in accordance with the State Laws of Vermont. The use of bicycles on the sidewalks of Depot Street and the west side of Broad Street from Depot Street to Center Street is prohibited. The use of bicycles on any other sidewalk within the Village of Lyndonville 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 shall be made in a safe manner in accordance with the laws of the State of Vermont. Operation of bicycles on the streets of the Village of Lyndonville shall be in accordance with the laws of the State of Vermont.

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 Village street.

Sec. 2. Any person violating any provision of this ordinance shall be fined not more than One hundred dollars (\$100.00) (waiver fine \$25.00) for each offense.

Note: all requirements for registering and/or licensing bicycles have been deleted, effective April 1, 1995.

CHAPTER 8
VILLAGE OF LYNDONVILLE, VERMONT
WATER ORDINANCE

Adopted: June 24, 2013
Amended July 5, 2016

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

Regulating the Use of Lyndonville's Municipal Water System

This ORDINANCE establishes the policies, rules, and regulations necessary to govern and operate the municipal water system of the Village of Lyndonville, 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 Lyndonville Clerk's office. A copy of this ORDINANCE is available at the Village Clerk's office. Questions about this ORDINANCE should be directed to the Lyndonville 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 Board of Trustees of the Village of Lyndonville.

The Lyndonville Village 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 VILLAGE.

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 VILLAGE as it may deem beneficial to the VILLAGE, providing that there is, at the time such contract is made, water in excess of that necessary for use within the limits of the VILLAGE.

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 VILLAGE. 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 Village'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 morestrict 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 Board of Trustees of the Village of Lyndonville, 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 VILLAGE 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 Village Clerk of the Village of Lyndonville.

“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 VILLAGE 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 VILLAGE 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 VILLAGE, 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 Village of Lyndonville, 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 VILLAGE’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 Village 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 VILLAGE’S service to that household.

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

“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 VILLAGE.

“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 Village makes the physical water service tap or connection to the existing municipal water main.

“Tax collector” shall mean the person appointed by the VILLAGE 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 Village Board of Trustees and/or group of individuals who shall be designated from time to time by the Village Board of Trustees to have that title, or their authorized deputy, agent or representative.

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

“Water Main” shall mean the VILLAGE-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 VILLAGE 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.

Mgd/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 VILLAGE'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 VILLAGE and shall be located in satisfactory locations to protect against frost and other damage. In no case shall the VILLAGE 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 VILLAGE's expense.

When a meter does not register, the VILLAGE 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 VILLAGES's Water Department. The VILLAGE 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 VILLAGE employees during normal business hours.

Should circumstances change so that a meter in a public building is not accessible to the VILLAGE'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 VILLAGE 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 VILLAGE 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 VILLAGE 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 VILLAGE. 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 VILLAGE, nor shall it be construed to impair or inhibit the ability of the VILLAGE's PLANT to contract with persons for the treatment and distribution of water.

The VILLAGE 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 VILLAGE 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 VILLAGE'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 VILLAGE'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 VILLAGE 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 VILLAGE offices.

The VILLAGE shall at no time authorize more new water services than it can supply. The VILLAGE 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 VILLAGE deems most appropriate.

Boundaries of areas served by the municipal water system shall be defined by the VILLAGE 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 VILLAGE’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 VILLAGE’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 REQUIRMENTS

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 VILLAGE'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.
- D. 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 VILLAGE.
- 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 VILLAGE. The BOARD shall establish the fees in the VILLAGE'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 VILLAGE.
- D. The owner shall schedule and pay the VILLAGE for the physical construction of its service connection to the VILLAGE's water system.

SECTION 5.10-FINAL CAPACITY ALLOCATION PERMIT APPROVAL CONDITIONS

A Final Water Capacity Allocation Permit is an agreement between the VILLAGE 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 VILLAGE'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 VILLAGE 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 VILLAGE. 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 VILLAGE 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 VILLAGE'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 VILLAGE without refund of any fees paid. Reserve capacity shall also revert to the VILLAGE 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 VILLAGE and is not transferable until the project/building/development is constructed and connected to the VILLAGE'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 VILLAGE requirement for VILLAGE oversight.

The Owner shall complete and submit a Water Connection Permit Application to the VILLAGE 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 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 VILLAGE 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 VILLAGE. Additional constraints may be found in the ORDINANCE, where applicable.

The VILLAGE 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 VILLAGE. 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 VILLAGE 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 Village Trustees 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 VILLAGE 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 VILLAGE'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 VILLAGE 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 VILLAGE's requirements and to familiarize the contractor(s) with the site conditions, which may, in the opinion of the VILLAGE'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 VILLAGE's authorized agent shall keep a record of all the items discussed and/or required by the VILLAGE.
- D. The Owner shall attest that it recognizes the authority of the VILLAGE'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 VILLAGE liable for work stoppages occasioned by such actions.

- E. The Owner shall attest that he/she shall not hold the VILLAGE 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 VILLAGE 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 VILLAGE after installation.

- A. Construction of water lines and appurtenances shall be performed according to the applicable VILLAGE permits and all subsequent written changes or additions thereto which the VILLAGE and the permittee have agreed. At a minimum, all construction piping shall be built to the specifications of the VILLAGE including a minimum of a $\frac{3}{4}$ " 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 VILLAGE before being covered.
- C. The Customer shall not connect any plumbing connected to the VILLAGE water service to a well, spring or other source of water. Connections to the VILLAGE 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 VILLAGE's water system.
- E. Upon completion and approval of the installation and payment of all applicable charges by the applicant to the VILLAGE, 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 VILLAGE, will be maintained by the VILLAGE.
- 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 VILLAGE 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 VILLAGE 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 VILLAGE's water system.

The Customer shall furnish the VILLAGE 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 VILLAGE. 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 VILLAGE for the purpose of determining water usage only. The Owners of these systems will give the

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

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

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

The VILLAGE 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 VILLAGE. All hydrants erected as a portion of a waterline replacement or extension shall be inspected and approved by the VILLAGE 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 VILLAGE once they have been inspected, approved and accepted, provided the water supply piping the hydrants are connected to also becomes part of the VILLAGE 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 VILLAGE personnel and shall be for bona fide purposes of these departments of the TOWN and VILLAGE 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 VILLAGE water system shall be manufactured by Waterous unless the BOARD authorizes another type of hydrant.

SECTION 6.06-VILLAGE INTERRUPTION OF SERVICE

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

- A. The VILLAGE 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 VILLAGE. Failure of a tenant or property owner to receive notice of interruption of service shall entail no liability on the part of the VILLAGE 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 VILLAGE will endeavor to maintain a high standard of water quality, but it cannot guarantee the purity and potability of the water supplied. The VILLAGE 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 VILLAGE 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 VILLAGE determines that the service line was frozen only on the VILLAGE's side of the shut-off, the Village shall be responsible for the cost of steam thawing the service line.

D. If the VILLAGE 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 VILLAGE.

E. The VILLAGE 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 VILLAGE 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 VILLAGE'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 VILLAGE 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 VILLAGE has a reasonable basis to believe there is a water leak in a private water line; the VILLAGE 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 VILLAGE 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 VILLAGE 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 VILLAGE'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 VILLAGE 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 VILLAGE that the leak has been repaired or otherwise corrected and pay any outstanding balance on the account before the VILLAGE authorizes the water to be turned back on.
- H. If the Owner or occupant is dissatisfied with any decision made by the VILLAGE 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 Village 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 Village Public Works Supervisor or another employee of the Village of Lyndonville authorized by the Public Works Supervisor or Trustees 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 VILLAGE of Lyndonville "Water System Backflow Prevention Policy" and the Backflow policy of the State of Vermont Water rule Chapter 21.

1. The Village of Lyndonville 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 Village an approved backflow prevention assembly is required at a consumer's private water system for the safety of the water system, the Village 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 Village 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 VILLAGE. 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 VILLAGE 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 VILLAGE'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 VILLAGE 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 VILLAGE, at the VILLAGE 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 VILLAGE 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 Village Trustees.

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 VILLAGE 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 VILLAGE 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 VILLAGE. 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 VILLAGE 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 VILLAGE 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 VILLAGE 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 VILLAGE 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 VILLAGE 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 Village 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 VILLAGE and recorded with the Clerk of the VILLAGE. 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 VILLAGE 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 VILLAGE.

Upon full payment of all delinquent bills and other charges, the BOARD shall notify the Clerk of the VILLAGE 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 Village 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 VILLAGE may take legal action against any person who shall use municipal water without authorization from the VILLAGE 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 VILLAGE or the Public Works Supervisor. The VILLAGE 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 VILLAGE or Public Works Supervisor does authorize the use of running water to prevent freezing, no adjustment in fees will be made unless the VILLAGE has determined that the freezing issue is on the VILLAGE'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 VILLAGE or any person authorized by the VILLAGE 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 VILLAGE'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 VILLAGE'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 VILLAGE'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 VILLAGE 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 VILLAGE 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 Village Clerk for the Village of Lyndonville, do acknowledge by my signature that the document is the Rules and Regulations as adopted by the Board of Water Commissioners on _____, 20 .

Dated this day of 20 .

Village Clerk Signature

Village Clerk Printed Name