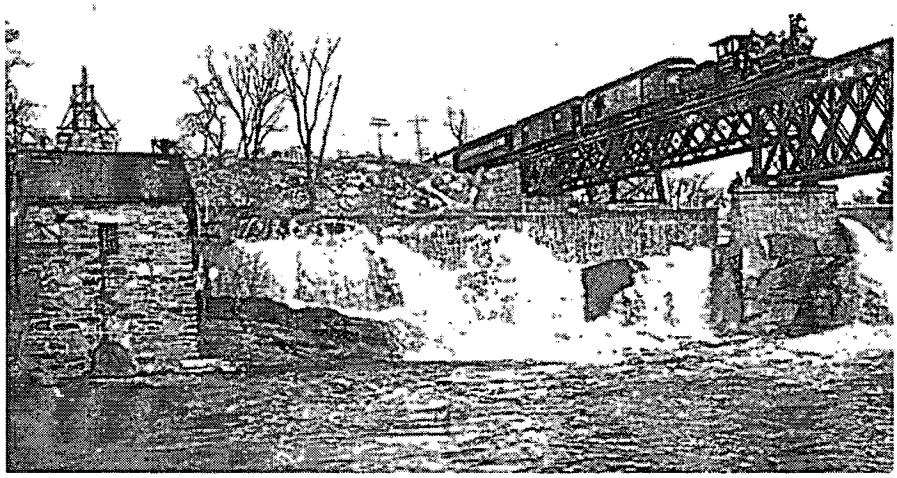
Town of Rutland
Book of Regulations



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INDEX

PAGE	TITLE
4.....	Amendments to Stop Sign regulations
6.....	Peddlers, Solicitors and Transient Merchants ordinance
12.....	Aggressive Panhandling Ordinance
16.....	Public Assembly Ordinance
23.....	Permit Tracking Ordinance
26.....	Road Name and Road Location Addressing Ordinance
32.....	Policy for Transportation Construction and Improvements
34.....	Private Fire Hydrant Ordinance
40.....	Variable Rate Pricing by Volume or weight for Municipal Solid Waste Collection
44.....	Dog Ordinance
51.....	Flood Hazard Ordinance
61.....	Use of City Sewage Disposal System
71.....	Allocation of Sewage Capacity
82.....	Sewage Disposal Charges
92.....	Recycling Ordinance
104.....	Driveway Installations
107.....	Acceptance of Roads & Town Highways
113.....	Naming of Roads & Numbering of Buildings
119.....	Policy for Transportation Construction & Improvements
123.....	Subdivision Regulations
150.....	All-Terrain Vehicles
155.....	Parking Regulations
156.....	Parking Prohibitions
158.....	Yield Sign Regulations
160.....	Stop Sign regulations
163.....	Speed Limit Regulations
169.....	Speed Limit Amendment
171.....	Water Allocation & Utilization Permits
179.....	Water Rates
182.....	Alarm / Fire Suppression Systems
187.....	Abatement of Fire Hazard

AMENDMENT
TO THE TOWN OF RUTLAND
STOP SIGN REGULATIONS

Pursuant to 23 V.S.A. §1008 the Town of Rutland Select Board voted unanimously on August 24, 2015 to amend the Town of Rutland Stop Sign Regulations to add the following intersections.

Name of Street	Direction of Travel	At intersection of
Abbey Lane	South	McKinley Avenue
Barrett Hill Road	East	North Campbell Road
Barrett Hill Road	West	North Campbell Road
Birch Knoll Road	West	Post Road Extension
Blue Ridge Drive	North	Post Road
Blue Ridge Drive	North	Linda Drive
Briarwood Lane	East	McKinley Avenue
Cannon Drive	East	Townline Road
Cedar Avenue	West	North Grove Street
Cedar Avenue	East	US Route 7 South
Colonial Drive	West	East Pittsford Road
Columbus Drive	South	Killington Avenue
Cop John Drive	South	Holiday Drive
Cop John Drive	North	US Route 7 South
Countryside Drive	West	East Pittsford Road
East Mountain View Drive	North	Gleason Road
East Mountain View Drive	North	Gleason Road
East Pittsford Road	South	Maplewood Park
East Pittsford Road	West	US Route 7 North
Easy Street	North	Post Road
Elbern Avenue	North	Gleason Road
Farrell Road	East	Cop John Drive
Flory Heights	East	Barrett Hill Road
Georgeanna Boulevard	West	East Pittsford Road
Grover Drive	West	Countryside Drive
Hawley Lane	North	Post Road
Hitzel Terrace	North	Killington Avenue
Lester Lane	East	North Grove Street
Linda Drive	West	Blue Ridge Drive
Lola Drive	North	East Pittsford Road
Nancy Lane	West	Susan Lane

North Campbell Road	South	Barrett Hill Road
North Campbell Road	North	Barrett Hill Road
Northwood Park Road	East	Post Road Extension
Old Route 4 A	East	West Proctor Road
Pamela Drive	East	North Grove Street
Pinecrest Road	East	East Pittsford Road
Prior Drive	South	US Route 4 East
Prospect Hill Road	South	East Pittsford Road
Russell Drive	West	East Pittsford Road
Russell Drive	South	East Pittsford Road
Sand Hill Circle	West	East Pittsford Road
Sunset Drive	North	Killington Avenue
Susan Lane	South	Killington Avenue
Susan Lane	North	Westridge Terrace
Susan Lane	South	Nancy Lane
Timber Lane	East	Post Road
Townline Road	South	Killington Avenue
Travis Terrace	East	Quaterline Road
Victoria Drive	North	Killington Avenue
Viewmont Drive	East	North Grove Street
Westridge Terrace	East	Susan Lane
Wynnridge Drive	West	East Pittsford Road

The Ordinance is organized into 8 Sections:

198-29	Authority and purpose
198-30	Definitions
198-31	Operation at intersection controlled by stop sign
198-32	Designation of intersections controlled by stop signs
198-33	Enforcement; violations and penalties
198-34	Operation of emergency vehicles
198-35	Severability
198-36	When effective

The Stop Sign Regulations and the text of the amendment may be examined during business hours at the Town of Rutland Municipal Building. The Town of Rutland Administrator, Joseph Zingale Jr., 181 Business Route 4, Center Rutland, VT. 05736, telephone number 770-5072 is available to answer any questions concerning the ordinance amendment.

Any resident of the Town of Rutland has a right pursuant to 24 VSA Section 1973 to petition for a vote on the question of disapproving the amendment to the Ordinance. In accordance with 24 VSA Section 1973 (b), the petition must be signed by not less than five percent (5%) of the qualified voters of the municipality and presented to the Select Board or Clerk of the Town of Rutland within 44 days following the date of adoption of the Ordinance amendment by the Select Board.

Town Of Rutland

Peddlers, Solicitors and Transient Merchants

Ordinance

01 Authority
02 License required
03 Definitions
04 Exceptions
05 License Application
06 Display of License
07. No Assignment or transfer of license
08 Loud noises and amplifying devices
09 Use of public highway prohibited
10 Municipal Records
11 Enforcement, Violations, and Penalties
12 Severability
13 Effective date

Authority

Pursuant to 24 V.S.A. § 2291(9) the following ordinance is promulgated in order to regulate the licensing of peddlers, solicitors, and transient merchants conduction business in the Town of Rutland. This Ordinance is designated as a civil ordinance pursuant to 24 V.S.A. § 1971(b).

License Required

Unless exempted from this Ordinance by section 04, it shall be unlawful for any person to engage in the business of peddler, solicitor, or transient merchant as defined in section 03 of this Ordinance within the corporate limits of the Town of Rutland without first obtaining a license therefore as provided herein.

Definitions

"Peddler" is defined as any person, whether a resident of the Town of Rutland or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck,

farm products or provisions or popcorn, ice cream, sodas, or other refreshments of like character, offering and exposing the same for sale, or making sales and delivering articles to purchases or who without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchases as part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to provisions of this chapter.

The word "Person" as used herein shall include the singular and the plural and shall also mean and include any person, firm, or corporation, association, club, co-partnership or society, or any other organization.

"Solicitor" is defined as any person, whether a resident of the Town of Rutland or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future whether or not such individual has, 'carries or exposes for sale a sample of the subject of such sale or whether he/she is collecting advance payments on such sales or not, provided that such definition shall include any person who, for him/herself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, hotel room, lodging house, apartment, shop or any other place within the Town for the sole purpose of exhibiting samples and taking orders for future delivery.

"Transient merchant" is defined as any person, whether as owner, agent, consignee or employee, whether a resident of the Town or not, who engages in a temporary business of selling (and delivering) goods, wares, and merchandise within the Town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, garage, structure, motor vehicle, tent, railroad box car, public room in hotels, lodging houses, motel, apartments, shops, or any street, driveway, alley, or other place within the Town, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person who, while occupying such temporary locations, does not sell stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relived from complying with the provisions of this chapter merely by reason of association temporarily with any local dealer, trader, merchant, auctioneer or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

<u>Exceptions</u>

The provisions of this chapter shall not apply to one who sells or offers for sale in person or by his/her employees or agents, newspaper, ice, bread, pastry, wood, milk, fruits, vegetables or other farm produce.

The provision of this chapter shall not apply to sales made to manufacturers, merchants and dealers for resale only.

License Application

An application for licenses under this Ordinance, shall set forth the name, permanent and local address, business address and physical description of all persons to be covered by the license; description of any vehicles to be used in the licensed activity, including registration number, the nature of the business to be conducted; the last place of such business, and the period of time requested to be covered by the license.

The applicant shall identify every federal, state, or local administrative or regulatory enforcement action or license violation asserted against the applicant or the applicant's employer concerning commerce, the conducting of business, or the sale of services, goods, wares, merchandise, personal property or any other thing regulated by this Ordinance and, if no longer pending, the outcome or resolution thereof.

The applicant shall identify any and all misdemeanor and felony criminal convictions concerning the applicant. For each such conviction, the applicant shall identify the offense for which the applicant was convicted, the date of conviction, and the court and state that issued the conviction.

The applicant shall state whether they seek a permit to conduct business door to door or from a particular location. An applicant that proposes to conduct business from a particular location must provide with the application written permission from the owner of the property for the location proposed. Any such permit shall be limited to the particular location identified.

The Select Board or its designee shall issue or deny a license application.

No license shall be issued where the applicant or the business that the applicant seeks to conduct would endanger the health, safety or welfare of the public. Evidence of danger to the public health, safety or welfare may include, but shall not be limited to, misdemeanor or felony conviction(s); evidence of fraud, deceit, or misrepresentation; consumer complaints; or evidence of violations or enforcement concerning other licensing or consumer protection authorities.

In the exercise of its discretion, the Select Board of the Town of Rutland may establish the duration of permits and a schedule of fees for permits issued pursuant to this Ordinance.

Display of license

Each solicitor, peddler and transient merchant shall at all times while doing business in the Town of Rutland keep in his/her possession the license provided for in this Ordinance and shall, upon the request of prospective customers, Town Constable or other Town official, exhibit the license as evidence that he/she has complied with all requirements thereof. Each transient merchant shall publicly display his/her license in his/her place of business.

No assignment or transfer of license

A license issued pursuant to this Ordinance shall not be used at any time by any person other than the person identified on the license. A license issued pursuant to this Ordinance shall not be transferred or assigned.

Loud noises and amplifying devices

No peddler, solicitor or transient merchant, nor any person in his/her behalf, shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any street, alleys, parks or other public places of the Town or upon any private premises in the Town for the purpose of attracting attention to any foods, wares or merchandise which such licensee proposes to sell.

Use of Town highway to sell or conduct business prohibited

A peddler, solicitor, or transient merchant shall not sell or conduct business from any location in town highway, including a town highway right of way. A peddler, solicitor, or transient merchant shall not conduct business from a metered parking space. A peddler, solicitor or transient merchant shall not conduct business operate in any congested area where his/her operations might impede or inconvenience the public without the approval of the Select Board of the Town of Rutland.

No solicitation list

Any resident, tenant, or property owner located that desires not to receive solicitation or other contact at their property from persons subject to this Ordinance may so inform the Town Administrator.

The Town Administrator shall keep a list of the properties and/or addresses of the properties in the Town for which the Town has received such notice (the no-solicitation list").

The Town Administrator shall provide a copy of the no solicitation list to the holder of permit that authorizes door-to-door solicitation.

It shall constitute a violation of this Ordinance for a permit holder to solicit or conduct business covered by this Ordinance, otherwise attempt to conduct

business covered by this Ordinance at a property identified on the no-solicitation list.

Municipal records

The Constable(s) of the Town of Rutland shall inform the Town Administrator of every municipal ticket issued for a violation of this Ordinance. The Town Administrator shall maintain a record for each license and a record of all the reports of violation of this Ordinance.

Enforcement, violations, and penalties

A civil penalty of not more than $500 may be imposed for a violation of this Ordinance. Each week that the violation continues shall constitute a separate violation of this Ordinance.

An issuing municipal official is authorized to recover by the issuance of a municipal complaint, civil penalties in the following amounts for each violation of this Ordinance:

First Violation	$50
Second Violation	$100
Third Violation	$300
Fourth and Subsequent Violations	$500

In lieu of the civil penalties provided in subsection b of this section, an issuing municipal official is authorized to recover a waiver fee in the following amount, from any person to whom a municipal complaint is issued, who declines to contest the municipal traffic complaint and pays the waiver fee:

First Violation	$25
Second Violation	$50
Third Violation	$150
Fourth and Subsequent Violations	$250

Other Relief - In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town of Rutland may pursue any remedy authorized by law, including without limitation, the maintenance of a civil action in superior court pursuant to 24 V.S.A. § 1974a(b) to obtain injunctive and other appropriate relief.

Severability

The provisions of this Ordinance are severable. If any provision of this Ordinance, or its application to any person or circumstances or within any part of the Town of Rutland is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this Ordinance which can be given effect without the invalid provision or application thereof.

Effective date

This Ordinance shall become effective sixty (60) days after its adoption by the Select Board. If a petition is timely filed under 24 V.S.A. § 1973, the taking effect of this Ordinance shall be governed by 24 V.S.A. § 1973(e).

TOWN OF RUTLAND
AGGRESSIVE PANHANDLING
ORDINANCE

(A) Findings The Town of Rutland Select Board finds that aggressive begging, panhandling, or solicitation negatively affects the following significant governmental interest:

1. Protection of citizens from physical threats or injury and from damage to property;
2. Prevention of harassment and intimation of members of the public;
3. Prevention of violent crime;
4. Traffic control and public safety;
5. Orderly movement of traffic and pedestrians; and
6. Provision and maintenance of a safe, aesthetically attractive environment in areas designed to attract tourist revenue.

The Town of Rutland Select Board finds that aggressive begging, panhandling or solicitation is extremely disturbing and disruptive to the public and contributes to a loss of access to and enjoyment of public place, and to an enhanced sense of fear, intimidation, and disorder. This law is intended to promote these governmental interests and combat the negative effects of aggressive begging, panhandling or solicitation. It is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity.

(B) Definitions For the purpose of this section:

1. ***Aggressive*** manner shall mean any of the following:

   a. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;

   b. Continuing to solicit from a person or continuing to engage that person after that person has given a negative response to such soliciting;

   c. Intentionally or recklessly touching or causing physical contact with another person or that person's property without that person's consent in the course of soliciting;

   d. Intentionally or recklessly blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including

unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

e. Using violent, obscene or threatening gestures toward a person solicited;

f. Following the person being solicited, with the intent of asking that person for money or other things of value;

g. Speaking in a volume unreasonably loud under the circumstances;

h. Soliciting from anyone who is waiting in line.

2. ***Soliciting*** shall mean asking for money or objects of value in a public place, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written or printed word, bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services. However, this ordinance is not intended to prescribe and demand for payment for services rendered or goods delivered. Nor is this ordinance or the definition of solicitation intended to include or prescribe fixed advertising attached to an existing premises.
3. ***Public place*** shall mean a place where a government entity has title to or which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation structure, facility or vehicle, school, place of amusement, park, playground or sidewalk or to the doorways and entrances to buildings or dwellings, or grounds enclosing them thereupon.
4. ***Financial insitution*** shall mean any banking corporation, credit union, foreign exchange office or like institution as defined in §11101 of Title 8 of the Vermont Statutes Annotated.
5. ***Check cashing business*** shall mean any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to Title 8 of the Vermont Statutes Annotated.
6. ***Automated teller machine*** shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquires and mortgage and loan payments.
7. ***Automated teller machine facility*** shall mean the area comprised of one or more automatic teller machines and any adjacent space

which is made available to banking customers after regular banking hours.

(C) Prohibited acts

1. No person shall solicit in aggressive manner in any public place.
2. No person shall solicit on private or residential property without permission from the owner or other person lawfully in possession of such property.
3. No person shall solicit within fifteen (15) feet of public toilets.
4. No person shall solicit within fifteen (15) feet of any entrance or exit of any financial institution or check cashing business or within fifteen (15) feet of any automated teller machine without the consent of the owner of the property or another person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.
5. No person shall solicit while under the influence of alcohol or a controlled substance.
6. No person shall solicit by stating that funds are needed to meet a specific need, when the solicitor has the funds to meet that need, does not intend to use funds to meet that need or does not have that need.
7. No person shall solicit in any public transportation vehicle, or within fifteen (15) feet of any handicapped parking space, taxicab stand, bus or train or stop in any public parking lot or structure or dedicated walkway to such parking lot or structure.
8. No person shall solicit within fifteen (15) feet of an entrance to a building
9. No person shall solicit within fifteen (15) feet of any valid vendor.
10. No person shall solicit within fifteen (15) feet of any pay telephone or public information booth, board or other structure, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.

11. No person shall solicit in an area unless the area is sufficiently illuminated to allow the solicitee to fully observe the solicitor at a distance of fifteen (15) feet.

d. Penalties Any violation of the provisions of this law constitutes a civil offense punishable by a fine from fifty dollars ($50.00) to five hundred dollars ($500.00). The waiver penalty for such offense shall be fifty dollars (In lieu of or in addition to the penalty provided for in this section, a person in violation of this ordinance may be required to perform community service work as ordered by the court.

(a) Severance If any section, sentence, clause or phrase of this law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

TOWN OF RUTLAND
PUBLIC ASSEMBLY ORDINANCE

AUTHORITY AND PURPOSE

Pursuant to 24 V.S.A. § 2291(11), (14), and (15) the following ordinance is promulgated in order to regulate commercial public assemblies in the Town of Rutland (Town) to protect the public health, safety and welfare, including without limitation the health, safety, or welfare of those who attend commercial public assemblies organized and promoted to take place in the Town, the residents, businesses, and property owners of the Town that may be impacted by a commercial public assembly, and the Town and its ability to provide municipal services as necessary for a commercial public assembly. This Ordinance is designated as a civil ordinance pursuant to 24 V.S.A. § 1971(b).

DEFINITIONS

As used in this chapter:

"commercial public assembly" or "assembly" means a gathering of five hundred (500) or more individuals in an outdoor public place at which the general public is permitted or invited to attend, conducted or promoted for profit, whether or not a profit is actually returned, where persons are admitted on payment of cash, entry fees, advance subscriptions, donations, or anything of value;

"gathering" means a group of individuals in attendance at a location at a single point in time.

"outdoor public place" means an open area where patrons cannot be accommodated inside a permanent building with respect to which a person permits use by the general public. An "outdoor public place" shall not include a stadium used for sporting events, or a fairground having permanent seats for patrons.

"permit" means a written statement, issued by the Select Board of the Town of Rutland or its designee, authorizing the holding of a commercial public assembly under stated conditions as to time, place and manner;

"permit officer" means the municipal officer designated by the Select Board to issue permits;

"person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

"promotional activity" means purchasing paid advertisements in any media of communication or circulation of printed material advertising the assembly;

"youth athletic event" means an athletic event in which a majority of the participants are 18 years of age or younger.

PERMIT REQUIRED

Any person who intends to hold, or organizes or promotes a commercial public assembly in an outdoor public place to be held in the Town of Rutland, shall obtain a commercial public assembly permit ("permit") from the Town.

EXEMPTIONS FROM PERMIT REQUIREMENT

The following assemblies are exempt from this permit requirement of this ordinance:

Any assembly sponsored by the Town of Rutland.

Any assembly that takes place on public lands of the Town of Rutland, including without limitation, Northwood Park. Such an assembly must obtain the prior permission of the Board of Selectmen.

Any assembly for a youth athletic event.

PERMIT APPLICATION

A completed application for a permit to hold a commercial public assembly shall be filed with the permit officer not less than sixty (60) days before the date of the assembly.

The Select Board may modify the time requirements of this Ordinance for good cause shown provided the public health and safety will not be jeopardized by such action.

An application for a permit to hold a commercial public assembly shall be in writing and shall be signed by an individual authorized to act for the person sponsoring it.

The application shall include:

the date and hours the assembly is to be held;

the name, residence address, and the telephone number of the applicant, the principal officers of the applicant, the individual making the application, and any other individual authorized to represent the applicant in applying for the permit;

the property where the assembly is to be held;

the written consent of the owner of the property or other person that has the authority to consent to the use of the property upon which the commercial public assembly is proposed to take place;

the estimated number of persons expected to participate in or attend the public assembly;

a schedule and copies of all promotional activity the applicant has engaged in or intends to engage in;

the general nature of the assembly and the arrangements made to protect the public health, safety, and welfare during the conduct of the assembly, including arrangements with respect to traffic control; police, fire and emergency services; insurance coverage; crowd control; sanitation facilities; and clean up;

such other information concerning the proposed assembly that the Board of Selectmen may determine from time to time in the exercise of its discretion to be appropriate to protect the public health, safety and welfare.

The Select Board shall establish an application fee schedule and may revise such schedule from time to time in the exercise of its discretion.

ACTION ON APPLICATION

The Select Board of the Town shall consider the completed application at a public meeting.

The permit officer shall provide written notice of the public meeting by mail to the landowners whose property adjoins the property upon which the commercial public assembly is proposed to take place.

The Select Board may recess the public meeting on the application as necessary to receive additional information.

Within twenty (20) days of the completion of the public meeting, the Select Board shall direct the permit officer to:

issue the permit as requested;

issue the permit subject to any conditions authorized in section VII of this Ordinance, which the Select Board deems reasonably necessary to protect the public health, safety, or welfare; or

deny the permit application with a written decision that explains the reasons for the denial.

If the Select Board fails to act on the application within twenty (20) days of the completion of the public meeting, the permit application shall be deemed approved.

If the proposed commercial public assembly also triggers the permit requirement of Chapter 201 of Title 20 of the Vermont Statutes Annotated pertaining to state public assembly permits, the time requirements for this section for the Select Board's action on the application shall not apply. In such circumstance, the application shall be deemed to comply with this Ordinance and shall be approved forthwith by the permit officer if and when the applicant has received a public assembly permit from the Commissioner of Public Safety or the Commissioner's designee pursuant to 20 V.S.A. §§ 4501 et. seq. A denial of the state public assembly permit application shall result in the denial of the application filed pursuant to this Ordinance.

CRITERIA FOR IMPOSING CONDITIONS ON PERMIT

If there is a reasonable likelihood that a commercial public assembly will substantially harm the public health, safety, or welfare, the Select Board may grant the permit subject to such conditions as are reasonably necessary to avoid substantial harm to the public health, safety, or welfare.

The Select Board may impose conditions upon the grant of a permit, including but not limited to, conditions to ensure:

the implementation of a plan to limit the number of individuals in attendance at the assembly to the maximum number authorized by the permit;

the provision of adequate food, potable water, and emergency medical facilities;

the provision of adequate toilet and lavatory facilities, including the source, number, location, type and means of disposing of septic waste;

the collection, storage and disposal of solid waste in compliance with applicable state and federal laws and regulations and that litter and other waste incidental to the assembly will be removed and properly disposed of by the permit holder;

the time, place, and duration of the assembly is suitable in view of the number of persons expected to attend;

measures for controlling the crowd and managing the assembly are adequate, including without limitation, a security plan detailing the number of guards; their deployment; their names, addresses, and credentials; and their hours of availability;

the provision of adequate fire protection;

that sound, noise and light are adequately controlled;

measures for controlling traffic and parking are adequate and will provide for suitable road access at all times for area residents and the unobstructed

passage of police, fire , ambulance and other emergency vehicles and personnel;

that the assembly will not substantially impair the provision of fire and police protection, medical and other essential public services of the Town;

the assembly will not unreasonably interfere with the quiet enjoyment of residences in the vicinity of the assembly;

the person sponsoring or holding the assembly has adequate liability insurance to cover the event subject to the application;

the person sponsoring or holding the assembly furnishes an adequate bond or deposit of money with the Town of Rutland, or arranges other financial security in a reasonable amount to insure reimbursement of the Town for the cost of additional law enforcement, fire, or emergency services, or the performance of other conditions attached to the permit; or

any other condition that the Select Board determines to be reasonably necessary to protect the public health, safety and welfare.

JUDICIAL REVIEW

If the Select Board determines that there is a reasonable likelihood that an assembly will substantially harm the public health, safety, or welfare and this cannot be avoided by imposition of conditions, the permit officer may apply to the Rutland Superior Court for an order enjoining the applicant, the person that proposes to sponsor or hold the commercial public assembly, or other interested person from holding the assembly.

The Select Board may apply to the Rutland Superior Court for an order enjoining a commercial public assembly from taking place if the assembly would reasonably likely require a permit under this Ordinance.

Within thirty (30) days of the issuance of a permit or the denial of a permit application, an applicant may appeal the permit decision of the Select Board to the Rutland Superior Court.

A person who desires to organize or promote any outdoor public gathering may also petition the Rutland Superior Court for an order declaring that the gathering is not subject to this Ordinance. The petition shall contain a copy of the application. a copy of the permit, if any, and state the grounds for the decision requested.

Enforcement, Violations and Penalties.

A civil penalty of not more than $500 may be imposed for a violation of this Ordinance, including without limitation a violation of any requirement(s) and/or condition(s)

of a permit. Each day that the violation continues shall constitute a separate violation of this Ordinance.

The permit officer or other issuing municipal official is authorized to recover by the issuance of a municipal complaint, civil penalties in the following amounts for each violation of this Ordinance:

First Violation	$200
Second Violation	$300
Third Violation	$400
Fourth and Subsequent Violations	$500

In lieu of the civil penalties provided in subsection 2 of this section, an issuing municipal official is authorized to recover a waiver fee in the following amount, from any person to whom a municipal complaint is issued, who declines to contest the municipal complaint and pays the waiver fee:

First Violation	$100
Second Violation	$150
Third Violation	$200
Fourth and Subsequent Violations	$250

Other Relief - In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town of Rutland may pursue any remedy authorized by law, including without limitation, the maintenance of a civil action in superior court pursuant to 24 V.S.A. § 1974a(b) to obtain injunctive and other appropriate relief; or the revocation of a permit.

Revocation of Permit Approval.

The Select Board acting through the permit officer may revoke any permit issued pursuant to this Ordinance for the any of the following reasons:

The provision of false, fraudulent, misleading, or inaccurate information in connection with the permit application;

The failure to comply with any requirement(s) and/or condition(s) of any permit; or

The violation of or failure to comply with the provisions of this Ordinance

Severability.

The provisions of this Ordinance are severable. If any provision of this Ordinance, or its application to any person or circumstances or within any part of the Town of Rutland is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this Ordinance which can be given effect without the invalid provision or application thereof.

Effective Date.

This Ordinance shall become effective sixty (60) days after adoption as provided in 24 V.S.A. § 1972.

TOWN OF RUTLAND PERMIT TRACKING ORDINANCE

I. PURPOSE

The Town of Rutland (Town) administers a wide variety of regulatory programs for which the issuance of permits or other administrative action is required of the Town, including without limitation, 911 registration, subdivision of land, access to public highways, construction within flood hazard areas, excavation or installations within the public highway right of way, sewer allocation and connection, public water connection, and the construction of telecommunication facilities. Experience has shown that, in the absence of zoning, development often occurs without the landowner's realization that various permits or administrative action might be necessary for the activity undertaken. It is disadvantageous to the public health, safety and welfare, inefficient, , and frequently more expensive to address compliance issues after the fact that could have been avoided if the development project had come to the Town's attention before work commenced. The establishment of a permit program for development within the Town that is designed to ensure at the outset that the project receives all the requisite permits and administrative approvals would benefit the person undertaking development, as well as, the public health, safety and welfare. Therefore, the purpose of this Ordinance is to create an informational permit program for development within the Town of Rutland that serves to channel the construction project to the appropriate municipal authorities from whom a permit or other administrative action is required.

II. AUTHORITY

This Ordinance is promulgated pursuant to 19 V.S.A. § 1111; 24 V.S.A. §§ 2291(3), (6), (15), (19), (22); 24 V.S.A. § 3315, 30 V.S.A. § 7056; 10 V.S.A., Chapter 32, and 24 V.S.A. § 4410 of the Vermont Planning and Development Act. This Ordinance is designated as a civil ordinance pursuant to 24 V.S.A. § 1971(b).

III. DEFINITIONS

1. "Building" means a structure having a roof (including an awning or other similar covering, whether or not permanent in nature) and used for the shelter or enclosure of persons, animals, equipment, or personal property.

2. "Informational Permit" means a written statement, issued by the Select Board of the Town of Rutland or its designee that establishes that the proposed construction project has obtained the necessary municipal permits and approvals.

3. "Permit officer" means the municipal officer designated by the Select Board to issue permits;

4. "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

5. "Structure" means an assembly of materials for occupancy or use, including but not limited to a building, mobile home or trailer, or swimming pool.

IV. PERMIT REQUIRED

1. No building or structure of any kind, whether business or residential, including but not limited to houses, outbuildings, retail and/or commercial structures, as well as an enlargement or addition that increases the footprint of an existing structure, shall hereafter be constructed or installed within the limits of the Town of Rutland unless an informational permit is first obtained from the Town permit officer.

2. An informational permit is required for the alteration of an existing building or structure that results in an increase in the number of bedrooms.

V. EXEMPTIONS FROM PERMIT REQUIREMENT

1. A building or structure with a floor area or foot print of less than 100 square feet.

2. A vertical expansion of an existing building or structure that is not accompanied by an increase of the foot print of building or structure or an increase in the number of bedrooms.

VI. PERMIT ADMINISTRATION AND APPLICATION

1. The Town shall provide application forms approved by the Select Board to be completed by the owners of all prospective construction projects, or their authorized agents, requesting informational permit approval.

2. The application forms shall contain questions pertaining to the name, address and contact information of the owner(s); type, size and location of the project; the existing regulatory permits and/or approvals to which the property is subject; new permit(s) and/or prior permitting at the site; and any other questions relative to the project which the Town may deem necessary.

3. The application shall include a general plot plan or sketch on one sheet of paper measuring no less than size 8 ½" x 11" that depicts the location of existing and proposed buildings and structures, the location of all utilities, wells, septic and replacement septic areas on the property; adjoining public highways; and any rights of way that provide access to the property.

4. The application shall contain such other information concerning the proposed construction project that the Select Board may determine from time to time in the exercise of its discretion to be appropriate to achieve the purposes of this Ordinance

5. The Select Board may establish, and may revise from time to time in the exercise of its discretion, a fee schedule for applications processed pursuant to this Ordinance.

VII. ENFORCEMENT

1. This Ordinance shall be enforced as provided by 24 V.S.A. § 1974a.

2. A civil penalty of not more than $500 may be imposed for a violation of this Ordinance.

3. The permit officer or other issuing municipal official is authorized to recover by the issuance of a municipal complaint, civil penalties in the following amounts for each violation of this Ordinance:

First Violation $200

Second Violation $300

Third Violation $400

Fourth and Subsequent Violations $500

4. In lieu of the civil penalties provided in subsection B of this section, an issuing municipal official is authorized to recover a waiver fee in the following amount, from any person to whom a municipal complaint is issued, who declines to contest the municipal traffic complaint and pays the waiver fee:

First Violation $100

Second Violation $150

Third Violation $200

Fourth and Subsequent Violations $250

VIII. **SEVERABILITY**

The provisions of this Ordinance are severable. If any provision of this Ordinance, or its application to any person or circumstances or within any part of the Town of Rutland is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this Ordinance which can be given effect without the invalid provision or application thereof.

IX. **EFFECTIVE DATE**

This Ordinance shall become effective sixty (60) days after adoption as provided in 24 V.S.A. § 1972.

TOWN OF RUTLAND
ROAD NAME AND ROAD LOCATION ADDRESSING ORDINANCE

SECTION I - PURPOSE

In accordance with 24 V.S.A. Chapter 59, Chapter 61, Subchapter 11 and Chapter 117, and 23 V.S.A. Chapter 24, the Board of Selectmen of the Town of Rutland hereby establishes the following ordinance in order to develop a more uniform road naming and road location addressing system throughout the Town of Rutland to enable people to locate roads and addresses and to effectively provide emergency services and deliveries to town citizens

This ordinance is hereby designated a CIVIL ordinance and shall be enforced according to 24 V.S.A. Chapter 59 and 23 V.S.A. Chapter 24.

SECTION II - DEFINITIONS

Road: For purposes of this Ordinance, a "road" is (i) a public road, a state or town highway identified on the latest A.O.T. General Highway Map for the Town of Rutland, or (ii) any non-public road, street, right of way, shared driveway, or other way which provides access to three or more dwellings.

Public Road: A state or town highway identified on the latest A.O.T. General Highway Map for the Town of Rutland.

Structure: For purposes of this Ordinance, a "structure" shall include (i) any dwelling, (ii) any public building, (iii) any place of business, and (iv) any building which the Board of Selectmen or its designee determines should have a separate location number in order to effectively provide emergency services.

SECTION III - ROAD NAMING

A. Each "road," as defined herein, shall be assigned a name by the Board of Selectmen or its designee. The Board of Selectmen or its designee may determine that other roads, streets, rights of way, or other ways providing access to a structure, may require a name if necessary to effectively provide emergency services.

B. Attached to this Ordinance is a list and map of all current roads and road names in the Town of Rutland and the names of such roads are hereby adopted. See Attachment A.

Each road not named in Attachment A shall receive a proposed name by resolution of the Board of Selectmen at a regularly scheduled meeting of the Board. The proposed road names must be separate and distinct from other designated road names in the Town of Rutland and surrounding communities.

C. The Board of Selectmen shall add names to Attachment A by following the procedures for adoption and amendment of ordinances as set forth in 24 V.S.A., Chapter 59.

In addition to the statutory provisions, the adoption procedure for new road names under this Ordinance shall include providing notice of the proposed amendment with the proposed road name to all landowners on that road via individual or bulk mailing or by a notice in a newspaper circulating in the municipality. Within thirty (30) days of the passage of the resolution to amend Attachment A for purposes of naming a road, affected individuals in the Town of Rutland may request the Board of Selectmen to hold a hearing on the proposed Amendment, or may offer written comments to the Board of Selectmen on the proposed Amendment. Unless the resolution is withdrawn, revoked or amended by the Board of Selectmen, the resolution amending Attachment A shall become effective sixty (60) days after the date of the resolution in accordance with 24 V.S.A. Section 1972.

D. The Board of Selectmen may change the names of any road, after a duly-warned public hearing when necessary to promote public welfare and safety.

SECTION IV - FUTURE DEVELOPMENT

A. Prior to the approval of a subdivision by the Planning Commission, the subdivider shall furnish a plan for road naming and road numbering in accordance with this Ordinance to the Planning Commission and Board of Selectmen. The subdivider shall be responsible for installation of road signs and location numbers prior to the issuance of any permits for construction on any of the subdivided lots.

B. Following the adoption of this Ordinance, the written approval of the Board of Selectmen or its designee is required for any proposed road name and location numbers of any new structure for which an Act 250 or highway access permit is required.

C. Where a new or reconstructed structure is not otherwise subject to Section IV B and when the Board of Selectmen or its designee determines that, in order to promote the purposes of this Ordinance, the new or reconstructed structure should be assigned a location number or should have its existing location number changed, the Board of Selectmen or its designee shall provide the owner of structure with a written order of the assignment or amendment of the structure's location number. This owner shall comply with Section V of the Ordinance within 60 days of the date of the order unless the order specifically provides a different date by which compliance is due.

SECTION V - GENERAL ADDRESSING AND NUMBERING SYSTEM GUIDELINES

A. Roads officially named by the Board of Selectmen of the Town of Rutland shall be measured in segments of 5.28 feet (1/1000 of a mile). Even numbers shall be assigned to the right side of the road and odd numbers to the left as they proceed from the starting point.

B. The Board of Selectmen or its designee shall assign each structure, as defined herein, a "location number" based upon its distance (i.e. the number of 5.28 feet segments) from the starting point of the road to the center of the driveway or entrance from the road to the structure, if possible. The Board of Selectmen or its designee shall have the authority to assign a location number utilizing other physical information regarding the structure, if appropriate and necessary in order to effectively provide emergency services.

C. Each of the location numbers for structures must be at least four (4) inches high and at least two (2) inches wide. Location numbers must be dark in color on a light colored background with no other markings or symbols.

Numbers must be clearly visible from the road if the location number signs are affixed to the structure. If the location number affixed to the structure is not clearly visible from the road, the location number shall be affixed on a board or plaque no smaller than 8 inches wide by 4 inches high and such board or plaque affixed to a post, pole, fence or other structure near the driveway entrance so as to be clearly visible from the road during all seasons.

Numbers may only be affixed to a mailbox if there is a single mailbox located at the entrance to the structure from the road and, in such event, the location number shall be on both sides of the mailbox. If there are multiple mailboxes at a single location or the mailbox is on the opposite side of the road to the entrance to the structure, no location

numbers may be placed on the sides of the mailbox and any identifying information shall only be marked on the front of the mailbox facing the road.

The property owner is responsible for the purchase and installation of location numbers to be installed.

D. A multiple dwelling or use structure shall bear one number for each dwelling or use where possible. If each dwelling or use does not have a separate number, then the Board of Designee or its designee shall determine the appropriate numbering of each dwelling or use so as to provide emergency services effectively.

E. All location numbers shall be maintained so as to maintain clear visibility of the location number.

SECTION VI - ROAD NAME SIGNS

A. The Board of Selectmen, upon adoption of this Ordinance, shall institute a program for the installation and maintenance of municipal and private road name signs in accordance with this Ordinance. All non-public roads shall also be properly signed. The cost of initial installation (purchase and installing post and sign) shall be paid by the Town for public roads listed on Attachment A and by the owners/users of existing non-public roads listed on Attachment A. The owners/users of non-public roads shall be responsible for the maintenance, repair and replacement of such road signs for the non-public roads. The Town shall be responsible for the maintenance, repair and replacement of roads signs on public roads.

B. All road signs shall conform to the Manual on Uniform Traffic Control Devises for Roads and Highways.

C. All road signs shall be maintained so as to maintain clear visibility of the name of the road.

SECTION VII - IMPLEMENTATION

A. The Town shall ensure, through cooperative efforts with the Post Office, that each property owner is notified of the implementation of this Ordinance.

B. All structure owners shall install their location numbers within sixty (60) days after the adoption of the road name upon which the structure is located.

SECTION VIII - SEVERABILITY

If any portion of this Ordinance and any Amendments made hereto is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance and any Amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this Ordinance shall be amended, this Ordinance shall be deemed to refer to such statute as amended.

SECTION IX - ENFORCEMENT AND REMEDIES

A. The designated Enforcement Officer is the Administrative Assistant.

B. This Ordinance is designated as a civil ordinance pursuant to 24 V.S.A. Section 1971(b). This Ordinance shall be enforced through the Traffic and Municipal Ordinance Bureau pursuant to 23 V.S.A. Chapter 24 and 24 V.S.A. Chapter 59, as may be amended from time to time.

C. The following civil penalties are hereby imposed for violation of this Ordinance.

First violation of the Ordinance	$ 50.00
Second violation of the Ordinance	$100.00
Third violation of the Ordinance	$200.00
Fourth and subsequent violation of the Ordinance	$400.00

Each day a violation continues shall constitute a separate violation.

In cases where violations of the Ordinance are brought in the Traffic and Municipal Ordinance Bureau, and where the violation is admitted or not contested, in lieu of the above, the following waiver penalties are imposed.

First violation of the Ordinance	$ 25.00
Second violation of the Ordinance	$ 50.00
Third violation of the Ordinance	$100.00
Fourth and subsequent violation of the Ordinance	$200.00

Each day a violation continues shall constitute a separate violation.

D. In addition to any other remedy provided in this Ordinance or available at law or in equity, the Town of Rutland may institute a suit for an injunction to prevent, restrain or abate violations of this Ordinance.

TOWN OF RUTLAND
POLICY FOR TRANSPORTATION CONSTRUCTION AND IMPROVEMENTS

The Select Board of the Town of Rutland, County of Rutland State of Vermont hereby adopts the following policy: Ordinance for Transportation Construction and Improvements

(1) Road and road related improvements shall be constructed or installed in accordance with sound engineering practice and this policy.

(2) The construction guidelines and standards contained as part of this policy are considered minimum and may be exceeded to meet traffic or other conditions.

(3) All new culverts shall be a minimum of eighteen inches (18") in diameter with the exception of drive culverts, which will be a minimum of fifteen inches (15"). New and replacement bridges and culverts will meet the 25 year event or "Q-25" standard.

(4) Roadside ditches shall be treated to minimum erosion and to remove sediments and other pollutants from runoff water by:
   a. seeding and mulching ditches having a slope of less than 0-5 %;
   b. placing biodegradable matting and seed in ditches with slopes between 5-10 %;
   c. stone lining ditches having a slope of 10 % or greater.

(5) All bridges shall have a minimum two-lane width.

(6) The Select Board hereby adopts and will enforce the following construction guidelines and/or standards from the Vermont Agency of Transportation which are considered integral to this policy (ADT = Average Daily Total):
   a. A-21 Class 3 Town Highway guidelines for ADT 0 – 250 and designated scenic roads
   b. A-76 Design Standard for Town and Development Roads
   c. B-11 Design Standards for Under drain
   d. B-71 Design Standard for Residential and Commercial Drives
   e. D-2 Design Standard for Headwalls and other reinforcement
   f. D-3 Design Standard for Treated Gutters

Where these guidelines exceed the Vermont State Standards, the geometric requirements in the Vermont State Standards will govern.

(7) Plans for construction showing deviations from these policies may be approved by the Select Board or its designee if it can be shown that strict adherence will cause undue hardship because of unusual site conditions. However, every effort shall be made to meet the general objectives of these policies.

(8) Any new road, whether or not that road is proposed to be conveyed to the town, shall be constructed according to the minimums of this policy.

(9) The Select Board or its designee shall make final decisions over all questions arising during construction of new roads.

(10) The Select Board or its designee shall be provided with verification of compliance with these policies for all road construction and road related improvement installations. A final inspection report certifying whether the construction has been installed as approved shall be submitted by the project engineer.

This Ordinance is effective upon passage

Dated at Center Rutland, Vermont this _____ day of November, 2001

PRIVATE FIRE HYDRANT ORDINANCE FOR THE TOWN OF RUTLAND

SECTION I. AUTHORITY

Pursuant to 20 V.S.A. § 2291(13), 24 V.S.A. § 2291(14) and 24 V.S.A. § 2291(15) the following ordinance is promulgated in order to regulate the inspection, testing, maintenance, correction, and repair of fire hydrants located on private property in the Town of Rutland and those fire hydrants located in the rights of way of a public highways of the Town of Rutland that the Town of Rutland does not own. This Ordinance is designated as a civil ordinance pursuant to 24 V.S.A. § 1971(b).

SECTION II. PURPOSES

The purposes of this Ordinance are to:

(1) Provide standards and requirements for the inspection, testing, maintenance, correction, and repair of fire hydrants located on private property of the Town of Rutland, as well as fire hydrants located in the right of way of a public highway in the Town of Rutland that are owned by a fire district or any person or entity other than the Town of Rutland.

(2) Ensure that every private fire hydrant to which the Fire Department of the Town of Rutland or other municipal fire department connects in the event of a fire or other emergency will function as designed to produce the water necessary to respond appropriately to the fire or other emergency.

(3) Protect the public health, safety and general welfare of the Town of Rutland.

SECTION III. DEFINITIONS

(1) EMERGENCY IMPAIRMENT – A condition where a private fire hydrant is out of service due to an unexpected occurrence, such as frozen or ruptured hydrant components or an interruption of the water supply to the system.

(2) FIRE DEPARTMENT – The Fire Department of the Town of Rutland.

(3) HYDRANT – A private fire hydrant as defined below.

(4) IMPAIRED HYDRANT – A private fire hydrant which is not operational due to an emergency impairment or a preplanned impairment.

(5) IMPAIRMENT – A shutdown of a private fire hydrant which renders the hydrant non-operational and therefore out of service.

(6) IMPAIRMENT TAG – A tag affixed to a private fire hydrant to indicate that the hydrant is out of service. The Fire Department may determine the requirements of an impairment tag and the means and location of its attachment to a hydrant.

(7) INSPECTION – A visual examination of a private fire hydrant to verify that it appears to be in operating condition and is free from physical damage.

(8) ISSUING MUNICIPAL OFFICIAL - A constable of the Town of Rutland, the town attorney, town grand juror, administrative assistant, officer and any other person designated by the Board of Selectmen to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint to enforce this Ordinance.

(9) MAINTENANCE – Work performed to keep a private fire hydrant operable or to make repairs.

(10) NFPA STANDARD – Publication 25 of the National Fire Protection Association (NFPA) entitled Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems 2002, and any subsequent amendments or revisions thereto.

(11) OWNER – The person that holds record title to the property upon which a private fire hydrant is located. For fire hydrants located in the right of way of a public highway in the Town of Rutland that are not owned by the Town of Rutland, the owner is the person that owns the fire hydrant itself.

(12) OWNER'S DESIGNEE - Where the owner is not the occupant of the premises upon which a private fire hydrant is located, the occupant, management firm, or managing individual designated by the owner through specific provisions in the lease, written use agreement, or management contract owner to assume the responsibility to inspect, test, and maintain, correct and repair a private fire hydrant located on the owner's property.

(13) PERSON - Any institution, public or private corporation, individual, partnership, fire district, or other entity.

(14) PRE-PLANNED IMPAIRMENT – A condition where a private fire hydrant is out of service due to work that has been planned in advance.

(15) PRIVATE FIRE HYDRANT – A valved connection to a water main for the purpose of supplying water to a fire hose or other fire protection apparatus and that is not located within the right of way of a public highway of the Town of Rutland. A private fire hydrant also includes any fire hydrant located in a right of way of a public highway in the Town of Rutland that is owned by a fire district or any person other than the Town of Rutland.

(16) QUALIFIED – Having knowledge of the installation, construction, operation, maintenance, correction or repair of a fire hydrant and the hazards involved.

(17) RECORD – Written documentation of the inspection, testing, maintenance, correction, or repair of a private fire hydrant.

(18) SHALL – Indicates a mandatory requirement.

(19) TESTING – A procedure of periodic physical and operational checks used to determine whether a private fire hydrant is capable of being operated as intended and will perform as intended, e.g. water-flow tests. These tests follow up on the original tests at intervals specified in this Ordinance.

SECTION IV. GENERAL REQUIREMENTS

(1) Responsibility for properly maintaining a private fire hydrant shall be that of the owner of the property or the owner's designee.

(a) Where the owner of a private fire hydrant has designated an occupant, management firm, or managing individual, through specific provisions in the lease, written use agreement, or management contract, to be responsible for the inspection, testing and maintenance of a private fire hydrant in accordance with this Ordinance, the owner's designee shall comply with the requirements of this Ordinance and shall be subject to enforcement of this Ordinance in the event of a failure to so comply.

(2) By means of periodic inspections, tests, maintenance, correction, and repair, every private fire hydrant shall be maintained in proper working condition, consistent with this Ordinance, the NFPA Standard, and the manufacturer's specifications or recommendations.

(3) Inspection, testing, maintenance, correction and repair shall be implemented with the procedures meeting or exceeding those established in this Ordinance and the NFPA Standard, and shall be in accordance with the manufacturer's specifications or recommendations. This Ordinance shall control in the event of a conflict among any of the aforementioned applicable standards. Inspection, testing, maintenance, correction, and repair shall be performed by qualified maintenance personnel or a qualified contractor.

(4) The owner or owner's designee shall notify the Fire Department of the Town of Rutland before testing or shutting down a private fire hydrant or its water supply.

(a) This notification shall include the purpose for the shutdown, the private fire hydrant involved, and the estimated time that the hydrant will be impaired.

(5) The owner or owner's designee shall notify the Fire Department when the private fire hydrant is returned to service.

(6) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments found while performing the inspection, testing, and maintenance requirements of this Ordinance.

(7) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments of any private fire hydrant of which the owner or owner's designee has knowledge or, in the exercise of reasonable care, ought to have knowledge.

SECTION V. INSPECTION, TESTING, MAINTENANCE, CORRECTION and REPAIR

(1) This section shall provide the minimum requirements for the routine inspection, testing, maintenance, correction, and repair of private fire hydrants. These functions shall be permitted to be carried out simultaneously.

(2) On or before October 1 of each year, the owner or the owner's designee shall inspect, test, maintain, and if necessary, correct, and repair each private fire hydrant to ensure proper functioning, with the necessary repair or corrective action taken as shown in Table 1.

(a) The owner or owner's designee shall conduct an inspection of a private fire hydrant after each time the hydrant is operated.

(3) When conducting a test of a private fire hydrant, the hydrant shall be opened fully and water flowed until all foreign material has cleared.

(a) Flow shall be maintained for not less than one (1) minute.

(b) After operation, the hydrant shall be observed for proper drainage from the barrel.

(c) Full drainage shall take no longer than sixty (60) minutes.

(d) Where soil conditions or other factors are such that the hydrant barrel does not drain within sixty (60) minutes, or where the ground water level if above that of the hydrant drain, the hydrant drain shall be plugged and the water in the barrel shall be pumped out.

(e) A hydrant does not drain as required shall be identified clearly as needing pumping after each operation.

(4) Private fire hydrants shall be lubricated annually to ensure that all stems, caps, plugs, and threads are in proper operating condition.

(5) Private fire hydrants shall be kept free of snow, ice, or other materials and protected against mechanical damage so that free access is ensured.

(6) The owner or the owner's designee shall repair as soon as possible a private fire hydrant which is impaired or otherwise does not function as required by this Ordinance, the NFPA Standard, or the manufacturer's specifications.

(a) After completing all necessary repairs to a private fire hydrant, the owner or the owner's designee shall inspect and test the hydrant as necessary consistent with the standards of this Ordinance, including without limitation Table 1, to ensure that the hydrant is operational.

SECTION VI. IDENTIFICATION AND NOTIFICATION OF IMPAIRED HYDRANT

(1) The owner or owner's designee shall notify the Fire Department in advance of a preplanned impairment of a private fire hydrant.

(2) The owner or the owner's designee shall notify the Fire Department immediately of an emergency impairment of a private fire hydrant.

(3) The owner or owner's designee shall affix an impairment tag to an impaired hydrant at the commencement of a preplanned impairment and at the time of discovery of an emergency impairment.

(4) Once the necessary inspection and testing confirm that repairs have restored a private fire hydrant to operational status, the owner or the owner's designee shall remove the impairment tag and shall notify the Fire Department that the hydrant is operational.

SECTION VII. RECORDS

(1) Records shall indicate the procedure performed concerning the inspection, testing, maintenance, correction, and repair of a private hydrant. Such records shall include the organization that performed the work, the results, and the date, as well as such other pertinent information as the Fire Department shall require.

(2) Records shall be maintained by the owner or the owner's designee.

(3) The owner or owner's designee shall submit to the Administrative Officer of the Town of Rutland a record of the annual inspection, test, maintenance, correction and repair of each private fire hydrant and its components.

(4) The owner shall retain the original records of a private fire hydrant for the life of the private fire hydrant.

(5) Subsequent records shall be retained for a period of one year after the next inspection, test, maintenance, correction or required by this Ordinance.

SECTION VIII. ENFORCEMENT VIOLATIONS and PENALTIES

(1) A civil penalty of not more than $500 may be imposed for a violation of this Ordinance. Each week that the violation continues shall constitute a separate violation of this Ordinance.

(2) An issuing municipal official is authorized to recover by the issuance of a municipal complaint, civil penalties in the following amounts for each violation of this Ordinance:

First Violation	$50
Second Violation	$100
Third Violation	$300
Fourth and Subsequent Violations	$500

(3) In lieu of the civil penalties provided in subsection 2 of this section, an issuing municipal official is authorized to recover a waiver fee in the following amount, from any person to whom a municipal complaint is issued, who declines to contest the municipal traffic complaint and pays the waiver fee:

First Violation	$25
Second Violation	$50
Third Violation	$150
Fourth and Subsequent Violations	$250

(4) Other Relief - In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town of Rutland may pursue any remedy authorized by law, including without limitation, the maintenance of a civil action in superior court pursuant to 24 V.S.A. § 1974a(b) to obtain injunctive and other appropriate relief.

SECTION IX. EFFECTIVE DATE

This Ordinance shall become effective sixty (60) days after its adoption by the Select Board. If a petition is timely filed under 24 V.S.A. § 1973, the taking effect of this Ordinance shall be governed by 24 V.S.A. § 1973(e).

TOWN OF RUTLAND
CIVIL ORDINANCE
VARIABLE RATE PRICING BY VOLUME OR WEIGHT FOR MUNICIPAL SOLID WASTE COLLECTION

WHEREAS, the Town of Rutland has, by virtue of the authority granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries; and

WHEREAS, in accordance with 24 V.S.A. § 2202a (d) of Act 148, Vermont's Universal Recycling law, which requires municipalities implement a variable rate pricing system by no later than July 1, 2015; the Town of Rutland is implementing and requiring variable rate pricing charges for volume or weight of the waste collected. This requirement to implement applies to all solid waste haulers and facilities that accept and collect MSW from residential customers.

WHEREAS, variable rate pricing systems have been shown to be one of the most effective mechanisms for decreasing the disposal of solid waste, increasing recycling and composting rates, and increasing the diversion and reuse of valuable materials from the solid waste stream. Further Variable rate pricing is more equitable or fair pricing for solid waste by charging based on number of units of solid waste a residential customer produces.

NOW, THEREFORE, to encourage the responsible use of resources and the protection of the environment, the Town of Rutland Select Board hereby adopts this ordinance requiring Variable rate pricing charges for collection of MSW from residential customers in the Town of Rutland, Vermont

Article I: PURPOSE; TITLE

Purpose This ordinance is enacted to encourage the responsible use of resources and the protection of the environment.

Title This ordinance shall be known and may be cited as the "Ordinance requiring Variable rate pricing."

Article II: DEFINITIONS

a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer Stations where drop off of municipal solid waste is permitted.
b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a single or several treatment, storage, recycling, or disposal locations.

c. "Hauler" shall mean any person that collects, transports, or delivers solid waste

generated within a given area.

d. "Municipal Solid Waste" hereafter referred to as a "MSW", means combined household, commercial, and industrial waste materials generated in a given area.

e. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article III: VARIABLE RATE PRICING

Haulers and facilities (hereafter "Service Providers") that provide Collection and drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable rate pricing.

Each Service Provided shall establish a unit-based price to be charged for the Collection / drop-off disposal of each unit of MSW from residential customers; for example, a price per pound od a price for each 30 gallon bag or 30 gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64 gallon container or a 50-gallon bag, shall carry an independent price.

The provisions of this subsection shall not be construed to prohibit any Service Provider from establishing rules and regulations regarding the safe maximum weight of bags or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article IV: FLAT FEE

In addition to the unit-based price charged for unit of MSW, Service Providers may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Service Provider elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Service Provider from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Service Provider may change a separate line item fee on a bill to a residential customer for the Collection of mandates recyclables after July 1,

2015, in accordance with State statutes. A Service Provider may incorporate the cost of the Collection cost of mandated recyclables into the Collection of solid waste and may adjust the charge for the Collection of solid waste.

Article V: FILING OF PRICING SYSTEM

The Service Provider shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Rutland or shall file such evidence along with their license application.

Article VI: PENATIES AND CIVIL ENFORCEMENT

a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.

b. The penalties for violating this ordinance are as follows:

1st offense Notice of Violation (written warring - demanding Variable pricing

	Civil Penalty	Waiver Fee
2nd offense	$100.00	$50.00
3rd offense	$250.00	$125.00
4th offense	$500.00	$300.00

The waiver fee is paid by a violator who admits or does not contest the violation.

Article VII: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purpose of this ordinance, the Select Board may designate any combination of the following persons as enforcement personnel: members of the Select Board, the Town Health Officer, The Town Administrator, The Town Attorney, the Town Constables, the Town Police Department and any official with law enforcement authority under Vermont law.

Article VIII: REPEAL OF INCONSISTENT PROVISIONS

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

Article IX: SEVERABILITY

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

Article X: Effective Date

The ordinance shall become effective 60 days after the adoption date shown below.

Adopted this June 2, 2015

Joe Dicton, Chairman

Don Chioffi, Clerk

John Paul Faignant

Mary Ashcroft

Paul Clifford

Chapter 125
DOGS

§ 125-1. Statutory authority.
§ 125-2. Definitions.
§ 125-3. License required.
§ 125-4. Nuisances prohibited.
§ 125-5. Running at large prohibited.
§ 125-6. Vicious dogs prohibited.
§ 125-7. Dogs in heat to be confined.
§ 125-8. Complaint procedure; hearing.
§ 125-9. Failure to comply.
§ 125-10. Impoundment.
§ 125-11. Reasonable methods for capture authorized.
§ 125-12. Release from pound.
§ 125-13. Conditions for release; charges.
§ 125-14. Violations and penalties.
§ 125-15. Severability.
§ 125-16. Previous provisions repealed.
§ 125-17. When effective.

§ 125-1. Statutory authority.

Pursuant to 20 V.SA. § 3549, 24 V.S.A. § 2291(10) and 24 V.S.A. § 1971 the following chapter is promulgated in order to regulate the keeping of dogs in the Town of Rutland. This chapter is designated as a civil ordinance pursuant to 24 V.S.A. § 1971(b).

§ 125-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DOG— Includes both male and female domestic dogs (canis familiaris) and wolf-hybrids as defined in 20 V.S.A § 3545(8).

DOG CREATING A NUISANCE — A dog which causes damage to personal property, harasses a pedestrian, bicyclist or other passerby, obstructs traffic, barks excessively, or repeatedly scatters refuse, or otherwise becomes a nuisance or creates a disturbance.

DOG RUNNING AT LARGE — A dog which is not on the

property of its owner or keeper and is not:

A. On a leash;

B. On or within a vehicle;

C. Engaged in hunting with its owner or keeper.

DOMESTIC ANIMAL— An animal identified in 6 V.S.A. § 1151(2). Where applicable, the definitions of particular animals provided by 6 V.S.A. § 1151 shall control. The term "domestic animal" shall also include an animal defined as a "domestic pet" or "pet" by 20 V.S.A.§ 3541(3).

B. On or within a vehicle;

ISSUING MUNICIPAL OFFICIAL — A constable of the Town of Rutland, the Town Attorney, town grand juror, poundkeeper and any other person designated by the Board of Selectmen to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint to enforce this chapter.

OWNER or KEEPER— Any person(s) who owns, harbors, keeps, or permits any dog to be kept in or about their buildings of premises or who is in actual or constructive possession of a dog in the Town of Rutland.

PERSON — A natural person, corporation, partnership, unincorporated association or other legal entity; or an agent thereof.

POUND and POUNDKEEPER— The pound and poundkeeper shall be that place and that person, respectively, designated from time to time by the Selectmen of the Town of Rutland to detain dogs seized by an issuing municipal official in the enforcement of this chapter.

VICIOUS DOG — A dog which causes reasonable fear of bodily injury by attacking or threatening to attack any domestic animal or any person, except a person who is in the act of committing unlawful (criminal) trespass or other criminal act upon the private property or person of the owner or keeper of the dog.

§ 125-3. License required.

A person who is the owner of a dog more than six months old shall annually on or before April 1 cause the dog to be licensed as required by 20 V.S.A., Chapter 193, Subchapter 2. The failure of a dog owner to comply with 20 V.S.A., Chapter 193, Subchapter 2 shall constitute a violation of this chapter.

§ 125-4. Nuisances prohibited.

An owner or keeper shall not permit a dog to create a nuisance as defined in § 125-2.

§ 125-5. Running at large prohibited.
An owner or keeper shall not allow a dog to run at large within the limits of the Town of Rutland as defined in § 125-2.

§ 125-6. Vicious dogs prohibited.
A person shall not own or keep a vicious dog as defined in § 125-2, except upon such terms and conditions as ordered by the Board of Selectmen.

§ 125-7. Dogs in heat to be confined.
An owner or keeper shall not permit a female dog in heat to be outside of a building or a secured enclosure.

§ 125-8. Complaint procedure; hearing.
A. A person who claims that a dog is a vicious dog or is a dog creating a nuisance may file a written complaint with the Board of Selectmen. The complaint shall contain the name, address and telephone number of the complainant, the time, date and place of each occurrence relied upon in support of the claim, an identification of the domestic animal threatened or attacked, the name and address of any victim or victims and any other facts which may assist the Board of Selectmen in conducting the investigation required by Subsection B of this section.

B. The Board of Selectmen, upon receiving the complaint, shall investigate the charges and hold a hearing on the matter. The Selectmen may also hold such a hearing on

their own motion, without receiving a complaint, if they have reason to believe a dog is vicious or is creating a

nuisance. I f the owner or keeper of the dog which is the subject of the hearing can be ascertained, the owner or keeper shall be provided with a written notice of the time, date place of hearing and the facts of the complaint.

C. Following the hearing, the Board of Selectmen shall issue a determination as to whether the dog is a vicious dog as defined in § 125-2 or is a dog creating a nuisance as defined in § 125-2. Upon so finding, the Selectmen may issue an order for the protection of persons, domestic animals, and/or property as the facts and circumstances of the case may require; including, without limitation, that the dog be muzzled, chained, confined or disposed of in a humane way. I f the owner or keeper of the dog can be ascertained, the order shall be sent to the owner or keeper by certified mail, return receipt requested.

D. Nothing contained in this section shall require proceedings before or an order from the Board of Selectmen as a precondition to enforcement of this chapter by an issuing municipal official pursuant to §§ 125-10 through 125-14 (inclusive) of this chapter.

§ 125-9. Failure to comply.
A violation of or failure to comply with an order of the Board of Selectmen issued pursuant to this chapter shall itself constitute a violation of this chapter.

§ 125-10. Impoundment.
A. Where issuing municipal official finds a dog to be in violation of this chapter or of an order of the Selectmen, the issuing municipal official may impound the dog at the town pound and/or may issue to the owner or keeper of the dog a municipal complaint pursuant to 24 V.SA. § 1977.

B. Upon the filing of a complaint under § 125-8A, an issuing municipal official may impound a dog which is claimed to be a vicious dog pending a determination of the Board of Selectmen pursuant to § 125-8C.

§ 125-11. Reasonable methods for capture authorized.
An issuing municipal official may use all reasonable methods, including the use of tranquilizing and marking apparatus, for

catching and impounding dogs claimed to be vicious pursuant to § 125-8A or found to be in violation of this chapter or of an order of the Selectmen.

§ 125-12. Release from pound.

In the event that a dog is impounded, the procedure for securing the release of a dog from the pound shall be as follows:
A. Upon delivery to the pound, the issuing municipal official shall notify the dog owner, if the dog is licensed and has identifying tags. Notice shall be sufficient if given to its owner by certified mail. The dog shall be held for five working days unless claimed earlier.

B. If the dog is unlicensed, the issuing municipal official shall notify the owner or keeper, i f known, and shall post a notice containing a description of the dog on a bulletin board in the Town Clerk's office for five working days.

C. I f the owner does not claim the dog within five working days, the dog shall be given to whomever pays all charges, costs, and fees as provided in Subsection A.

D. I f no person claims the dog within five working days of the mailing of the certified notice or posting, then the town may cause the dog to be humanely destroyed.

E. The owner or keeper of any impounded dog shall not remove the dog from the pound until it is properly licensed and proof is given to the poundkeeper and to the issuing municipal official of the administration of any immunization or shots as required by law, including, but not limited to, rabies inoculation.

F. Where a dog that is claimed to be vicious is impounded pursuant to § 125-lOB, the owner or keeper shall not remove the dog from the pound except on such terms and conditions as ordered by the Board of Selectmen.

G. Where the Board of Selectmen have determined an impounded dog to be vicious pursuant to § 125-8C, the owner or keeper shall not remove the dog from the pound except on such terms and conditions as ordered by the Board of Selectmen; however, the foregoing provision as to release from the pound shall not apply to a vicious dog which the Selectmen have ordered to be humanely

destroyed.

§ 125-13. Conditions for release; charges.

A. The owner or keeper of a dog which has been impounded or a person claiming an impounded dog pursuant to § 125-1IC shall not remove such dog from the pound until he or she has paid the poundkeeper's charges for taking and keeping the dog; an impoundment fee of $50 to the town, to cover the administrative costs of enforcing this chapter; any license fees; and the cost of any immunization or shots as required by law, including but not limited to rabies inoculation.

B. Each impoundment fee and any expenses the town incurs in impounding, keeping or humanely destroying any such dog shall be a charge and claim of the town against the owner or keeper of such dog, collectible by action of the town, and the town shall have a lien on such animal for such fee and all expenses so incurred.

§ 125-14. *Violations and penalties.*

A. A civil penalty of not more than $500 may be imposed for a violation of this civil ordinance. Each day that the violation continues shall constitute a separate violation of this chapter.

B. An issuing municipal official is authorized to recover by the issuance of a municipal complaint civil penalties in the following amounts for each violation of this chapter:

(1) First violation: $50.
(2) Second violation: $100.
(3) Third violation: $300.
(4) Fourth and subsequent violations: $500.

C. In lieu of the civil penalties provided in Subsection B, an issuing municipal official is authorized to recover a waiver fee in the following amount from any person to whom a municipal complaint is issued who declines to contest the municipal traffic complaint and pays the waiver fee:
(1) First violation: $25.
(2) Second violation: $50.
(3) Third violation: $150.

(4) Fourth and subsequent violations: $250.

D. Other relief. In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town of Rutland may pursue any remedy authorized by law, including without limitation the maintenance of a civil action in superior court pursuant to 24 V.S.A. § 1974a(b) to obtain injunctive and other appropriate relief.

§ 125-15. Severability.
The provisions of this chapter are severable. I f any provision of this chapter, or its application to any person or circumstances or within any part of the town is held invalid, illegal or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this chapter which can be given effect without the invalid provision or application thereof

§ 125-16. Previous provisions repealed.
The town's previous Dog Ordinance, as amended, and designated as Chapter 125, § 125-1 through § 125-11 of the Code of the Town of Rutland, is hereby repealed effective as of the effective date of this chapter.

§ 125-17. When effective.

This chapter shall become effective sixty days after adoption as provided in 24 V.S.A. § 1972.

FLOOD HAZARD AREAS
Chapter 135
FLOOD HAZARD AREAS

§ 135-1. Statutory authority.

§ 135-2. Purpose.

§ 135-3. Applicability.

§ 135-4. Interpretation of flood hazard area boundaries.

§ 135-5. Permitted uses.

§ 135-6. Conditional uses.

§ 135-7. Zoning permit application procedure.

§ 135-8. Conditional use application submission requirements.

§ 135-9. Referral of applications to other agencies.

§ 135-10. Consideration by Board of Adjustment.

§ 135-11. Conditions attached to conditional use Applications.

§ 135-12. Administration and enforcement.

§ 135-13. Appeals.

§ 135-14. Variances.

§ 135-15. (Reserved)

§ 135-16. Time for acting on application.

§ 135-17. Issuance of permit.

§ 135-18. Effective date of permits.

§ 135-19. Fees.

§ 135-20. Disclaimer of liability.

§ 135-21. Severability.

§ 135-22. Regulations to take precedence.

§ 135-23. Definitions.

Adopted by the Board of Selectmen of the
Town of Rutland 7-6-1987

§ 135-1. Statutory authority.

To effect the purpose of 10 V.S.A. Chapter 32, and in accord with the Vermont Planning and Development Act, 24 V.S.A. Chapter 117, there are hereby established flood hazard area regulations for the Town of Rutland.

§ 135-2. Purpose.

I t is the purpose of this chapter to promote the public health, safety and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in flood hazard areas and to minimize losses due to flooding by:

A. Restricting or prohibiting uses that are dangerous to health, safety or property in times of flood or cause excessive increase in flood heights or velocities.

B. Requiring that uses vulnerable to floods, including public facilities that serve such uses, be protected against flood damage at the time of initial construction.

C. Protecting individuals from buying lands that are unsuitable for their intended purposes because of flood hazard.

§ 135-3. Applicability.

This chapter shall apply to all development in areas the Town of Rutland identified as areas of special flood hazard on the National Insurance Program maps dated August 31, 1978. These maps are adopted by reference and declared to be part of this chapter. No person shall commence development upon lands within these areas without first obtaining a flood hazard zoning permit in accordance with these regulations.

A. Where available (i.e., Zones A 1 through A30, AE and AH), the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of this chapter.

B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (i.e., Zone A), base flood elevation and floodway information available from state or federal agencies or other sources shall be obtained and reasonably utilized to administer the provisions of this chapter.

§ 135-4. Interpretation of flood hazard area boundaries.

The administrative officer shall determine the relationship of a proposed development to the area of special flood hazard, using, where available (i.e., Zones A 1 through A30, AE and AH), the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying

maps.

§ 135-5. Permitted uses.

The following open space uses shall be permitted within flood hazard areas to the extent that they are not prohibited by any other ordinance or regulation and provided that they do not require the erection of structures; storage of materials and equipment and importing fill from outside the flood hazard area; do not require the channel modification or relocation; do not obstruct flood flows; do not increase the flood level within the floodway during the occurrence of the base flood or increase off-site damage potential; do not propose the construction of water supply or sanitary sewer or on-site waste disposal systems:

A. Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming and forestry.

B. Recreation uses, such as parks, campgrounds, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming area and boat launching sites.

C. Residential uses, such as lawns, gardens, unpaved areas and play areas.

§ 135-6. Conditional uses.

Except for the permitted uses as defined by § 135-5, all other new construction or substantial improvements shall be permitted only upon the granting of a conditional use permit by the Board of Adjustment.

§ 135-7. Zoning permit application procedure.

A. All zoning permit applications shall be submitted to the administrative officer, on forms furnished by him/her, who shall determine whether or not the proposed development is located within the flood hazard area by the procedure established in § 135-4.

B. If the proposed use is a permitted use as defined in § 135-5, a permit shall be issued by the administrative officer.

C. Requests for all other uses or appeals from the interpretation of the administrative officer will be referred to the Secretary of the Board of Adjustment.

§ 135-8. Conditional use application submission requirements.

Conditional use application submission requirements shall include:
A. Two (2) copies of plans drawn to scale showing the nature, location, dimensions and elevations of the lot; roads, streams and other physical features; and existing and proposed land contours.

B. Existing and proposed structures, including the elevation of the lowest habitable floor, including the basement, and confirmation as to whether such structure contains a basement.

C. Proposed fill and/or storage of materials.

D. Proposed floodproofing measures and the level to which any structure will be floodproofed.

E. The status of all necessary permits required by federal or state *law.*

F. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

G. Any clarifying or supplemental information and data necessary to pass upon the application.

H. The relationship of the proposal to the location of the channel.

I . The extent of the flood hazard area and the base flood elevation utilizing the best information available.

J. For all subdivision and development which requires a permit under § 135-6 and which involves more than fifty (50) lots or five (5) acres, the base flood elevation for that portion that lies within Zone A.

§ 135-9. Referral of applications to other agencies.

A. Upon receipt of an application and plans, the Board of Adjustment shall transmit one (1) copy to the Vermont Department of Water Resources in accordance with § 4409*(cX2XA)* of the Act.

B. In accordance with § 4409*(c) (2)(A)* of the Act, no permit may be granted prior to the expiration of a period of thirty (30) days following the submission of a report to the Vermont Department of Water Resources under Subsection A above.

C. In riverine situations, the Board of Adjustment shall notify adjacent communities and the Vermont Department of Water Resources prior to approval of any alteration or relocation of a watercourse and shall submit copies of such notification to the FIA Administrator. In granting its approval, the Board shall be assured that the flood-carrying capacity of the altered or relocated portion of any watercourse is maintained.

§ 135-10. Consideration by Board of Adjustment.

In reviewing each application, the Board of Adjustment shall consider:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under conditions of flooding.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The necessity to the facility of a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I . The relationship of the proposed use to the Town Plan insofar as it has been developed.

J. The safety of access to the property, in times of flood, for ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise and sediment during and after flooding.

L. The costs of providing governmental and public facilities and services during and after flooding.

M. Such other factors as are relevant to the purposes of this chapter.

§ 135-11. Conditions attached to conditional use applications.

A. In all flood hazard areas (i.e., numbered and unnumbered A Zones), the Board of Adjustment shall require, as a condition of approval, that:

(1) All development shall be designed to minimize flood damage to the proposed development and public facilities and utilities and to provide adequate drainage to reduce exposure to flood hazards.

(2) Structures shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure during the occurrence of the base flood, constructed with materials resistant to flood damage, constructed by methods and practices that minimize flood damage and constructed with the electrical, air-conditioning, heating, ventilation, plumbing

and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) The flood-carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

(4) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(5) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(6) New and replacement manufactured homes shall be elevated on properly constructed fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.

(7) Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.

(8) The lowest floor, including the basement, of all new residential buildings shall be at or above the base flood elevation.

(9) New nonresidential buildings and existing buildings to be substantially improved for nonresidential purposes shall either meet the requirements of Subsection A(8) or be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capacity of buoyancy. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has received the structural design, specifications and plans and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

(10) Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids or other hazardous or toxic materials, are prohibited within the floodway. These facilities may be permitted outside of the floodway, provided that the area is filled to at least one (1) foot above the base flood elevation.

(11) All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting

this requirement must either be certified by a profession-*
al engineer or architect or meet or exceed the following
minimum criteria:

(a) A minimum of two openings having a total net
area of not less than one square inch for every
square foot of enclosed area subject to flooding
shall be provided.

(b) The bottom of all openings shall be no higher
than one foot above grade.

(c) Openings may be equipped with screens,
louvers, valves or other coverings or devices,
provided that they permit the automatic entry
and exit of floodwaters.

B. The Board may attach additional conditions as are
necessary to meet the purpose of this chapter.

§ 135-12. Administration and enforcement.

A. The provisions of this chapter shall be administered and
enforced as provided by 24 V.S.A, Chapter 117, §§ 4441
through 4448.

B. The administrative officer shall:
(1) Assure that all necessary permits are obtained from
those governmental agencies from which approval is
required by federal or state law.

(2) Maintain a record of the elevation, in relation to
mean sea level, of the lowest habitable floor,
including the basement, of all new or substantially
improved structures, and whether or not such
structures contain a basement.

(3) Maintain a record of the elevation, in relation to
mean sea level, to which the structure was
floodproofed.

§ 135-13. Appeals.

An interested person, as defined in 24 V.SA. § 4464(b), may
appeal a decision of the Board of Adjustment to the Superior
Court in accordance with the provisions of 24 V.S.A. § 4471.

§ 135-14. Variances.

A. Variances shall be granted by the Board of Adjustment
only:

(1) In accordance with the provisions of 24 V.S.A.
§ 4468.

(2) Upon determination that the variance will not

result in increased flood heights, threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

B. The Secretary of the Board of Adjustment shall notify the applicant that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage.

(2) Such construction below the base flood elevation increases risk to life and property.

(3) The structure does not conform to the bylaws pertaining thereto and will *be* maintained *at the* risk of the owner.

C. The Secretary of the Board of Adjustment shall maintain *a* record of all variance actions, including justification for their issuance.

§ 135-16. Time for acting on application.

A. The Board of Adjustment shall hold a properly warned hearing within 30 days of receiving an application and ' shall act on such application within 30 days of the final hearing, subject to the limitations of § 135-4 of this chapter.

B. A copy of the public notice shall be mailed to the applicant at least 15 days prior to the hearing date.

§ 135-17. Issuance of permit.

Upon granting a permit, the Board of Adjustment shall send to the applicant, by certified mail, a copy of the decision. Copies of the decision also shall be mailed to every person appearing and having been heard at the hearing, to the administrative officer, who shall forthwith issue a permit and to the Town Clerk as a part of the public records.

§ 135-18. Effective date of permits.

A. A permitted use permit shall take effect 15 days from the date of issuance.

B. Conditional use permits shall take effect upon adjudication by the Board of Adjustment.

§ 135-19. Fees.

The Board of Selectmen shall establish such fees as may be necessary for the filing of notices and the processing of hearings and action thereon. All such fees shall be paid to the Secretary. of the Board of Adjustment upon application for a conditional use permit under this chapter.

§ 135-20. Disclaimer of liability.

This chapter does not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Rutland or any town official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decisions lawfully made thereunder.

§ 135-21. Severability.

I f any portion of this chapter is held unconstitutional or invalid by a competent court, the remainder of this chapter shall not be affected.

§ 135-22. Regulations to take precedence.

The provisions of this chapter shall take precedence over any conflicting and less restrictive local laws.

§ 135-23. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATOR — The Federal Insurance Administration.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

FIA — The Federal Insurance Administration.

FLOODPROOFING — Those methods that are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood.

FLOODWAY— The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

RIVERINE— Relating to, formed by or resembling a

river (including tributaries) stream, brook, etc.

SUBSTANTIAL IMPROVEMENT— Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of a structure-e either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places a State Inventory of Historic Places.

§ 135-28. Interpretation and effect on liability of town.

This chapter does not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Rutland or any town official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decisions lawfully made thereunder.

§ 135-29. Severability.

If any portion of this chapter is held unconstitutional or invalid by a competent court, the remainder of this chapter shall not be affected.

§ 135-30. Precedence of provisions.

The provisions of this chapter shall take precedence over any conflicting and less restrictive local laws.

§ 135-31. Annual report

A. The Administrative Officer shall, to the extent possible, submit to the Administrator the information required by the FIA annual report form with respect to the administration and enforcement of this chapter. *[Amended 7-6-87]*

B. A copy of the annual report shall be submitted to the state coordinating agency.

Use of City Sewage Disposal System
[Adopted 6-22-1987]

General Provisions

§ 175-67. Definitions and word usage.

ADMINISTRATIVE OFFICE — The person appointed by the Board of Sewage Disposal Commissioners to administer this ordinance.

B O A R D — The Town of Rutland Board of Sewage Systems Commissioners.

BOD (denoting Biochemical Oxygen Demand)— The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C , expressed in milligrams per liter.

B U I L D I N G DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

B U I L D I NG SEWER — The extension from the building drain to the public sewer or other place of disposal.
COD (denoting "chemical oxygen demand") — The total quantity of oxygen utilized by the wastewater, including the organic (BOD) as shown by standard laboratory testing procedures, expressed in milligrams per liter.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

HEALTH OFFICER — The Health Officer of the Town of Rutland or his duly authorized deputy, agent, or representative.

INDUSTRIAL WASTES— The liquid wastes from industrial manufacturing processes, commercial trade or business establishments other than sanitary sewage. Combined industrial waste and sanitary sewage is considered "industrial waste."

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of the weight of hydrogen ions, in grams per liter of solution.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half *(1/2)* inch [one point twenty-seven (1.27) centimeters] in any dimension.

PUBLIC SEWER — A sewer of the Town of Rutland.

SANITARY SEWAGE — The liquid wastes from normal residential households, including toilet, sink and shower wastes. Included are wastes from industrial, commercial or business uses which contain waste only from toilets and sinks and showers used for human washing and which contain no wastes from the industrial, commercial or business use.

SANITARY SEWER— A sewer which carries sewage and to which storm- surface and ground waters are not intentionally admitted.

SECRETARY — The Secretary of the Agency of Environmental Conservation, State of Vermont, or his representative.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-surface and storm waters as may be present.

SEWAGE WORKS— All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

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

STORM DRAIN (sometimes termed "storm sewer") — A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUSPENDED SOLIDS — Solids that either float on the surface of or are i n suspension i n water, sewage or other liquids and which are removable by laboratory filtering.

There shall be two (2) classes of building sewer permits, for residential and commercial service and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent i n the judgment of the administrative officer. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the town at the time the application is filed. The Board shall

from time to time establish such fees. The administrative officer shall not issue a building sewer permit unless there is also in effect a sewer allocation permit under the Town of Rutland Regulations Relating to Allocation of Sewer Capacity, and the term of such building sewer permit shall expire upon expiration of any such sewer allocation permit.

§ 175-70.1. Payment for technical review.

A l l cost for the review of industrial pretreatment facilities or other specialized factors which need to be evaluated to ensure the proposed industrial waste discharge meets the requirements of this chapter shall be borne by the owner.

§ 175-71. Costs and expenses; indemnification of town.

A l l costs and expenses incident to the installation, connection and repair of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 175-72. Separate building sewer for each building .

A separate and independent building sewer shall be provided for every building: except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

§ 175-73. Use of old building sewers.

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

§ 175-74. Specifications.

The building sewer shall be PVC sewer pipe, ASTM specification ASTMD3034; cast-iron soil pipe, ASTM specification C13A74-42 or equal; vitrified clay sewer pipe, ASTM specification C1344T or equal; or other suitable material approved by the Administrative Officer. Joints shall be tight and waterproof Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of mechanical joint ductile iron pipe, ANSI A21.511 AWWA C151 Class 52. Mechanical joint ductile iron pipe may be required by the Administrative Officer where the building sewer is exposed to damage by tree roots. I f installed in filled or unstable ground, the building sewer shall be of cast-iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Administrative Officer.

§ 175-75. Elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all

buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. The size and slope of the building sewer shall be subject to the approval of the administrative officer, but in no event shall the diameter be less than four (4) inches The slope of such four-inch pipe shall be not less than one-eighth (Vs) inch per foot.

§ 175-76. Storm water runoff.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 175-77. Manner of connection.

The connection of the building sewer into the public sewer shall be made at the Y-branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located Y-branch is available, the owner shall, at his expense, install a Y-branch in the public sewer at the location specified by the Administrative Officer. Where the public sewer is greater than twelve (12) inches in diameter and no properly located Y-branch is available, a neat hole may be cut into the public sewer to receive the building sewer, w i t h entry i n the downstream direction at an angle of about forty-five degrees (45°). A forty-five-degree ell may be used to make such connection with the spigot end, cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made and the connections made secure and watertight by encasement in concrete with suitable pipe saddle approved by the Administrative Officer.

§ 175-78. Inspection.

The applicant for the building sewer permit shall notify the Administrative Officer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Administrative Officer or his representative.

§ 175-79. Protection of excavations; restoration of public property.

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

§ 175-80. Grading of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or w i t h i n three (3) feet of any bearing wall, which might thereby be weakened. The depth

shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe fittings.

§ 175-81. Back water valves and trap s.

An approved backwater valve or trap shah be installed, when necessary, as required by the Administrative Officer, at the expense of the owner.

§ 175-82. Standards.

The following pipe joint standards are hereby set forth:

A. All joints and connections shall be made gastight and watertight.

B. Sewer pipe joints shall be push-on type, complying to ASTM D3212, using elastomeric gasket designed to prevent slippage during jointing. Gasket lubricant shall be supplied by the pipe manufacturer. Petroleum-based lubricants shall not be used.

C. Mechanical join t ductile iron pipe joints shall meet ANSI A21.il/AWWAC111 standards using plain rubber gaskets.

D. Other jointing materials and methods may be used only by approval of the Administrative Officer.

Use of Public Sewers

§ 175-83. Restricted actions.

No person shall discharge, or cause to be discharged, any Storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

§ 175-84. Storm sewers.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the administrative officer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the administrative officer, to a storm sewer, combined sewer or natural outlet.

§ 175-85. Certain wastes not to be discharged .

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers;

A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

B. Any waters or wastes containing toxic or poisonous

solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the city sewage treatment plant.

C. Any waters or wastes having a pH lower than five point zero (5.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the city or town sewage works.

D. Solid or viscous substances in quantities or of such size which is capable of causing obstruction to the flow in sewers or other interference w i t h the proper operation of the city or town sewage works, such as but not limited to ashes. cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entails and paper dishes, cups, milk containers, etc.. either whole or ground by garbage grinders.

E. Any waters or waste which would cause the town to be in violation of any valid agreement in effect between the Town of Rutland and the City of Rutland pertaining to usage of the City of Rutland wastewater treatment facility.

F. Any industrial waste which has a five-day biochemical oxygen demand *(BOD5)* i n excess of two hundred twenty (220) milligrams per liter, a chemical oxygen demand (COD) in excess of four hundred fifty (450) milligrams per liter or a suspended solids concentration i n excess of

§ 175-86. Discharge of certain wastes restricted.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the administrative officer, that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the administrative officer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, the nature of the sewage treatment process, the capacity of the city sewage treatment plant, the degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.) [sixty-five degrees Celsius (65° C.)].

B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (32° and 150° F.) [zero and sixty-five degrees Celsius (0° and 65° C.)].

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower [zero point seventy-six (0.76) horsepower metric] or greater shall be subject to the review and approval of the administrative officer.

D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the city sewage treatment works exceeds the treatment works permit limits established for such materials.

F. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the city treatment works receiving waters.

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state and federal regulations.

H. Any waters or wastes having a pH in excess of nine point five (9.5).

I . Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids, such as but not limited to Fullers earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.

(2) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the city sewage treatment works or which may cause the effluent limitations of the city discharge permit to be exceeded.

(4) Unusual volume of flow or concentration of wastes constituting slugs, as defined herein.

J. Waters or wastes containing substances which are not amenable to treatment or reduction by the city sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the treatment plant receiving waters. If any water or wastes are discharged or are proposed to be discharged to the pubic sewers, which waters contain the substances or possess the characteristics enumerated in §§ 175-85 or 175-86, the administrative officer may:

A. Reject the wastes;

B. Require pretreatment so that such waters or wastes comply with the provisions of those sections;

C. Require control over the quantities and rates of discharge; and/or

D. Require payment to cover the added cost of handling and treating the wastes not covered by existing sewage disposal charges and of analyzing the waste and reviewing pretreatment plans and construction. I f the administrative officer permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the administrative officer, and subject to the requirements of all applicable codes, ordinances and laws.

§ 175-88. *Grease, oil and sand interceptors.*

Grease, oil and sand interceptors shall be provided and maintained by the owner when, in the opinion of the administrative officer, they are necessary for the proper handling" of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the administrative officer, and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 175-89. *Maintenance of pretreatment facilities.*

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 175-90. Monitoring and control manholes.

A. -When required by the administrative officer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the administrative officer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

B. All industries discharging into a public sewer shall perform such monitoring of their discharges as the administrative officer may reasonably require, including installation, use and maintenance of monitoring equipment; keeping records; and reporting the results of such monitoring to the administrative officer. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit. Records of any other monitoring will be supplied by the administrative officer to the Secretary on request.

§ 175-91. Determining characteristics of wastewaters.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by The American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been^ required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four hour composites of all outfalls whereas pH values are determined from periodic grab samples.

§ 175-92. Terminating disposal authorization of industries in violation.

Any industry held in violation of the provisions of this Part 3 may have its disposal authorization terminated.

§ 175-93. Effect on special agreements and arrangements.

No statement contained in this Part 3 shall be construed as preventing any special agreement or arrangement between the town, the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern.

Administration

§ 175-94. Tampering with sewage works.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

§ 175-95. Authority to enter private property and easements.

A. The administrative officer and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Part 3. The administrative officer or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.

B. The administrative officer and other duly authorized employees of the town bearing proper credentials and

identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within said easement.

§ 175-96. *Violations and penalties.*

A. Any person found to be violating any provision of this Part 3, except § 175-94, shall be served by the town with a 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 all violations.

B. Any person who shall continue any violation beyond the time limit provided for in Subsection A above or shall violate § 175-94 shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding five hundred dollars ($500.) for each violation. Each week in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this Part 3 shall become liable to the town for any expense, loss or damage occasioned by reason of such offense.

Allocation of Sewer Capacity
Adopted 3-27-1989

Definitions

§ 175-97. Definitions.

As used in this Part 4, the following terms shall have the following meanings:

ADMINISTRATIVE OFFICER — The person appointed by the Board of Sewage Disposal Commissioners to administer this Part 4.

BOARD — The Board of Sewage Disposal Commissioners of the Town of Rutland pursuant to 24 V.S.A. § 3614.

CITY FACILITY — The City of Rutland sewer system and the city wastewater treatment facility.

CITY/TOWN AGREEMENT— The agreement dated January 18, 1984, between the City of Rutland and the Town of Rutland, providing for the disposal of sewage by the town and its property owners utilizing the city facility, and any amendments, extensions or replacement of or to that agreement.

DEVELOPMENT — Any change or expansion i n use of property or any building or structure thereon, any construction, reconstruction, conversion, alteration or enlargement of any building or structure and any other activity on property resulting in an increased demand for sewage disposal services.

PUBLIC SEWER — A sewer line of the Town of Rutland which conveys sewage, directly or via other lilies, to the city facility.

§ 175-97 RUTLAND CODE § 175-98

SEWER ALLOCATION — The amount of sewage which a property owner may discharge to the public sewer or to any other sewer line within the Town of Rutland for ultimate disposal in the city facility under the terms of

the city/town agreement. A "sewer allocation" shall be expressed in terms of gallons per day averaged over a calendar month.

STRUCTURE— Any assembly of materials for occupancy or use.

TOWN SEWAGE DISPOSAL ORDINANCE— An ordinance of the Town of Rutland pertaining to the use of the public sewers and the city sewage disposal system, adopted June 27, 1987, and any amendments thereto or replacements thereof Any term defined in that ordinance shall have the same meaning when used in this Part 4, and the definitional section of the "Town Sewage Disposal Ordinance" is incorporated herein by reference.

§ 175-98. Determination of sewer allocation.

Except as hereafter provided, after a building or structure has been connected to the public sewer for at least twelve (12) months, its sewer allocation shall be based upon its average water usage over the twelve (12) months j u s t prior to the date of determination thereof by the town. Average water usage shall be calculated by dividing the total gallonage utilized over such twelve-month period by three hundred sixty (360) days.

The quotient rounded up to the nearest one hundred (100) gallons per day shall be the property's sewer allocation, notwithstanding any greater amount specified in any prior approval or permit for connection to or use of the public sewer or any greater sewer capacity approval. For purposes of the foregoing determination, portions of any twelve-month period, which have elapsed prior to the effective date of this Part 4, shall be counted. However, notwithstanding the foregoing, in the event that the flows allowed in any previously issued town or state permit or approval are less than those determined by such twelve-month averaging procedure, the flows in such permit or approval shall control and establish the sewer allocation.

§ 175-99. Notice of determination.

The owner of a building or structure shall be given written notice of the determination of the sewer allocation for such owner's building or structure determined by the Board in accordance

with § 175-98 above. Thereafter, an owner desiring to utilize for such building or structure more than the sewer allocation specified in the notice shall apply for a permit for such additional sewer allocation pursuant to Article XVII of this Part 4.

§ 175-100. Waiver of provisions.

The Board may waive or modify in whole or in part the provisions of this Article in circumstances where i t determines that a particular twelve-month history is not representative of a building or structure's sewer utilization, because of interruption of usage, leaks, infiltration, seasonal fluctuations or otherwise or in circumstances where strict application of this Article would result in an inequitable situation.

§ 175-101. Subsequent determination of allocation.

The Board may at any time after a building or structure has been connected to the public sewer for twelve (12) months determine or re-determine the sewer allocation of such building or structure, based upon average water usage for the twelve-month period just prior to the date of determination or redetermination. I n such event, the owner shall be given notice pursuant to § 175-99 above.

§ 175-102. Review of determination.

A property owner who receives a notice determining such owner's sewer allocation under this Part 4, may have such determination reviewed by the Board by filing a written request for review with the .Rutland Town Clerk within t h i r t y (30) days of the date the town gives the notice of determination of sewer allocation. The Board shall, upon the filing of such a request for review, proceed promptly, upon notice to the property owner and hearing, to determine the sewer allocation to which such owner is entitled. The sewer allocation shall be established as of the date of determination under this Part 4. If a request for review is not filed as prescribed in this section, the determination specified in the Board's notice of sewer allocation shall be binding on such property owner.

§ 175-103. Increased usage prohibited.

Upon determination of an owner's sewer allocation, whether by a written notice of determination with no review request having been filed as provided above or upon determination by the Board in a review proceeding, such determination shall be deemed to amend any permit or approval of an owner to use or discharge sewage to the public sewer from a building or structure for a greater amount, and

such property owner shall not, without a permit issued pursuant to Article XVII of this Part 4, discharge more sewage from such building or structure than the amount specified in such determination.

After a determination of sewer allocation has been made, an increase in sewage flow without a permit, caused by any development, shall be deemed a violation of this Part 4. Whether there has been such an increase in flows shall be established by comparing gallons per day averaged over a calendar month with the number of gallons per day in such determination of allocation. However, an increase in flows where no development has taken place, caused by normal, temporary or seasonal fluctuations or leakage, shall not be deemed a violation.

§ 175-104. Usage prior to determination of allocation.

Nothing contained herein shall be construed as permitting the discharge of sewage in excess of the amount permitted in any approval or permit during any period of time before a determination has been made under this Article.

Sewer Allocation Permit

§ 175-105. Permit required; application procedure.

An owner desiring to utilize the public sewer for a new use or to service a new building or structure or to meet demand for sewage disposal services caused by any development shall first apply to the Board for a sewer allocation permit to do so. A separate application shall be filed for each use, building or structure involved. Such permit application shall be made on a form approved by the Board, or if no form has been approved, then application shall be made by letter.

No application shall be accepted unless signed by all owners of the property involved. Such application shall be accompanied by the prescribed fee and shall include the following information:

A. A brief description of the building or structure for which sewer services are requested, its location, its proposed use and, if the application is for increased flows, a description of the proposed development.

B. The amount of new or increased sewer flows requested, stated in gallons per day as averaged over a calendar month.

C. The method by which such sewer flows were calculated.

D. The biochemical oxygen demand and other constituents of such flows and their concentrations, if anything other than bathroom waste is involved.

E. Such other information as the Board may require in order to properly evaluate the application.

§ 175-106. Issuance of permit.

When the application is complete, the Board shall, after notice to the property owner and an opportunity to be heard, issue with conditions or deny the permit application. A separate permit shall be issued for each use, building or structure and shall state the maximum sewer allocation for such use, building or structure, expressed in gallons per day as averaged over a calendar month. In the event of a denial, the reasons shall be stated in writing.

§ 175-107. Standards to be applied.

The Board shall apply the following standards in determining whether a permit should issue:

A. Whether the application is complete and properly executed by the property owner(s).

B. The sewer allocation for which application is made shall not exceed the amount reasonably necessary to provide adequate sewer service for the use, building or structure or development proposed.

C. The amount of sewer allocation for which application is made shall not, in combination with other users, the amounts in other approvals and permits previously issued and the amounts involved in then-pending permit applications filed prior to the property owner's application, cause the town's capacity in the city facility to be exceeded.

D. The proposed sewer allocations or any construction related to it shall not cause the town to violate any of the terms or conditions of the city/town agreement.

§ 175-108. Permit conditions.

The Board may grant a permit for a lesser sewer allocation than that applied for and attach such reasonable conditions to any permit

as may be necessary, so that the proposed sewer allocation will be in compliance with the standards, terms and conditions of this Part 4 and will not be detrimental to the public health, safety and welfare.

§ 175-109. Conditions for allocation.

Whether or not stated on a permit, a sewer allocation shall be subject to the terms and conditions of the city/town agreement, and actual connection to the use of the public sewer shall be in compliance with the Town Sewage Disposal Ordinance and all other town policies and ordinances, rates and rules now or hereafter in effect and redetermination of the amount which may be used pursuant to Article XVI of this Part 4. A separate building sewer permit is required under the Town Sewage Disposal Ordinance.

§ 175-110. Permit expiration; extension.

A. A sewer allocation permit shall expire and become null and void at the expiration of twelve (12) months from the date of issuance by the Board, unless within that time the property owner commences utilization of the public sewer for the use. building or structure involved in such permit. I f a permit expires because of failure to commence such usage, then the property owner shall, before using the public sewer for such use, building or structure, submit a new permit application, with the supporting documentation and information required by § 175-105, and any required fees, the granting or denial of which shall be subject to all the terms of this Part 4.

B. A permit may be extended by the Board for an additional twelve-month period from expiration of the original twelvemonth period if:

(1) Written application for an extension is made to the Board before expiration of the first twelve-month period; and

(2) The Board determines that the property owner continues to have a bona fide intention to complete the project, that the owner during the first twelve-month period has diligently pursued the development of the project and that there is a reasonable expectation that the owner begin utilization of sewer services pursuant to the permit by the end of the extension period.

C. If by the end of the second twelve-month period, utilization of the public sewer has not commenced for the use, building or

structure involved in such permit, then the permit shall expire and become null and void, unless again extended as provided hereafter, and the owner shall, before using the public sewer for such use, building or structure, submit a new permit application, in the same manner as required by Subsection A above.

D. A sewer permit may be extended upon written application made before expiration of the second twelve-month period or any further extension period if:

(1) The Board determines that the owner is still diligently pursuing the project; and

(2) The owner has not been able to commence utilization because the owner is in litigation before administrative bodies or courts relating to the obtaining of necessary permits for the project. Any extension granted under this subsection shall not be for more than one (1) year, and further extensions may be granted for one-year periods if Subsection D(l) and (2) are met.

E. A permit may be extended upon written application made to the Board before expiration of the second twelve-month period or any further extension period, if the Board determines that there has been a substantial start on construction. Such extension shall be for such additional time and on such conditions as may be equitable.

F. The Board, after notice to the property owner and hearing, may, at any time during the initial twelve-month period or any extension thereof, revoke a permit if it determines that utilization of sewer services for the use, building or structure involved in the permit has not commenced and that the property owner has abandoned development of such use, building or structure. The Board shall not revoke any permit without first giving the property owner at least fifteen (15) days' notice of the time and place at which the Board shall hold its hearing.

G. "Commencement of utilization" of the public sewer, as used in Subsections A through F above, means active commencement of use of the public sewer for a use, building or structure which is substantially complete and able to be used or occupied for its designed purpose.

§ 175-111. Filing priority.

Each permit application shall be considered in the order of its filing priority.

Miscellaneous Provisions

§ 175-112. Notices.

A. Any notice required to be given under this Part 4, shall be deemed to have been given when deposited in the United States Mail, registered or certified mail, return receipt requested, addressed:

(1) To the property owner at such owner's address as carried on the books of the town for sewer and water billing purposes or, if at the time of notice such owner is not a user of town sewer and water, then

(2) To the address shown on the property owner's permit application or such other address as the property owner may, in writing, designate in connection with such application.

B. I n the event that a property owner who has applied for a sewer allocation transfers title , notice shall be deemed given if given to such successor in title.

§ 175-113. Fees.

The Board may prescribe reasonable fees for the filing of any request for review or permit application.

§ 175-114. Effect on other town ordinances.

Nothing contained i n this Part 4 shall be deemed to relieve a property owner of the obligation to comply with the Town Sewage Disposal Ordinance^ or any other ordinance or regulation of the town or the Board. The permit requirements i n this Part 4 are supplemental to the permit requirements in the Town Sewage Disposal Ordinance.

§175-115. Connections to nonpublic sewer lines and within Fire District No. 1.

A. This Part 4 of the Code of the Town of Rutland shall not

apply to property owners within the Town of Rutland Fire District No. 1 connected to fire district sewer lines.

§ 175-115 RUTLAND CODE 175-116

B. This Part 4 of the Code of the Town of Rutland shall be applicable to any property owner within the town discharging to any sewer line which is not a public sewer or which does not discharge into the public sewer, where such discharge is destined for ultimate disposal in the city facility under the terms of the city/town agreement, in the same manner as this Part 4 applies to a person connected to or desiring to connect to and discharge to the public sewer. Any such person shall be subject to the redetermination provisions of Article XVI of this chapter and must apply for a sewer allocation permit under Article XVII of this chapter, and all provisions pertaining thereto shall apply. This subsection, however, is subject to the next succeeding section as it pertains to Alpine Pipeline customers.

§ 175-116. Alpine Pipeline customers

The Route 4 east corridor of the town, containing those properties which are proximate to and best serviced by the Alpine Pipeline (the "Alpine Pipeline area"), is hereby allocated seventy-six thousand (76,000) gallons per day of the town's capacity in the Rutland City Treatment Plant, inclusive of capacity presently committed by the Alpine Pipeline Company. Such allocation is subject to the following:

A. Property owners who presently own units of capacity acquired by them or their predecessors in title from the Alpine Pipeline Company ("Alpine") representing the right to discharge wastewater to the pipeline shall not, as to the number of gallons per day of wastewater represented by such units of capacity, be subject to the provisions of Article XVI of this chapter, pertaining to reductions of allocation.

B. Property owners in the Alpine Pipeline area who may hereafter acquire from Alpine units of capacity or other ^ rights to discharge wastewater to the Alpine Pipeline or whose wastewater flows exceed the flows represented by the units of Alpine capacity they presently own, shall, w i t h regard to such future units of capacity or rights and

such additional wastewater flows, be subject to all sections of these regulations in the same manner as any other property owners of the town as if connecting to a public sewer; provided, however, that until the time when such seventy-six-thousand-gallon per day allocation to Alpine is exhausted, permit applications from property owners in the Alpine Pipeline area shall be considered in the order of their filing priority with regard to the difference between such seventy-six thousand (76,000) gallons and the capacity presently committed by Alpine, and until such time a separate priority list shall be maintained as to applications from such property owners.

C. Property owners who connect to the Alpine Pipeline shall be subject to the Town Sewage Disposal Ordinance to the same extent as other property owners of the town, and the town shall have the same rights of enforcement and other remedies as if such property owners were connected to the public sewer; provided, however, that the requirement for a building sewer permit under the Sewage Disposal Ordinance shall not be required. This provision shall not be construed to prohibit Alpine from imposing stricter standards than are contained in the Town Sewage Disposal Ordinance.

D. The term "property owner," as used in this section, shall include the heirs, legal representatives, successors and assigns of a property owner.

E. Notwithstanding the foregoing, the town shall not be required to issue a permit for an application filed under Subsection B above to the extent the discharge applied for would exceed the difference between the town's available capacity in the Rutland City Treatment Plant and amounts involved in Alpine units of capacity previously committed and in allocations or approvals previously issued by and/or presently pending before the Board.

F. The terms "presently," "previously," "hereafter" and "future," as used above, shall mean and refer to the time of, before and after the effective date of the above amendments, as applicable.

§ 175-117. Effect on successors in title.

A. Any rights of a property owner under this Part 4 or any permit issued under this Part 4 shall inure to the benefit of such owner's successors in title. Any obligations imposed on a property owner by this Part 4 or by a permit issued under this Part 4 shall bind such owner's successors in title.

B. The Board shall keep a file on each owner pertaining to determinations and permits issued under this Part 4, which shall be available for inspection by the public at reasonable times during business hours.

§ 175-117.1. Private lines to city facility.

A building or structure connected to a private line which conveys sewage, directly or indirectly via other lines, whether public or private, to the city facility shall be deemed to be connected to and utilizing the public sewer, and such building or structure and the owner thereof shall be subject to this chapter as if discharging to a town line.

§ 175-118. Violations and penalties; other remedies.

A. A person who, without a permit issued under this Part 4, utilizes the public sewer for a new use, building or structure or to meet demand for sewage disposal services caused by any development; or increases sewer flows over the maximum amount specified in a sewer allocation permit or any notice of determination issued or referred to under Article XV by reason of any development; or violates any provision of this Part 4 or the terms of any permit, approval or order of the Board or the Selectmen, shall be fined not more than five hundred dollars ($500.) Each week a violation continues shall constitute a separate offense.

B. The town may resort to any legal remedy to enforce this Part 4 or the terms of any permit, approval or order, including actions for injunctive relief

§ 175-119. Severability.

I f any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Part 4 or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by

any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Part 4 or any part thereof

§ 175-120. When effective.

This Part 4 shall become effective sixty (60) days after the date of its adoption.

Sewer Rates
Sewage Disposal Charges

§175-121. Definitions.

As used hereafter, the following terms shall have the following meanings:

BASIC RATE — The rate per one hundred (100) cubic feet of sewage disposed of into the facility, which from time to time is charged by the City of Rutland to the Town of Rutland pursuant to the Municipal Sewage Disposal Agreement. The basic rate is currently one dollar and five cents ($1.05) per one hundred (100) cubic feet, but the rate shall increase or decrease with changes in the rate charged by the city to the town, without further amendment of these sewage disposal charges.

FACILITY— The City of Rutland Sewage Disposal System as defined in Paragraph 2 of the Municipal Sewage Disposal Agreement.

MUNICIPAL SEWAGE DISPOSAL AGREEMENT — The agreement between the City of Rutland and the Town of Rutland dated January 18, 1984, relating to disposal of sewage from within the town into the facility .

TOWN SEWER USE ORDINANCE — An ordinance of the town entitled "Town of Rutland Ordinance Relating to Use of the City of Rutland Sewage Disposal System," together with all amendments, now or hereafter adopted.
USERS — There shall be three (3) categories of users, coinciding (subject to § 175-131 herein) with the

classifications in the agreement between the city and the town, as follows:

A. Regular. This category shall include all town residential property for not more than four (4) families and all town nonbusiness uses, which shall mean and include a public or quasipublic use, including but not limited to a school, library, church, hospital or medical center but only to the extent such is not a permanent office for medical practitioners, museum or gallery not offering items for sale, government use for local, county, state or federal government, any use which qualifies for exemption from real estate taxes under Vermont law and any other use not primarily for the production of income or profit through commercial, industrial or other business activities.

B. Town business. This category shall mean all businesses, including retail, commercial, industrial, service, professional or otherwise, located and existing within the town as of the date of the Municipal Sewage Disposal Agreement, and which as of that date were served by Rutland City Sewer.

C. New town businesses. This category shall mean all businesses as defined in Subsection B above, not served by Rutland City Sewer on the date of the Municipal Sewage Disposal Agreement. New businesses shall include new construction, conversion of residential or other use described in Subsection A above to business, expansion of business existing on the date of the Municipal Sewage Disposal Agreement through capital improvements which increase sewage disposal facilities or requirements or other activity involving the initiation or expanded operation of any business utilizing the facility as of the date of the Municipal Sewage Disposal Agreement.

§ 175-122. Town costs.

The town incurs costs of its own in administering the furnishing of sewer services pursuant to the Municipal Sewage Disposal Agreement, which the Board finds are covered by a charge of ten percent (10%) of the rates charged herein, [but

excluding the ad valorem charge of twenty percent (20%) required by § 175-124C hereafter].

§ 175-123. Meters.

Except as set forth hereafter, the sum to be paid to the town for sewage disposal services utilized by a town property owner shall be based upon the quantity of water used on such property owner's premises, determined by a meter attached to the property owner's water supply prior to commencement of service. Metering shall be subject to the following provisions;

A. The town will provide and install on each premises proposing to discharge sewage to the facility a water meter and such other items that are necessary for its operation, to such specifications as the town shall decide, including, if the town deems necessary, outside meter readers.

B. If such meter is greater than five-eighths (5/8) inch by three-fourths (3/4) inch, the property owner shall pay the town an amount equal to the town's costs of purchasing and installing such water meter and equipment within thirty (30) days following rendition of a bill by the town. I f such meter is five-eighths (5/8) inch by three-fourths *(3/4)* inch or less, the town will bear the cost of purchase and installation.

C. Where abnormal structural or plumbing conditions exist, if the town deems it necessary, the town may require the owner to provide at the owner's expense the necessary structural or plumbing alterations so that the town may make a normal meter connection.

D. Title to the water meter, outside meter reader and all accessory parts shall remain in the town and shall not pass to the owner of any premises in which the same shall be installed.

E. Except as provided in Subsection F below, the town will maintain and repair the town's water meter and all accessory parts at its expense; however, the town shall not be liable for damage to the meter or accessory parts caused by the owner or by persons on the owners premises or by fire, theft or other casualty, and the costs

incurred by the town for replacement or repair caused or made necessary by such damage shall be paid by the owner within thirty (30) days of rendition of a bill by the town.

F. Notwithstanding Subsection E above, if any town water meter on the premises of a business or other structure is greater than five-eighths (5/8s) inch by three-fourths *(3/4)* inch, then the town will do the work, maintain and repair such meter and its accessory parts, but the property owner shall reimburse the town for all its costs of maintenance and repair, as well as for costs incurred by the town for repair or replacement of a meter or equipment damaged by the owner or by persons on the owner's premises or by fire, theft or other casualty. Such reimbursement shall be made within thirty (30) days of rendition of a bill by the town.

G. The town shall have the right, for its agents and employees, upon reasonable notice to the owner, or at regular quarterly intervals, of access at reasonable times to the premises for the purpose of meter installation, inspection, meter reading, maintenance and repair.

H. Any charges billed pursuant to this section shall be a lien on the owner's property and may be enforced against the property to the same extent as other sewage disposal charges under 24 V.S.A. 3612.

I . Nothing contained herein shall be construed as imposing any obligations on the town to pay for replacement, repair or maintenance with regard to existing meters which are not the property of the town.

§ 175-124. Establishment of rates.

Each property owner shall pay for sewage disposal services based upon the quantity of water used, at the following rates:

A. Each regular user: the basic rate plus ten percent (10%) Thereof.

B. Each town business: five (5) Times the basic rate, plus ten percent (10%) thereof on the first one million (1,000,000) cubic feet per quarter, and the basic rate plus ten percent (10%) thereof on any amount over one

million (1,000,000) cubic feet per quarter.

C. Each new town business: five *(5)* times the basic rate plus ten percent (10%) thereof on the first one million (1,000,000) cubic feet per quarter, and the basic rate plus ten percent (10%) thereof on any amount over one million (1,000,000) cubic feet per quarter.

(1) In addition, the owner of each new town business shall pay an ad valorem sum equal to twenty percent (20%) of the real estate taxes for such new town business, annually, on the same dates that Town of Rutland real estate taxes are due, commencing with the real estate tax bill due in September 1989. This additional charge is imposed to comply with Paragraph 17(c)(1) of the Municipal Sewage Disposal Agreement. Pursuant to Paragraph 17(c)(6) of that agreement relating to the effect of tax stabilization, if for any reason the real estate taxes assessed against a new town business are stabilized by the town, such amount shall be computed based upon the taxes which would have been assessed had such real estate been taxed without regard to such stabilization.

(2) The ad valorem sum equal to twenty percent (20%) of the real estate taxes for a new town business shall be applied in a manner consistent with the requirement that such amount be collected under Paragraph 17 of the Municipal Sewer Disposal Agreement.

D. Surcharge.

(1) Any person who shall discharge or cause to be discharged any wastewater to the facility in violation of § 175-85F of the Town Sewer Use Ordinance shall pay a surcharge, in addition to the

rates set forth in Subsection A, B and C herein, calculated as follows:

(a) If such wastewater has a five-day biochemical oxygen demand in excess of two

hundred twenty (220) milligrams per liter (mg/1), then for each mg/1 of in excess of two hundred twenty (220) mg/1, eighteen and eight-tenths cent ($0,188) per one hundred (100) cubic feet of water consumed in the quarter such violation occurs.

(b) If such wastewater has a chemical oxygen demand (COD) in excess of four hundred fifty (450) mg/1, then for each mg/1 in excess of four hundred fifty (450) mg/1, four and five-tenths cent ($0,045) per one hundred (100) cubic feet of water consumed in the quarter such violation occurs.

(c) If such wastewater has a suspended solids concentration in excess of three hundred (300) mg/1, then for each mg/1 in excess of three hundred (300) mg/1, fifteen and three-tenths cent ($0,153) per one hundred (100) cubic feet of water consumed in the quarter such violation occurs.

(2) Such surcharges shall be calculated based upon a minimum of one (1) random twenty-four-hour composite sample taken during the quarter. I f the town, in its sole discretion, elects to take or require more than one (1) such sample, then such surcharges shall be based upon the average of the random twenty-four-hour composite samples taken or required by the town during such quarter.

(3) The foregoing surcharges shall apply to each quarter during which one (1) or more of the foregoing exceedances occurs, may be billed separately from the other rates established hereunder as soon as reasonably practicable following the necessary computations and calculations by the town and shall be payable thirty (30) days from the date of rendition. A separate surcharge shall be due for each exceedance under each of the three classifications COD, suspended solids).
Payment of a surcharge shall not relieve the user of his or her obligations to comply with the provisions of the Town Sewer Use Ordinance (Part 3 of this chapter), as amended from time to time, and

payment and acceptance of the surcharge shall not be deemed a waiver by the town of any of its enforcement rights either under the ordinance or under applicable law.

(4) The Board of Sewage Disposal Commissioners may amend the surcharge rates herein from time to time as the costs of treatment at the facility per unit of COD and suspended solids may change.

(5) Any amounts payable to the town on account of the surcharge shall be paid over by the town to the city to defray its additional treatment costs occasioned by such violations of the Town Sewer Use Ordinance, to the end that such violations will not cause increases in the basic rate, town business rate and new town business rate charged by the city to the town.

(6) All costs of testing incurred by the town to determine the COD and suspended solids concentrations in a user's wastewater shall be additional sewage disposal charges payable to the town by such user. The town shall bill such user for such costs of testing, as soon as practicable after the end of each quarter, and such additional sewage disposal charges shall be due within thirty (30) days of billing.

(7) The surcharges provided in Subsection D herein shall be calculated based upon all water consumed in the quarter that Subsection D becomes effective.

§ 175-125. Alpine Pipeline customers.

Alpine Pipeline customers located within the Town of Rutland and utilizing a portion of the town's waste load allocation in Otter Creek as set forth in the Municipal Sewage Disposal Agreement are obligated to pay the basic rate, town business rate and new town business rate, including the charge equal to twenty percent (20%) of real estate taxes, to the same extent as other property owners in the town utilizing the Rutland facility pursuant to the Municipal Sewage Disposal Agreement.

To the extent Alpine Pipeline customers pay such

amounts to the Alpine Pipeline Company and such amounts are disbursed to the City of Rutland, Alpine Pipeline customers are not required to make such payments to the town. However, Alpine Pipeline customers shall pay to the town all such sewage disposal charges, including the amount equal to twenty percent (20%) of real estate taxes, to the extent that the same are not collected by the Alpine Pipeline Company and disbursed to the city, within thirty (30) days of receipt of billings therefor by the town.

The town shall have no responsibility to provide for or require Alpine Pipeline Company's collection of such amounts, and payment over to the city.

§ 175-126. Due dates.

Sewage disposal charges shall be billed quarterly for the quarters ending with the 20th days of December, March, June and September, and bills shall be due and payable thirty (30)

§ 175-127. Defective meter.

I f for any cause any meter fails to register the amount of water passing through it , the property owner shall pay to the town for sewage disposal charges based on the average daily water consumption rate based upon the previous quarter, as recorded by the meter when in operating order. However, if the meter was not operating for the entirety of such previous quarter, or if during such previous quarter a less water intensive use was being made of the premises or if part of the time water was not used, such that water consumption would not be fairly representative, then water consumption while the meter is defective shall be deemed that amount which the city may lawfully use in calculating amounts due from the town to the city for such sewer service.

§ 175-128. No meter.

Except as set forth hereafter, no property owner may utilize sewage disposal services via the facility during any period of time when a meter is not installed in compliance with § 175-123 above. If any property owner utilizes such services during a period of time when a meter is not installed, the amount of water consumed during such period of time shall be deemed to be that amount which the city may lawfully use in calculating amounts due from the town to the city for such sewer service.

Automatic reduction in town business rate
and new town business rate .

The town business rate and new town business rate shall change to ,the basic rate plus ten percent (10%) thereof after expiration of the ten-year periods set forth i n Paragraph 17(B) and (C) of the Municipal Sewage Disposal Agreement.

§ 175-130. Interim arrangements as to unmetered service .

Notwithstanding anything contained herein, until the Rutland Superior Court's temporary order dated October 27, 1988, in the case of City of Rutland v. Town of Rutland and Town of Rutland Fire District No. 1 is modified or superseded by a final order, the basic rate for unmetered users of sewer service flowing into the sewage disposal system of Town of Rutland Fire District No. 1 shall be calculated in accordance with Paragraph 2 of that order. A copy of the City of Rutland's schedule relating to unmetered city residents is attached hereto and incorporated by reference.

Until such time as the
provisions in that paragraph are modified, amended or repealed by the Sewage Disposal Commissioners, pending a determination by the Court or arbitration, the property owners referred to in Paragraph 2 of the Court's Order shall not be required to install meters as a precondition for the utilization of sewer service, although they may do so at their option.

§ 175-131. Interpretation.

Subject to § 175-130 above, the application of the definitions and charges herein shall be consistent with the provisions of the Municipal Sewage Disposal Agreement and any amendments and any interpretations of said agreement by any arbitrator or court having jurisdiction.

§ 175-132. Sewage disposal charge to retire bonded Indebtedness incurred for construction of town sewer lines.

A. Each person making a connection to any town sewer line or to any sewer line discharging to a town sewer line shall first pay to the town a sewage disposal charge, calculated as follows, based upon the number of gallons

which are estimated to be discharged from such person's property as a result of the connection:

(1) Five dollars ($5.) per gallon for each gallon up to fifty thousand (50,000) gallons.

(2) Two dollars and fifty cents ($2.50) per gallon for each gallon in excess of fifty thousand (50,000) gallons.

B. If such person making the connection has a sewer allocation permit issued pursuant to the Town of Rutland regulations relating to allocation of sewer capacity (Part 4 of this chapter) for the use to be serviced by such connection, then the number of gallons shall be based upon the amount approved for a sewer allocation to service such use prior to the effective date of such ordinance then the number of gallons shall be based upon such prior approval. Upon application, the Sewage Disposal Commissioners may base such sewage disposal charge upon a lesser number of gallons than the amount specified in such permit or approval, if such person can demonstrate that the proposed use will generate less flows than are set forth in such permit or approval, and such person waives any rights under such permit or approval to discharge sewage in excess of such lesser demonstrated flows.

C. All sewage disposal charges paid under this section shall be used solely to pay for construction of town sewer lines, existing or proposed and to pay principal and interest on sewage disposal bonds of the town.

§ 175-133. Severability.

If any provision or part of this Part 5 is deemed to be invalid or unenforceable by any court of competent jurisdiction, such determination shall not affect the validity or enforceability of any other provision or part of such sewage disposal charges.

SOLID WASTE
Chapter 179
SOLID WASTE

ARTICLE I
Recycling

§ 179-1. Purpose; declaration of policy.

§ 179-2. Definitions.

§ 179-3. Designation and treatment of residential recyclables.

§ 179-4. Designation and treatment of commercial recyclables.

§ 179-5. Authorized commercial haulers.

§ 179-6. Scavenging and unauthorized collection.

§ 179-7. Violations and penalties; enforcement.

§ 179-8. Effective date.

§ 179-9. Educational Plan.

§ 179-10. Enforcement Plan.

ARTICLE I
Recycling
[Adopted 4-18-1994]

§ 179-1. Purpose; declaration of policy.

This Article has been created due to public interest in preserving the environment by reducing the amount it of refuse sent to landfills and incinerators. Because of solid waste disposal concerns and potential solutions to some of these problems provided by recycling, it shall be the policy of the Town of Rutland to require recycling of recyclable materials to the fullest extent possible.

§ 179-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AUTHORIZATION BY THE TOWN OF RUTLAND — Authorization pursuant to legal contract or other written authorization entered into by the Town of Rutland Board of Selectmen and a private third person, as defined herein.

COLLECTION BOX — A plastic bin or garbage can used for the purpose of collecting recyclables.

COLLECTION FACILITY — A center, generally located on Rutland Town property and managed by the Town of Rutland or its agents, for the acceptance by donation, redemption or purchase of recyclable -materials from the public

COMMERCIAL HAULER— Any person who collects and/or hauls solid waste that is generated within the Town of Rutland, except those defined as residential haulers.

COMMERCIAL RECYCLABLES — Cardboard, including corrugated and boxboard, glass containers. including clear glass, green glass and brown glass, newsprint, office paper, including white, colored and mixed office paper, metal food and beverage containers, including tin-plated steel, bimetal and aluminum cans and plastic containers, made from high-density polyethylene (HOPE), polyethylene terephthalate (PET), and polyvinyl chloride (PVC).

COMMERCIAL SOLID WASTE — Garbage, refuse and other discarded solid materials generated by normal business and institutional activities, and having no value to the owner at the time it is discarded.

CURBSIDE — An area adjacent to the street, curb or roadside ditch, but in no case greater than ten (10) feet from the curb or roadside ditch, nor directly on the traveled portion of any town highway or sidewalk.

DESIGNATED AREA — An area designated for storage of solid waste and recyclables, readily accessible at all times by a conventional solid waste collection truck, or Mutually agreed upon by the waste generator and their hauler.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

RECYCLABLES — Recyclable materials as specifically identified in regulations promulgated by the Board of Selectmen.

RESIDENT — Any person whose principal or secondary place of residence is within, the Town of Rutland, including but not limited to homeowners, tenants, businesses and corporations.

RESIDENTIAL HAULER — Any individual who hauls residential solid waste from his own individual residence that is located within the Town of Rutland.

RESIDENTIAL RECYCLABLES — Cardboard, including corrugated and boxboard, glass containers, including clear glass, green glass and brown glass. newsprint, office paper, including white, colored and mixed office paper, metal food and beverage containers, including tin-plated steel bimetal and aluminum cans and plastic containers, made from high density polyethylene (HDPE), polyethylene terephthalate (PET) and polyvinyl chloride (PVC).

RESIDENTIAL SOLID WASTE — Garbage, refuse and other discarded solid materials generated by normal household activities, and having no value to the owner at the time it is discarded. "Residential solid waste" shall include waste generated in single- and multifamily housing, apartments and condominiums.

SOLID WASTE— Any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant or pollution control facility and other discarded material including solid, liquid, semi-solid or contaminated gaseous materials resulting from industrial, commercial, mining or agricultural operations and from community activities, but does not include animal manure and absorbent bedding used for solid enrichment or solid or dissolved materials in industrial discharges which are not point sources subject to permits under the Water Pollution Control Act.

WASTE CONTAINER — A metal or plastic garbage can or dumpster with a lid that securely fastens, or a securely tied plastic bag.

§ 179-3. Designation and treatment of residential recyclables.

A. The designated residential recyclables listed in Subsection C below must be separated from residential solid waste and disposed in a manner approved by the Town of Rutland Board of Selectmen.

B. Approved disposal.

(1) The approved disposal of designated residential recyclables shall be :

(a) To deliver said material to the Rutland Town

Recycling Facility or a private recycling facility at the time designated for such delivery.

(b) To deliver said material to a commercial hauler registered with the Town of Rutland for the purpose of collecting residential recyclables. Recyclables shall be prepared in accordance with applicable specifications. Those recyclables taken to the Rutland Town Facility must be prepared in accordance with specifications provided by the Rutland Town Board of Selectmen.

(2) Nothing in this section is intended to prevent any 2 occupier of land from donating or selling recyclable materials from its own refuse.

C. Designated residential recyclables shall be as follows:
(1) Glass containers: clear glass containers, green glass containers, brown glass containers.

(2) Newsprint.

(3) Metal food and beverage containers including tin - plated steel, bimetal and aluminum cans.

(4) Plastic containers made from high-density polyethylene (HDPE) and polyethylene terephthalate (PET) and polyvinyl chloride (PVC).

(5) Office paper, including white, colored and mixed office paper.

(6) Cardboard, including corrugated and boxboard.

§ 179-4. Designation and treatment of commercial recyclables.

A. The designated commercial recyclables listed in Subsection C below must be separated from commercial solid waste and disposed in a manner approved by the Town of Rutland Board of Selectmen.

B. The approved disposal of designated commercial recyclables shall be:

(1) To deliver said material to the Rutland Town Recycling Facility or a private recycling facility at the time designated for such delivery. Those recyclables taken to the Rutland Town Recycling Facility must be prepared in accordance with specifications provided by the Rutland Town Board of Selectmen.

(2) To deliver said material to a commercial hauler registered with the Town of Rutland for the purpose

of collecting commercial recyclables. Recyclables shall be prepared in accordance with applicable specifications. Those recyclables taken to the Rutland Town Recycling Facility must be prepared in accordance with specifications provided by the Rutland Town Board of Selectmen.

C. Designated commercial recyclables shall be as follows:

(1) Glass containers: clear glass containers, green glass containers, brown glass containers.

(2) Newsprint.

(3) Metal food and beverage containers including tinplated steel, bimetal and aluminum cans.

(4) Plastic containers made from high-density polyethylene (HDPE) and polyethylene terephthalate (PET) and polyvinyl chloride (PVC).

(5) Office paper, including white, colored and mixed office paper

(6) Cardboard, including corrugated and boxboard.

§ 179-5. Authorized commercial haulers.

A. All haulers collecting residential or commercial solid waste in the Town of Rutland must also offer curbside recycling services.

B. No hauler shall knowingly collect residential or commercial solid waste which does not have the designated recyclables separated from it .

C. No person shall collect residential or commercial solid waste or recyclables placed at the curbside or other designated area unless they are authorized by the Town of Rutland Board of Selectmen. Licenses shall be obtained through the Town of Rutland Administrator's office. Authorization and licenses to collect recyclables may be suspended or revoked by the Town of Rutland Selectmen for failure to abide by these regulations.

D. Haulers shall report to the Rutland Town Administrator's office any obvious violation of these regulations by a resident, hauler or other person.

E. The hauler has the right to reject residential solid waste from which recyclables have not been separated. Separation shall be the sole responsibility of the resident.

F. The hauler has the right to reject recyclables that are not prepared in accordance with applicable specifications.

G. The hauler will be responsible for recyclables delivered to the Rutland Town Recycling Facility. The Town of Rutland has the right to reject the loads and to charge fees for further preparation and/or handling of recyclables.

H. Failure to abide by these regulations may cause suspension or revocation of any authorization or license or enforcement of any other penalties provided by law.

§ 179-6. Scavenging and unauthorized collection.

A. Recyclables placed at the curbside for collection or in any recycling receptacle placed by the Town of Rutland are the property of the Town of Rutland or its authorized collection agent. I t is a violation of this Article for any person unauthorized by the Town of Rutland to collect or pick up or cause to be collected or picked up any recyclable material or receptacle.

B. Nothing in this section is intended to prevent any occupier of land from donating or selling recyclable materials from its own refuse.

§ 179-7. Violations and penalties; enforcement.

A. Any person violating any provision of this Article or the regulations enacted hereunder shall be fined not more than one hundred dollars *($100.)* for each offense and/or denied authorization to pick up any solid waste or disposal of solid waste within the Town of Rutland.

B. The Town of Rutland or its designated agent reserves the right to refuse to collect solid waste or to refuse to allow disposal at any facility operated by the Town of Rutland or for the benefit of the town where this Article or the regulations promulgated hereunder are ignored or violated. The Town of Rutland further reserves the right to terminate the authorization of any commercial hauler who violates this Article, or the regulations promulgated herein. Termination of authorization may include but is not limited to revocation of license to collect, haul and dispose of solid waste.

C. Unless otherwise provided for herein, each day that a violation shall continue to exist shall constitute a separate offense.

D. The Town of Rutland may, upon the violation of any provision of this Article, maintain an action to enjoin the violations of this Article or any regulations adopted to implement the same, but the election of the town to proceed with an application or petition for an injunction shall not prevent a criminal prosecution for the violation of this Article. Expenses incurred by such action shall be recovered by the person whose legal duty it was to

comply with this Article.

E. Enforcement of all provisions of this Article shall provide all persons a reasonable period of time and opportunity to correct violations prior to pursuing penalties and/or fines. This includes providing information and education programs and utilizing verbal warnings and written warnings prior to instituting enforcement fines and/or penalties.

F. Spot checks shall be made by employees of the Town of Rutland at facilities operated by the Town of Rutland to determine if recyclables are properly separated from solid waste and to determine i f recyclables are properly prepared for receiving at the Rutland Town Recycling Facility. Adequate separation and preparation shall also be policed by licensed commercial haulers to determines that their customers are complying with the provisions of this Article. When an employee of the Town of Rutland or a licensed commercial hauler determines that a violation of this Article has occurred, written notice on forms prescribed by the town shall be provided to the violator, said notice to state the nature of the violation and the means by which compliance with this Article can be attained. Copies of all such written notices shall be submitted to the Rutland Town Administrator within five (5) days of service. Upon occurrence of the third violation of the same offense by any party, the Administrator shall levy penalty by fine and/or denial of rights to use the Town of Rutland Recycling Facility or exercise such other enforcement action as is provided for under this Article or other applicable laws, rules or regulations.

G. The Administrator or his/her designee shall be responsible for enforcement. The Board of Selectmen shall act as appeal board for all appeals that are not resolved after appeal to the Administrator

§ 179-8. Effective date.

This Article shall become effective at 12:00 midnight on June 17, 1994.

§ 179-9. Educational Plan.

A. Purpose. The purpose of the Educational Plan is to inform all residents and businesses in Rutland Town of the methods and means of recycling, especially in regards to mandated recycling.

B. Implementation. The Educational Plan will include both written material, i.e., brochures and flyers, and personal contact. Sectors of the community which will receive this approach are single-family residential units, multifamily residential units and commercial and industrial

businesses. Information dissemination and personal visits will be conducted by the Town Administrator. Listed below is the approach to be used for each sector.

(1) Single-family residential units. Information on the recycling program methods and means will be disseminated via newspaper, radio, flyers, brochures, billing inserts and displays in store windows. A block leader program will be instituted for the residential sector.

(2) Multi-family residential units. Information on the recycling program methods and means will be disseminated via newspaper, radio, flyers, brochures, billing inserts and displays in store windows. A block leader program will be instituted for the residential sector. The Town Administrator will also visit each multifamily unit prior to the program start date in order to assist the owner with placement of collection containers and other needs. When necessary, collection methods and information will be custom designed per site.

(3) Commercial and industrial businesses. Information on the recycling program methods and means will be disseminated via newspaper, radio, flyers, brochures, billing inserts and displays in store windows. The Town Administrative Assistant will assist each business individually with placement of collection containers and education of employees.

C. Anyone interested in recycling will be able to obtain information by calling the Rutland Town Clerk's office. The Town Clerk's office is open weekdays from 8:00 a.m. to 4:30 p.m., except on Fridays. The Clerk's office closes at noon on Fridays.

D. An educational program will be conducted at the Rutland Town Elementary School. The program will include a logo and slogan contest. The Town Administrator will meet with school officials to ensure coordination and implementation of the elementary education program.

§ 179-9 RUTLAND CODE § 179-10

E. Conclusion. The Educational Plan for Rutland Town's Mandatory Recycling Ordinance is an essential component of the town's recycling program. The program *is* designed to include all segments of the general public in a cooperative effort to reduce the amount of solid waste generated within the Town of Rutland. In implementing the plan, the Town of Rutland will ensure a successful, effective and manageable recycling program.

§ 179-10. Enforcement Plan.

A. On April 18, 1994, the Town of Rutland Board of Selectmen enacted an ordinance* for the collection and recycling of solid waste in the Town of Rutland which requires households and businesses to recycle the following materials beginning June 17, 1994: glass containers; metal food and beverage containers; newspapers; plastic containers made from high-density polyethylene (HDPE), polyethylene terephthalate (PET) and polyvinyl chloride (PVC). The ordinance was received well by the public no challenges were raised to its adoption. In the event that households and businesses do not comply with the ordinance, the Town of Rutland will institute the following enforcement process:

(1) The Rutland Town Administrator will be responsible for enforcement of the Waste Management Ordinance and the regulations for the collection and recycling of solid waste generated within the Town of Rutland. The Rutland Town Planning Commission will act as an appeal board for all enforcement proceedings that are not resolved after a hearing before the Board of Selectmen.

§ 179-10 SOLID WASTE *§ 179-10*

(a) First offense. After the first violation of any part of the ordinance or regulations, an individual will receive a written notification form specifically describing the offense. Haulers will have the option of leaving educational materials instead of a notification form if an individual occasionally places an unacceptable item in with his or her recyclables or small amounts of recyclable materials are infrequently mixed in with solid waste.
(b) Second offense. On the occurrence of the second violation, the Administrator will send a written warning and an offer to personally assist the violator in correcting the deficiency.

(c) Third offense On the occurrence of the third offense, the Administrator will send a second written warning and contact the individual by phone or personal visit. The written warning will include a description of the alleged offense, potential enforcement actions, a statement that the respondent has a 2 right to a hearing and a description of the procedures for requesting a hearing.

(d) Fourth offense. Any individual who engages in four (4) or more offenses may be fined not more than twenty-five dollars ($25.) for each offense

beginning with the fourth offense, or may be assigned to community service assisting at the Town Recycling Center. A citation will be sent via certified mail. Failure to pay the fine or via complete community service may result in additional judicial action.

(2) It is expected that the majority of instances of noncompliance will result from improper preparation and/or selection of recyclables. It is unlikely that these instances will recur after receipt of written notification from the individuals hauler or the Town of Rutland. Cases of noncompliance which may require more stringent enforcement are those in which households refuse to separate recyclables from solid waste. At any step in the enforcement process, the hauler may refuse to collect an individuals solid waste or recyclables that are not properly prepared. The Administrative Assistant will conduct periodic spot checks of garbage to determine participation.

B. Due process appeal flow chart.

(1) First offense: Contact Administrator
(2) Second offense. Contact Administrator
(3) Third offense: Review by Administrator
(4) Fourth offense: Hearing with Board of Selectmen;

Appeal to Planning Commission.

Chapter 181

STREETS AND SIDEWALKS

ARTICLE I
Driveway Installations

§ 181-1. Permit required.

§ 181-2. Authority; effect on other regulations.

§ 181-3. Compliance required; change of use.

§ 181-4. Restrictions; applicability.

§ 181-5. Safeguarding traffic.

§ 181-6. Compacting backfill.

§ 181-7. Replacement of disturbed courses.

§ 181-8. Inspections and approvals.

§ 181-9. Installations and parking in right-of-way.

§181-10. Costs of work.

§ 181-11. Other regulations to be met.

§ 181-12. Culvert.

§ 181-13. Construction per details and standards.

§ 181-14. Responsibility within highway limits.

§181-15. Drainage.

§ 181-16. Manner of grading slopes.

§ 181-17. Manner of entry to right-of-way.

§ 181-18. Marking underground services.

§ 181-19. Time of completion.

ARTICLE II
Acceptance of Roads and Town Highways

§ 181-20. Documentation accompanying request for acceptance.

§ 181-21. General requirements.

§ 181-22. Draft instruments; review fee; review by Town.

§ 181-23. Acceptance.

§ 181-24. No Town actions other than Select Board vote constitutes acceptance.

ARTICLE III

Naming of Roads and Numbering of Buildings

§181-25. Purpose.

§ 181-26. Definitions.

§ 181-27. Road naming.

§ 181-28. Future development.

§ 181-29. General addressing and numbering system guidelines.

§ 181-30. Road name signs.

§ 181-31. Implementation.

§ 181-32. Severability.

§ 181-33. Enforcement and remedies.

ARTICLE IV
Policy for Transportation Construction and Improvements

§ 181-34. Adherence to sound engineering practices.

§ 181-35 Minimum standards.

§ 181-36. Culverts.

§ 181-37. Roadside ditches.

§ 181-38. Bridges.

§ 181-39. Agency of Transportation guidelines.

§ 181-40. Deviations from policies.

§ 181-41. Applicability.

§ 181-42. Authority for final decisions.

§ 181-43. Verification of compliance; inspection report.

ARTICLE I
Driveway Installations
Adopted 7-7-1980

§ 181-1. Permit required.

Any person desiring access to a Town highway for any use shall obtain a permit therefor, pursuit to this chapter, prior to commencing any work on constructing such access or, if a driveway preexists such use, prior to commencing use of such driveway in support of such use.

§ 181-2. Authority; effect on other regulations.

The permit required by this chapter is issued in accordance with 19 V.SA. § 43 relative to all highways within the control and jurisdiction of the Town of Rutland. The issuance of this permit does not release the applicant from any requirement of statutes, ordinances, rules and regulations administered by other governmental agencies.

§ 181-3. Compliance required; change of use.

The permit will be effective upon compliance with such of these requirements as are applicable and shall continue in effect for as long as the present land use continues. Any change from the present land use will require a new permit.

§ 181-4. Restrictions; applicability.

The permit required by this chapter is issued subject to the directions, restrictions and conditions contained therein and on the reverse of the permit form, and any attachments thereto, and covers only the work described in this application, and then only when the work is performed as directed. Violations are subject to the penalties set forth in 19 V.S.A. § 43, with fines of not less than $100 nor more than $10,000 for each violation.

§ 181-5. Safeguarding traffic.

The permit holder shall take all necessary precautions to safeguard the traveling public until the work is completed.

§ 181-6. Compacting backfill.

Backfill shall be thoroughly compacted to prevent future settlement of the highway.

§ 181-7. Replacement of disturbed courses.

Gravel, base and surface courses shall be replaced, if disturbed, by the permit holder.

§ 181-8. Inspections and approvals.

A. All new drainage pipes within the highway right-of-way shall be approved by the Selectmen or Road Commissioner before backfilling trenches.

B. An additional inspection and approval shall be obtained prior to paving drives.

§ 181-9. Installations and parking in right-of-way.

No installation or parking will be allowed within the highway right-of-way.

§ 181-10. Costs of work.

All construction costs and costs of material shall be at the permit holder's expense.

§ 181-11. Other regulations to be met.

All applicable town regulations and State Environmental Control Commission regulations must be met.

§ 181-12. Culvert.

A galvanized culvert with a minimum diameter of 12 inches (or size as requested by the Selectmen or Road Commissioner) minimum diameter galvanized culvert will be installed under the drive.

§ 181-13. Construction per details and standards.

Drives are to be constructed as per Detail A, B, or C, Standard for Residential and Commercial Drives.^ Also see Vermont Standards B71.

§ 181-14. Responsibility within highway limits.

The applicant or the applicants agent shall be responsible for any damage, repair or maintenance of the facility within the highway limits.

§ 181-15. Drainage.

No effluent from septic tanks or drainage fields will be allowed to drain onto the highway right-of-way.

§ 181-16. Manner of grading slopes.

The slopes within the highway right-of-way shall be graded in a workmanlike manner, seeded and mulched.

§ 181-17. Manner of entry to right-of-way.

The driveway to be constructed will enter the town right-of-way at an elevation not higher than that of the shoulder of the highway. The driveway to be constructed shall not exceed *5%* grade per 20 feet from the edge of the traveled portion of the road. The angle that the driveway enters the road shall be determined by the Selectmen, who, in their determination, will

be guided by safe and practical ingress to and egress from the town highway.

§ 181-18. Marking underground services.

Underground services will require sleeves and markers to locate them and will be referenced on a map submitted with the permit or before use of the driveway.

§ 181-19. Time of completion.

All construction shall be completed within one year of the approved application.

ARTICLE II

Acceptance of Roads and Town Highways
Adopted 6-23-1997

§ 181-20. Documentation accompanying request for acceptance.

All requests for acceptance of roads as town highways by a landowner shall be accompanied by following:

A. Survey.

(1) A survey certified by a Vermont-licensed surveyor, showing outer limits of the land proposed for conveyance, with bearings and distances for straight fines and radii, arcs and chord lengths for all curves and turnaround areas. The survey shall show as built the roadway, any turnarounds, any sidewalks culverts and all slope and ditch areas. All roadways, turnarounds and sidewalks as built shall be within the land proposed for conveyance. If culverts, slopes or ditches extend outside the lands proposed for conveyance, the outer necessary easement areas shall be shown by bearings and distances, radii and chords, as appropriate.

(2) The survey shall also show as built, any underground utility lines which are within or cross the land proposed for conveyance or associated easements, including water, sewer, electric, telephone and television and all drainage areas on

the landowner's remaining land, and on parcels or lots previously conveyed by the landowner which are part of landowner's subdivision, over which surface water from the roadway will pass. The names of the owners of any such parcels or lots shall be shown on the survey, with the deed references to their deeds. The survey shall also show all information required to be shown on the survey elsewhere in these policies. The survey shall conform to the requirements of 27 V.S.A. § 1403.

B. Certified as built design specifications. Design specifications by a licensed Vermont engineer, to which all improvements and facilities for conveyance were built (including but not limited to roads, sidewalks, water and sewer lines and associated culverts, slopes, ditches, water drainage facilities, traffic signals, road striping, turning lanes, sewer waterline connection 'T"s and other associated improvements and facilities). Specifications shall include cross sections every 100 feet. A licensed Vermont engineer shall certify that the design specifications are at a minimum consistent with the requirements of all applicable state and local regulations and the permits issued authorizing the improvements, and all of the improvements as built have been installed in accordance with the design specifications and all applicable state and local permits and plans approved by such permits.

C. Warranty deed. An executed Warranty Deed conveying fee-simple title to the land proposed for conveyance, and all necessary easements for culverts, slopes and ditches outside the land to be conveyed, all described by bearings, distances, radii, arcs and chords consistent with the survey. Necessary easements for roadway surface water drainage shall also be described.

(1) If the landowner has previously conveyed parcels or lots which are part of the landowner's subdivision over which surface water from the road passes, the deed to the town shall include easements for passage of road surface water across parcels or lots. I t is the landowner's responsibility to either reserve these surface water easements in making parcel or lot conveyances or obtain them from owners thereof before requesting town roadway acceptance, in

either case so that these easements may be transferred to the town by the landowner along with roadway area.

(2) If the landowner is also requesting that the town accept a water or sewer line, the deed shall transfer ownership of the line. I f all or any part of the line is outside or within 10 feet of the edge of the land proposed to be conveyed, that part of the line shall be shown as built on the survey, by appropriate bearings, distances, radii, arcs, and chords, and the deed shall include an easement 15 feet on either side of that part of the line (not including the area lying within the land proposed conveyance), plus an additional 10 feet by way of temporary easement during construction for location of machinery and placement of fill and other materials. I f any water or sewer line or associated facilities crossing the land proposed for conveyance is not to be conveyed to the town, the landowner shall set forth that fact clearly in the deed, provide in the deed that the town will have no responsibilities for maintenance and repair .and file with the deed a permit application under 19 V.S.A. § 1111(c) to maintain the line in the town property if and when the road is accepted.

(3) All easements required to be included in the deed shall include rights of installation, restoration, replacement, enlargement, maintenance and repair of facility or improvement for which the easement is granted.

(4) The deed shall convey all improvements and facilities constructed or installed within or under the land and improvements proposed for conveyance (whether constructed or installed as of the date of the deed or thereafter), excepting only any water or sewer lines and associated facilities specifically excluded and electric, telephone, cable television and similar facilities owned by utility companies. The deed shall include the Waiver of Development Rights covenant required by the Environmental Protection Rules of the Vermont Agency of Conservation (Subdivision Regulations), Section 3.06, as amended.

D. Subdivision deferral permit application. A deferral permit application for the land proposed to be conveyed, as required by Section 3.06 of the Subdivision Regulations, signed by the landowner. The town may sign the application so that the landowner may process it with the Agency of Conservation. Signing of the application by the town shall not constitute commitment or agreement to accept the land proposed for conveyance.

E. Subdivision permit required for remaining land. A permit or deferral permit under the Subdivision Regulations for any remaining land of the landowner which would be left subject to the Subdivision Regulations after the conveyance of the town.

F. Property transfer return. A Vermont property transfer tax return, signed by the landowner with all parts filled in (except for the section pertaining to the Subdivision Regulations, which must await issuance of the deferral permit).

G. Act 250. I f the roadway is subject to an Act 250 permit, the appropriate permit number shall be filled in on the Vermont property transfer tax return, and the following shall be supplied along with the return: a copy of the Act 250 permit, and all amendments and a certification by a licensed surveyor or engineer that the land and easements proposed for conveyance are so located on the property and of a sufficient width as to comply with the Act 250 permit as amended. I f the landowner claims the road is not subject to Act 250, then an opinion by a Vermont attorney shall accompany the property transfer tax return explaining the reason for the exemption, and the appropriate exemption spaces in the return shall be completed.

H. Title certificate. A title certificate prepared and signed by a Vermont attorney certifying to the marketability of the land and easements proposed for conveyance, stating the names of all record owners of the land and easements proposed for conveyance and noting any mortgages, easements, restrictions, other encumbrances which might affect the town's title to or use of both the land and the easements.

I . Partial discharges and releases. Executed partial

discharges of mortgages and executed releases of other restrictions and encumbrances noted on the attorney's title certificate.

J. Security for maintenance and any continuing permit obligations. An indemnification agreement signed by the landowner backed by letter of credit issued by a Vermont bank under which the landowner agrees to indemnify and hold the town harmless for its costs in performing any work necessary to repair and/or replace any of the improvements proposed for conveyance which fail within one year of acceptance by the town (including but not limited to breakup of pavement, erosion of slopes or drainage areas or leaking or breaking pipes).The letter of credit shall provide that the town may draw upon it at any time within 18 months of acceptance of the improvements by signed draft accompanied by the town's certification to the bank that the town has incurred costs to perform work to replace or repair improvements proposed for acceptance by the landowner and accepted by the town, and specifying the amount of the costs. If any permit issued to the landowner contains a reopener under which the town as successor in title to the landowner could be required to install any additional improvements or facilities of any kind (including but not limited to additional turning lanes, signage, traffic signals, other traffic improvements) as a result of development or subdivision to the permit ("reopener improvements"), the indemnification/letter of credit shall also cover the town's costs of the reopener improvements, if required to be made by the District Commission or Environmental Board. The amount of the letter of credit and any extended period of time for the town to draw on account of reopener improvements shall be as agreed by the landowner and the selectmen prior to the town's accepting the improvements.

K. A review fee deposit in the amount of $750, to be used pursuant to § 181-22 below.

§ 181-21. General requirements.

All roadways, turnarounds and sidewalks as built shall be located within the land proposed for conveyance.
A. All strips of land within which roads are located shall be at least 50 feet wide, and the radii of all turnaround

areas shall be at least 60 feet, unless greater widths and/or radii are required by permits. The width of the strip of land shall be increased to a minimum of 120 feet, and the radii of the turnaround areas to a minimum of 75 feet where sidewalks are installed.

B. Legal or recording requirements: All deeds, transfer returns, indemnifications and other instruments of transfer shall be signed by all record owners of title.

C. Paving requirements: Roadways 20 feet wide centered on a roadway cul-de-sac shall have a minimum-paved radii of 45 feet from center of cul-de-sac. Also required shall be two inches of blacktop base and a one-inch finish coat of blacktop.

§ 181-22.

Draft instruments; review fee; review by town.
A. Before submitting executed and signed instruments, the landowner shall submit drafts. The town will review the landowner's documentation as it deems necessary with the town's Attorney, engineer and/or surveyor and will then request that the landowner revise the documentation and supply any further documentation to meet any of their comments.

B. The landowners required review fee deposit will be used to defray the town's review costs, and any excess will be refunded to the landowner. If the town's review costs exceed the deposit, the landowner will reimburse the town for the excess prior to acceptance.

§ 181-23. Acceptance.

The land and easements and improvements proposed for acceptance shall only be accepted by vote of the Selectmen. If the Selectmen decide to accept the road, their acceptance shall be conditional and shall not effect until the town receives a Vermont attorney's supplemental title certificate to the date of recording, indicating that objections to marketability noted in the original title certificate have been cleared and that there is nothing new between the original title certificate and the date of recording affecting marketability.

§ 181-24. No town actions other than Select Board vote

constitutes acceptance.

Nothing in these policies, and no actions of the landowner or the town pursuant to these policies or otherwise (including but not limited to the town's inspection during construction or approval of the work or materials), shall be construed as imposing an obligation on the Town to accept any land or easements proposed for conveyance to the Town or any associated roadway or other improvements or as an acceptance thereof Whether to accept or not to accept any such land, roadway, or improvements shall be in the sole discretion of the Selectmen.

ARTICLE I II
Naming of Roads and Numbering of Buildings
Adopted 5-28-1996

§ 181-25. Purpose.

A. In accordance with 24 V.S.A. Chapter 59, Chapter 61, Subchapter 11, and Chapter 117, and 23 V.S.A. Chapter 24, the Board of Selectmen of the Town of Rutland hereby establishes the following article in order to develop a more uniform road naming and road location addressing system throughout the Town of Rutland to enable people to locate roads and addresses and to effectively provide emergency services and deliveries to Town citizens.

B. This article is hereby designated a CIVIL ordinance and shall be enforced according to 24 V.S.A. Chapter 59 and 23 V.S.A. Chapter 24.

§ 181-26. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PUBLIC ROAD — A state or Town highway identified on the latest A.O.T. General Highway Map for the Town of Rutland.

ROAD — A public road, a state or Town highway identified on the latest A.O.T. General Highway Map for the Town of Rutland; or any nonpublic road, street, right-of-way, shared driveway, or other way which provides access to three or more dwellings.

STRUCTURE — Includes any dwelling, any public building, any place of business, and any building which the Board of Selectmen or its designee determines should have a separate location number in order to effectively provide emergency services.

§ 181-27. Road naming.

A. Each road, as defined herein, shall be assigned a name by the Board of Selectmen or its designee. The Board of Selectmen or its designee may determine that other roads, streets, rights of way, or other ways providing access to a structure, may require a name if necessary to effectively provide emergency services.

B. Attached to this article is a list and map of all current roads and road names in the Town of Rutland and the names of such roads are hereby adopted. See Attachment A. Each road not named in Attachment A shall receive a proposed name by resolution of the Board of Selectmen at a regularly scheduled meeting of the Board. The proposed road names must be separate and distinct fi-om other designated road names in the Town of Rutland and surrounding communities.

C. The Board of Selectmen shall add names to Attachment A by following the procedures for adoption and amendment of ordinances as set forth in 24 *V*.S.A., Chapter 59. I n addition to the statutory provisions, the adoption procedure for new road names under this article shall include providing notice of the proposed amendment with the proposed road name to all landowners on that road via individual or bulk mailing or by a notice in a newspaper circulating in the municipality. Within 30 days of the passage of the resolution to amend Attachment A for purposes of naming a road, affected individuals in the Town of Rutland may request the Board of Selectmen to hold a hearing on the proposed amendment, or may offer written comments to the Board of Selectmen on the proposed amendment. Unless the resolution is withdrawn, revoked or amended by the Board of Selectmen, the resolution amending Attachment A shall become effective 60 days after the date of the resolution in accordance with 24 V.S.A. Section 1972.

D. The Board of Selectmen may change the names of any road, after a duly-warned public hearing, when necessary to promote public welfare and safety.

§ 181-28. Future development.

A. Prior to the approval of a subdivision by the Planning Commission, the subdivider shall furnish a plan for road naming and road numbering in accordance with this article to the Planning Commission and Board of Selectmen. The subdivider shall be responsible for installation of road signs and location numbers prior to the issuance of any permits for construction on any of the subdivided lots.

B. Following the adoption of this article, the written approval of the Board of Selectmen or its designee is required for any proposed road name and location numbers of any new structure for which an Act 250 or highway access permit is required.

C. Where a new or reconstructed structure is not otherwise subject to § 181-28B, and when the Board of Selectmen or its designee determines that, in order to promote the purposes of this article, the new or reconstructed structure should be assigned a location number or should have its existing location number changed, the Board of Selectmen or its designee shall provide the owner of the structure with a written order of the assignment or amendment of the structure's location number. This owner shall comply with § 181-29 of this article within 60 days of the date of the order unless the order specifically provides a different date by which compliance is due.

§ 181-29. General addressing and numbering system guidelines.

A. Roads officially named by the Board of Selectmen of the Town of Rutland shall be measured in segments of 5.28 feet (1/1,000 mile). Even numbers shall be assigned to the right side of the road and odd numbers to the left as they proceed from the starting point.

B. The Board of Selectmen or its designee shall assign each

structure, as defined herein, a location number based upon its distance (i.e., the number of 5.28-foot segments) fi-om the starting point of the road to the center of the driveway or entrance from the road to the structure, if possible. The Board of Selectmen or its designee shall have the authority to assign a location number utilizing other physical information regarding the structure, if appropriate and necessary in order to effectively provide emergency services.

C. Each of the location numbers for structures must be at least four inches high and at least two inches wide. Location numbers must be dark in color on a light-colored background with no other markings or symbols.

D. Numbers must be clearly visible from the road if the location number signs are affixed to the structure. I f the location number affixed to the structure is not clearly visible from the road, the location number shall be affixed on a board or plaque no smaller than eight inches wide by four inches high and such board or plaque affixed to a post, pole, fence or other structure near the driveway entrance so as to be clearly visible from the road during all seasons.

E. Numbers may only be affixed to a mailbox if there is a single mailbox located at the entrance to the structure from the road, and, in such event, the location number shall be on both sides of the mailbox. If there are multiple mailboxes at a single location or the mailbox is on the opposite side of the road to the entrance to the structure, no location numbers may be placed on the sides of the mailbox and any identifying information shall only be marked on the front of the mailbox facing the road.

F. The property owner is responsible for the purchase and installation of location numbers to be installed.

G. A multiple dwelling or use structure shall bear one number for each dwelling or use where possible. I f each dwelling or use does not have a separate number, then the Board of Selectmen or its designee shall determine the appropriate numbering of each dwelling or use so as to provide emergency services effectively.

H. All location numbers shall be maintained so as to maintain clear visibility of the location number.

§ 181-30. Road name signs.

A. The Board of Selectmen, upon adoption of this article, shall institute a program for the installation and maintenance of municipal and private road name signs in accordance with this article. All nonpublic roads shall also be properly signed. The cost of initial installation (purchase and installing post and sign) shall be paid by the Town for public roads listed on Attachment A and by the owners/users of existing nonpublic roads listed on Attachment A. The owners/users of nonpublic roads shall be responsible for the maintenance, repair and replacement of such road signs for the nonpublic roads. The Town shall be responsible for the maintenance, repair and replacement of roads signs on public roads.

B. All road signs shall conform to the Manual on Uniform Traffic Control Devises for Roads and Highways.

C. All road signs shall be maintained so as to maintain clear visibility of the name of the road.

§ 181-31. Implementation.

A. The Town shall ensure, through cooperative efforts with the Post Office, that each property owner is notified of the implementation of this article.

B. All structure owners shall install their location numbers within 60 days after the adoption of the road name upon which the structure is located.

§ 181-32. Severability.

If any portion of this article and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article and any amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this article shall be amended, this article shall be deemed to refer to such statute as amended.

§ 181-33. Enforcement and remedies.

A. The designated Enforcement Officer is the Town Administrator.

B. This article is designated as a civil ordinance pursuant to 24 V.S.A. Section 1971 (b). This article shall be enforced through the Traffic and municipal Ordinance Bureau pursuant to 23 V.S.A. and 24 V.S.A. Chapter 59, as may be amended from time to time.

C. Civil penalties.

(1) The following civil penalties are hereby imposed for violation of this article:

Violation Penalty

First $50
Second $100
Third $200
Fourth and subsequent $400

(2) Each day a violation continues shall constitute a separate violation.

D. Waiver fees.

(1) In cases where violations of this article are brought in the Traffic and Municipal Ordinance Bureau, and where the violation is admitted or not contested, in lieu of the above, the following waiver penalties are imposed:

Violation Waiver Fee

First $25
Second $50
Third $100
Fourth and subsequent $200

(2) Each day a violation continues shall constitute a separate violation.

E. In addition to any other remedy provided in this article or available at law or equity, the Town of Rutland may institute a suit for an injunction to prevent, restrain or abate violations of this article.

ARTICLE IV
Policy for Transportation Construction and Improvements
Adopted 11-19-2001

§ 181-34. Adherence to sound engineering practices.

Road and road-related improvements shall be constructed or installed in accordance with sound engineering practice and this policy.

§ 181-35. Minimum standards.

The construction guidelines and standards contained as part of this policy are considered minimum and may be exceeded to meet traffic or other conditions.

§ 181-36. Culverts.

All new culverts shall be a minimum of 18 inches in diameter with the exception of drive culverts, which will be a minimum of 15 inches. New and replacement bridges and culverts will meet the twenty-five-year event or "*Q*-25" standard.

§ 181-37. Roadside ditches.

Roadside ditches shall be treated to minimum erosion and to remove sediments and other pollutants from runoff water by:

A. Seeding and mulching ditches having a slope of less than 0-5%;

B. Placing biodegradable matting and seed in ditches with slopes between 5-10%,

C. Stone fining ditches having a slope of 10% or greater.

§ 181-38. Bridges.

All bridges shall have a minimum two-lane width.

§ 181-39. Agency of Transportation guidelines.

The Select Board hereby adopts and will enforce the following construction guidelines and/or standards from the Vermont Agency of Transportation which are considered integral to this

policy (ADT = average daily total). Where these guidelines exceed the Vermont State Standards, the geometric requirements in the Vermont State Standards will govern.

A. A-21 Class 3 Town Highway Guidelines for ADT 0-250 and Designated Scenic Roads.

B. A-76 Design Standard for Town and Development Roads.

C. B-11 Design Standard for Underdrains.

D. B-71 Design Standard for Residential and Commercial Drives.

E. D-2 Design Standard for Headwalls and Other Reinforcement.

F. D-3 Design Standard for Treated Gutters.

§ 181-40. Deviations from policies.

Plans for construction showing deviations from these policies may be approved by the Select Board or its designee if it can be shown that strict adherence will cause undue hardship because of visual site conditions. However, every effort shall be made to meet the general objectives of these policies.

§ 181-41. Applicability.

Any new road, whether or not that road is proposed to be conveyed to the Town, shall be constructed according to the minimums of this policy.

§ 181-42. Authority for final decisions.

The Select Board or its designee shall make final decisions over all questions arising during construction of new roads.

§ 181-43. Verification of compliance; inspection report.

The Select Board or its designee shall be provided with verification of compliance with these policies for all road construction and road-related improvement installations. A final inspection report certifying whether the construction has been installed as approved shall be submitted by the project engineer.

SUBDIVISION OF LAND
Chapter 185

ARTICLE I

General Provisions

§ 185-1. Establishment of regulations.

§ 185-2. Title.

§ 185-3. Subdivision and development subject to town control.

§ 185-4. Conditions prerequisite to subdivision.

§ 185-5. Considerations.

§ 185-6. Authority of Planning Commission.

§ 185-7. Waivers and variances.

§ 185-8. Amendments.

§ 185-9. Enforcement.

§ 185-10. Severability.

§ 185-11. Effective date.

§ 185-12. Definitions.

ARTICLE II

Application and Approval Procedures

§ 185-13. Approval required.

§ 185-14. Submission of application.

§ 185-15. Submission date.

§ 185-16. Sketch plan procedure.

§ 185-17. Minor subdivision procedure.

§ 185-18. Major subdivision procedure.

§ 185-19. Preliminary plat.

§ 185-20. Final plat review and approval.

§ 185-21. Final plat endorsement and filing.

§ 185-22. Conditions on final plat approval.

ARTICLE I II

Submission Requirement

§ 185-23. Sketch plan.

§ 185-24. Preliminary plat

§ 185-25. Final plat

§ 185-26. Use of metric units.

ARTICLE IV

General Requirements and Design Standards

§ 185-27. Planning standards.

§ 185-28. Streets.

§ 185-29. Town highways.

§ 185-30. Access roads.

§ 185-31. Pedestrians.

§ 185-32. Utilities.

§ 185-33. Water.

§ 185-34. Sewage disposal.

§ 185-35. Storm water drainage.

§ 185-36. Recreation areas.

§ 185-37. Schools.

§ 185-38. Site preservation and improvements.

§ 185-39. Management organizations.

SUBDIVISION OF LAND

Typical Cross Section: Road Construction

Approved 9-15-80
Adopted 11-4-80 by a Special Town Meeting.

ARTICLE I
General Provisions

§ 185-1. Establishment of regulations.

Whereas the Town of Rutland has created a Planning Commission and has adopted and has in effect a Town Plan^ under the Vermont Planning and Development Act, 24 V.S.A. Chapter 117, herein referred to as "the Act," there are hereby established subdivision regulations for the Town of Rutland.

§ 185-2. Title.

This chapter shall be known as the "Town of Rutland Subdivision Regulations."

§ 185-3. Subdivision and development subject to town control.

It is hereby declared by the Town of Rutland that consideration of the subdivision of land and the subsequent development of the subdivided plat is subject to the control of the municipality, pursuant to the Town Plan, which calls for the orderly, efficient and economical development of the town.

§ 185-4. Conditions prerequisite to subdivision.

Land to be subdivided shall be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided unless proper provision has been made for drainage; erosion control; water; sewage; and capital improvements, such as schools, parks, recreational facilities, transportation facilities and improvements.

§ 185-5. Considerations.

The Selectmen of the Town of Rutland, pursuant to the authority conferred upon them by 24 V.S.A. Chapter 117, hereby adopted the following regulations governing the subdivision of land. The Rutland Town Planning Commission shall administer these regulations for the purpose of assuring orderly growth and coordinated development in

the Town of Rutland and to assure the comfort, convenience, safety, health and welfare of its citizens. Furthermore, the review of subdivision regulations shall be based on the following broad considerations:

A. Conformance with and implementation of the Town Plan, zoning regulations and other applicable bylaws.

B. Recognition of a desirable relationship to land form, topography, geology, groundwater and surface water hydrology, including the natural drainage pattern, and to the groundwater table.

C. Recognition of desirable standards of subdivision design, including provision for safe and convenient pedestrian and vehicular traffic and for suitable building sites for the land use contemplated.

D. Provision of adequate safeguards to protect the general public from the perils and hazards of flooding, fire, soil erosion, air and water pollution or other threats to public health, safety and welfare.

E. Provision for the preservation, protection and for conservation of natural resources, such as land, air, vegetation, water, agricultural and visual resources, upon which the continued prosperity of the Town of Rutland and surrounding region depend.

F. Provisions for public facilities and services, such as neighborhood parks, open space, other recreation areas, school sites, police and fire protection, off-street parking, water supply, sewage disposal, and other facilities and services deemed necessary for general public health and convenience.

G. Encouragement of variety, innovation, flexibility, greater efficiency and open space in the designing layout and use of land in cluster, planned unit and planned residential developments as provided under the Vermont Planning and Development Act.

§ 185-6. Authority of Planning Commission.

The Commission is hereby authorized and empowered to do all acts and things set forth and provided in § 4401 and §§ 4413 through 4421 of the Act, including but not limited to the approval, modification or disapproval of all plats filed and the approval of the development of such plats previously filed in the Town Clerk's Office if such plat or plats are entirely or partially undeveloped under the subdivision regulations.

§ 185-7. Waivers and variances.

The procedures and requirements for the submission and processing of plats and the standards for the design and layout established by this chapter may be waived or varied by the Planning Commission, subject to appropriate conditions, when the Planning Commission finds that compliance with any procedure, requirement or standard is not requisite in the interest of the public health, safety and general welfare due to the special circumstances of a particular plat or plats or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision; however, any waiver or variance granted shall pertain only to that particular subdivision for which it was granted and shall not set a precedent for similar action for any other subdivision. When a waiver or variance has been requested with respect to a subdivision application, the notice of the public hearing on such application shall specify that such has been requested, the section or sections of this chapter to which the request pertains and a concise statement of the nature and the reasons for the request.

§ 185-8. Amendments.

This chapter may be amended according to the requirements and procedures established in §§ 4403 and 4404 of the Act.

§ 185-9. Enforcement.

This chapter shall be enforced in accordance with §§ 4444 and 4445 of the Act

§ 185-10. Severability.

The invalidity of any provision of this chapter shall not invalidate any other part.

§ 185-11. Effective date.

This chapter shall take effect immediately upon adoption at a regular or special town meeting.

§ 185-12. Definitions.

A. Unless the content clearly indicates to the contrary, words in the singular include the plural, and those in the plural include the singular. The word "building" includes "structures" and shall be construed as if followed by the phrase "or part thereof. The word "may" is permissive; the words "shall" and " will " are mandatory.

B. Certain means of references and words used herein shall be defined as listed below.

ACT — Vermont Planning and Development Act 24 V.S.A. Chapter 117.

AUTHORIZED AGENT OR REPRESENTATIVE— A person or group of persons who have been duly authorized, in writing , filed with the Commission by the subdivider, to act in his or her behalf.

BOUNDARY ADJUSTMENT — Any revision to a plat legally filed with the Town which creates no new building lots and which will have no impact on rights-of-way, roads, or other public facilities. A boundary adjustment shall not be considered a subdivision under these regulations. [Added 5-24-1999]

COMMISSION— The Planning Commission of the municipality, created under 24 V.S.A. Chapter 117, Subchapter 2.

COMMUNITY SEWAGE DISPOSAL SYSTEM— Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person that disposes of sewage for domestic, commercial, industrial or institutional uses to two or more customers.

COMMUNITY WATER SUPPLY SYSTEM — Any water system owned by the same person t h a t supplies water for domestic, commercial, industrial or institutional uses to two or more customers.

CONSTRUCTION DRAWING — The drawing showing the location, profile grades, size and of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

EASEMENT - The authorization of a property owner for the use, by another and for a specified purpose, of any designated part of his or her property.

FINAL SUBDIVISION PLAT — The final drawings on which the subdivider's p l an of subdivision is presented to the Planning Commission for approval and which, if approved, may be filed for record with the Municipal Clerk.

LEGISLATIVE BODY— The duly elected and duly constituted Board of Selectmen.

MAJOR SUBDIVISION — All subdivisions not classified as minor subdivisions, including but not limited to

subdivisions of more than 10 lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements.

MINOR SUBDIVISION - Any subdivision containing not more than 10 lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel, adjoining property or municipal facilities and not in conflict with any provision or portion of the Town Plan, zoning ordinance, Official Map or this chapter.

MUNICIPALITY — The Town of Rutland.

MUNICIPAL SEWAGE DISPOSAL SYSTEM— Any sewage disposal system owned and operated by the municipality that disposes of sewage for domestic, commercial, industrial or institutional uses.

OFFICIAL M A P — The map authorized under 24 V.S.A.§ 4401(b)(3) and adopted according to 24 V.S.A. §§ 4403 and 4404 and modified according to 24 V.S.A. § 4423.

OPEN SPACE — Land unoccupied by structures, buildings, streets, rights-of-way and automobile parking lots.

PERSON — An individual, a corporation, a partnership, an association or any other incorporated or unincorporated organization, group or legal entity.

PLAT — A map or representation on paper of a piece of land subdivided into lots and streets, drawn to scale.

PRELIMINARY PLAT— The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

PUBLIC WATER SYSTEM— Any water system(s) owned by the same person that supplies water for public, domestic, commercial or industrial uses to 10 or more customers by pipe connection or by containers.
REGIONAL PLANNING COMMISSION— Planning Commission for a region created under Subchapter 3 of the Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117.

RESUBDIVISION — A change of any preexisting subdivision, whether or not depicted upon a recorded or approved subdivision plat, if such change affects any street layout, area reserved for public use, lot line or any map or plan legally recorded.

SKETCH PLAN — A sketch of the proposed subdivision, showing information specified in Article III of this chapter, to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the subdivision and objectives and requirements of those regulations.

STREET — Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used by the public for vehicular traffic.

SUBDIVIDER — Any person, firm, corporation, partnership or association which shall lay out for the purpose of sale or development any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION — The division of a parcel of land, with or without streets, into two or more lots, plots or other legal or actual division of l a n d for transfer of ownership, building development or sale. "Subdivision" includes " resubdivision . " "Subdivision" excludes boundary adjustment. [Amended 5-24-1999]

TOWN P L A N — A plan adopted pursuant to 24 V.S A . § § 4384 and 4385.

ARTICLE II
Application and Approval Procedures

§ 185-13. Approval required.

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with this chapter.

§ 185-14. Submission of application.

All applications, plate or plans shall be submitted to the Planning Commission in care of the Town Clerk, during regular

Town office hours, not less than seven days prior to the meeting of the Planning Commission at which the application, plat or plan is to be considered. All applications shall be on forms prepared by and acceptable to the Planning Commission and available at the Town office. The plat or plan shall conform to the requirements established in subsequent sections hereof. In the event that a waiver or variance is requested, the nature of such request and the reasons therefor shall be set forth in an attachment to the application.

§ 185-15. Submission date.

The date of submission of any plat for purposes shall be the next regular meeting of the Planning Commission held seven days following the receipt of the plat and other materials by the Town Clerk.

§ 185-16. Sketch plan procedure.

A. Purpose. The sketch plan procedure is a preliminary process designed to acquaint the Planning Commission with the general nature of a subdivision prior to the filing of a formal application and plat and to permit preliminary determinations to avoid undue confusion or expense in the filing of a formal application and plat.
B. Requirements of the sketch plan. The sketch plan shall consist of two copies of a print or survey of the property on which shall be depicted or which shall be accompanied by the information set forth in Article III of this chapter.

C. Attendance at meeting. The subdivider or his authorized representative shall attend the meeting of the Planning Commission to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.

D. Classification. At this meeting the Planning Commission shall classify the subdivision as a major subdivision or as a minor subdivision.

E. Town Plan and zoning. The Commission shall study the sketch plan to determine whether or not it conforms to or would be in conflict with the Town Plan and the zoning regulations; developments proposed by any public agency, existing private and public development, facilities and services, and for any special problems that may be encountered.

F. Conformance. The Commission shall determine whether the

sketch plan meets the purposes of this chapter and may make specific written recommendations for changes.

G. Planned residential development or planned unit development Where the subdivider submits a proposal for a planned residential development requirements of § 4407(3) of the Act shall be met in addition to the requirements of this chapter and the zoning regulations. Where a subdivider submits a proposed planned unit development, the requirements of § 4407(12) of the Act shall be met, in addition to requirements of this chapter and the zoning regulations.

§ 185-17. Minor subdivision procedure.

A. Plats required. A minor subdivision shall require only the submission of a final plat

B. Time of submission. The final plat shall be submitted not more than six (6) months following the determinations of the Planning Commission relative to the sketch plan.

C. Fees. The fee for application as a major subdivision shall be set by the legislative body.

§ 185-18. Major subdivision procedure.

A. Plats required. A major subdivision shall require submission of a preliminary plat followed by submission of a final plat.

B. Time of submission. The final plat shall be submitted not more than six (6) months following the determinations of the Planning Commission relative to the sketch plan.

C. Fees. The fee for application as a major subdivision shall be set by the legislative body.

§ 185-19. Preliminary plat

A. Filing. The subdivider shall file six (6) copies each of an application for subdivision and the preliminary plat or separate sheets specified in § 185-24B and shall pay the application fee.

B. Attendance at meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Commission to discuss the preliminary plat.

C. Review. The Commission shall study the practicability of the preliminary plat Particular attention shall be given to the arrangement location and width of streets, their relation to the topography of the land, water supply, sewage disposal,

drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Town Plan and zoning regulations.

D. Preliminary approval. Within twenty-one (21) days after formal submission of a preliminary plat, the Planning Commission shall take action to approve, with or without modifications, or disapprove such preliminary plat. The ground of any modification required or the ground for disapproval shall be clearly stated in the findings of fact and conclusions of the Commission. Failure of the Commission to act within such twenty-one-day period shall constitute a preliminary approval of the preliminary plat Where the Planning Commission deems appropriate, it may hold a hearing on the preliminary plat pursuant to 24 V.S.A. § 4447.

E. Conditions and changes. When granting preliminary approval to a preliminary plat, the Commission shall state the conditions of such approval, if any, with respect to the specific changes which it will require in the preliminary plat the

character and extent of the required improvements for which waivers may have been requested and the amount of improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the subdivision plat.

F. Decision. The action of the Commission and any conditions attached thereto shall be noted on three (3) copies of the preliminary plat. One (1) copy shall be returned to the subdivider, one (1) retained by the Commission and one (1) forwarded to the legislative body.

G. Limitation. Approval of a preliminary plat shall not constitute approval of the subdivision, rather it shall be construed only as permission to seek final plat approval.

§ 185-20. Final plat review and approval.

A. Filing. The subdivider shall file six (6) copies of the final plat and other information and, in the event that the subdivider has not made a filing under the preliminary plat review and approval procedure, shall file six (6) copies of the application and shall pay the application fee.

B. Public Hearing. The Planning Commission shall notice the final plat for public hearing according to 24 V.S.A. §§ 4414 and 4447 and shall conduct such public hearing upon such plat in accordance with the Act.

C. Decision. The Planning Commission shall, within forty-five (45) days after the public hearing, approve, modify and approve or disapprove such plat. Failure of the Commission to act within such forty-five (45) days shall be deemed approval. I f approved, the final plat shall be subject to the conditions to approval set forth in § 185-22. The approval provided for in this section shall be deemed final insofar as rights of appeal may be affected.

§ 185-21. Final plat endorsement and filing.

A. Filing requirement for all plats. The approval of the Planning Commission or certification by the Clerk of the municipality of its failure to act within forty-five (45) days shall expire ninety (90) days from such approval or certification unless, within such ninety-day period, such plat shall have been duly filed or recorded in the office of the Clerk of the town.

B. Endorsement or certification for a new street No plat showing a new street or highway may be filed or recorded in the office of the Clerk of the municipality until the approval of the Planning Commission is endorsed, in writing, on such plat or the certificate of the Clerk of the municipality, showing the failure of the Planning Commission to take action within the forty-five-day period, is attached thereto and filed or recorded with said plat

C. Sectional filing. The Planning (Commission may permit the plat to be divided into two (2) or more sections, subject to any conditions the Planning Commission deems necessary to ensure the orderly development of the subdivision, and i t may permit endorsement and filing of such sections in lieu of endorsement and filing of the entire plat The expiration of approval or certification referred to in § 185-21A shall not occur with respect to any permitted sections so long as the first section, comprising not less than ten percent (10%) of the lots of the subdivision shall be filed within the ninety-day period and the remaining sections, none of which shall comprise less than ten percent (10%) of the lots of the subdivision, shall be filed within two (2) years of approval or certification.

§ 185-22. Conditions on final plat approval.

A. Improvements. Plat approval shall be conditioned upon the streets and other required improvements being satisfactorily installed in accordance with the plat and this chapter.

B. Bonding alternative. In lieu of completion of the streets and required improvements, the Planning Commission may accept from the owner for the benefit of the town a performance bond, issued either by a bonding or surety company approved

by the legislative body or by the owner with security acceptable to the legislative body, in an amount sufficient to cover the full cost of said new streets and required improvements and their maintenance for a period of two (2) years after completion as is estimated by the Planning Commission or such town departments, officials or independent engineers as the Commission may designate. The amount and term of any bond shall comply with the requirements of 24 V.S.A. §§ 4418 and 4419.

C. Effect and satisfaction of conditions. No sales, leases, conveyances or transfers of any lots or all or any part of the property shall take place and no permits for the erection of any structures upon any lot of the subdivision shall be issued until the above conditions shall have been satisfied. Satisfaction of such condition shall be evidenced by a certificate of compliance executed by the Chairman of the Planning Commission and duly filed or recorded with the plat, which certificate shall specify such compliance and shall indicate any effect of the same upon persons acquiring any interest in any lot or all or any part of the property.

ARTICLE III
Submission Requirements

§ 185-23. Sketch plan.

A. General requirements. The sketch plan shall be a rough sketch of the proposed subdivision drawn upon a perimeter survey of the property.

B. Contents. The sketch plan shall contain, either on the plan or on a separate sheet:

(1) The name and address of the owner of record.

(2) The name and address of the applicant if different

(3) The name and address of the owners of contiguous property.

(4) The boundaries and area of all contiguous property of the owner

(5) The boundaries and area of property which is subdivided.

(6) The proposed subdivision lines.

(7) The name, address and professional capacity of the preparer.

(8) The numerical and graphic scale of the plan, the date and North arrow.

(9) Existing features and facilities, including roads, public utilities and utility easements, wooded areas, structures, watercourses, ledges, wet areas and excessively steep slopes.

(10) Proposed improvements, including roads, utilities and utility easements, rights-of-way and structures.

C. Location map. The sketch plan shall be accompanied by a location map consisting of a United States Geological Survey map upon which the entire property of the subdivider and the property to be subdivided shall be depicted and identified.

§ 185-24. Preliminary plat

A. General requirements. The preliminary subdivision plat shall consist of one (1) or more sheets of drawings, each of which shall conform to the following requirements:

(1) It shall show all dimensions in feet or decimals of a foot.

(2) It shall be drawn to a scale not in excess of one hundred (100) feet to the inch, nor in excess of sixty (60) feet to the inch for subdivisions having lots of less than one hundred (100) feet frontage.

(3) No plat shall exceed twenty-four by thirty-six (24 x 36) inches in size.

B. Contents. The preliminary subdivision plat shall contain, either on the plat, the application or a separate sheet, information and data and shall depict the subdivision as follows:

(1) Identifying the title of the subdivision.

(2) The name of the municipality.

(3) The name and address of the record owner and the subdivider.

(4) The name and professional credentials of the plat designer.

(5) The date, true North point and scale.

(6) The boundaries and area of contiguous total land owned by the owner and of land within the proposed subdivision

made and certified by a licensed land surveyor tied into an existing reference point.

(7) Identification of the zoning district or districts applicable to the area to be subdivided and the entire tract.

(8) Proposed subdivision lot lines, with bearings and distances.

(9) Streets, highways, easements, sidewalks and alleys, including names and widths, existing and proposed.

(10) Buildings, existing and proposed.

(11) Watercourses, existing and proposed.

(12) Municipal and public utility easements and rights-of-way, existing and proposed.

(13) Sewer mains and connections to municipal or community sewer systems or on-site community or private sewage disposal facilities, including sizes and elevations, existing and proposed.

(14) Water mains and connections to municipal or community water systems or on-site community or private water supplies and lines, including sizes and elevations, existing and proposed.

(15) Drainage systems and connections to municipal or community systems, including sizes and elevations and showing culverts with rim and invert elevations, existing and proposed.

(16) Parks and other public open spaces, existing and proposed.

(17) Other essential features, existing and proposed.

(18) The location of all trees on the site, outlines of wooded and open areas and all other natural features or site elements, existing or proposed, and an indication of which natural features or site elements are to be preserved.

(19) All information specified in Subsection B(9) through (18) hereof with respect to adjacent land of the owner and with respect to adjacent land of others, to a distance of one hundred (100) feet.

(20) Contour lines based on accurate ground surveys or combination of ground/aerial surveys, at intervals of five

(5) feet of existing grades and of proposed finished grades where a change of existing ground elevation will be five (5) feet or more.

(21) Typical cross sections and profiles of proposed grading, streets, highways and sidewalks.

(22) If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil, rock and groundwater conditions and depth to groundwater, unless pits are dry at a depth of eight (8) feet; and the location and results of percolation tests.

(23) Preliminary designs of any bridges or culverts which may be required.

(24) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

(25) Requested waivers and variances and the reasons therefor.

C. Location map. The preliminary plat shall be accompanied by a location map drawn at the scale of one (1) inch equals two thousand (2,000) feet to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area.

§ 185-25. Final plat

A. General requirements. The final subdivision plat shall consist of one (1) or more sheets of drawings, each of which shall conform with the following requirements:

(1) They shall be in compliance with Chapter 17, entitled "Filing of Land Plats," Title 27 of Vermont Statutes Annotated as the same shall regulate the filing of such plats.

(2) They shall have a margin of one-half inch outside of the border line on all sides.

(3) They shall have a space three and one-half (3%) inches long by two (2) inches high reserved for the approval stamp and signature of the Chairman of the Planning Commission.

(4) They shall be prepared by a land surveyor duly licensed in Vermont.

B. Contents. The final subdivision plat shall contain information

and data and shall depict the subdivision as follows:
(1) The identifying title of the subdivision.

(2) The name of the municipality.

(3) The name and address of the record owner and the subdivider.

(4) The name, license number and seal of the licensed land surveyor.

(5) The date, true North point and scale.

(6) The boundaries and area of contiguous total land owned by the owner and of land within the proposed subdivision made and certified by a licensed land surveyor tied into an existing reference point.

(7) Identification of the zoning district or districts applicable to the area to be subdivided and affecting the entire tract

(8) Proposed subdivision lot lines, with bearings and distances.

(9) Streets, highways, easements, sidewalks and alleys, including names and widths, existing and proposed.

(10) Buildings, existing and proposed.

(11) Watercourses, existing and proposed.

(12) Municipal and public utility easements and rights-of-way, existing and proposed.

(13) Sewer mains and connections to municipal or community sewer systems or on-site community or private sewage disposal facilities, including sizes and elevations, existing and proposed.

(14) Water mains and connections to municipal or community water systems or on-site community or private water supplies and lines, including sizes and elevations, existing and proposed.

(15) Drainage systems and connections to municipal or community systems, including sizes and elevations and showing culverts with rim and invert elevations, existing and proposed.

(16) Parks and other public open spaces, existing and proposed.

(17) Other essential features, existing and proposed.

(18) The location of all trees on the site, outlines of wooded and open areas and all other natural features or site elements, existing or proposed, and an indication of which natural features or site elements are to be preserved.

(19) All information specified in Subsection B(9) through (18) hereof with respect to adjacent land of the owner and with respect to adjacent land of others to a distance of one hundred (100) feet.

(20) Contour lines based on accurate ground surveys or a combination of ground and aerial surveys, at intervals of five (5) feet of existing grades and of proposed finished grades, where change of existing ground elevation will be five (5) feet or more.

(21) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

(22) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.

(23) Lots within the subdivision numbered in numerical order and containing the area of each lot indicated in square feet or in acreage to the nearest 0.01 of an acre.

(24) Permanent reference monuments shown thus " ◘

(25) All lot corner markers shown thus "0." They shall be of metal, at least % inch in diameter and at least 24 inches in length, and located in the ground to existing grade.

(26) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by Town specifications for new roads, at all street intersections, angle points and street lines, points of curve, and such intermediate points as shall be required by the engineer.

(27) Before a subdivision proposal can be approved by the Planning Commission, subdividers shall certify, in writing, that all proposed streets will comply with design requirements contained in the "Town of

Rutland Select Board's Policies Regarding Documentation Required with Request For Acceptance of Roads as Town Highways" before Town acceptance of such streets is requested by the subdivider, his successors or assignees, or the owners of any lots created by the subdivision proposal. [Added 5-24-1999]

§ 185-26. Use of metric units.

In all cases herein where measurements are expressed in traditional units of feet and inches, appropriate metric units may be utilized, provided that such shall not affect mandatory measurements of roads or like facilities or the overall map sizes provided for herein or in other applicable ordinances.

ARTICLE IV
General Requirements and Design Standards

§ 185-27. Planning standards.

A. Character of the land. All land to be subdivided shall be, in the judgment of the Commission, of such a character that it can be used for building purposes without danger to public health or safety or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions shall not ordinarily be subdivided. In addition, development shall be in conformance with the policies and recommendations of the Town Plan concerning shallow soils, steep slopes, poorly drained soils and prime agricultural lands.

B. Energy conservation. In order to conserve energy, all subdivisions shall use the least areas of roadway and t he least length of sewer, water and utility lines within environmentally and economically sound limits. Buildings should be sited so as to take advantage of southeast, south and southwest orientations where possible. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Cluster development (planned residential and planned unit development) should be encouraged wherever feasible and desirable.

C. Reserved strips. No privately owned reserved strip, except on open space areas, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street or from any land

dedicated to public use or which may be so dedicated.

D. Lot layout. The layout of lots shall conform to the requirements of the zoning regulations, where in force, and shall be appropriate for the intended construction. Comer lots shall have extra width to permit a setback on each street. Consideration in lot layout shall be given to topographic and soils conditions.

E. Preservation of existing features. Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, agricultural lands and other natural resources and historic resources.

§ 185-28. Streets.

A. Layout. In order to create a logical and efficient network, the arrangement of streets in the subdivisions shall provide for the continuation of principal and secondary streets of adjoining subdivisions and for their projection when adjoining property is not yet subdivided. This condition will facilitate fire protection, movement of traffic and construction or extension, presently or when later required, of needed utilities and public services, such as sewers, water and drainage systems. Where, in the opinion of the Commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

B. Topography. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections i n appropriate relation to the proposed use of the land to be served by such streets.

C. Horizontal alignment at intersections. Intersections of streets shall be as close EIS possible to 90°.

D. Vertical alignment at intersection. The gradient, where possible, within 50 feet of intersections shall not exceed 3%.

E. Access. Paved access shall be available for fire, ambulance and police vehicles to within 100 feet of the principal drives, dwellings, commercial or industrial establishments and institutions.

F. Cut and embankment slopes. A l l slopes shall be well rounded to form a smooth transition f r om the shoulder edge to existing grades.

G. Dead-end streets, cul-de-sac and turnarounds. Dead end streets or cul-de-sac shall terminate in a turnaround with a minimum radius of 60 feet or square area not less than 120 feet on a side, as desired. Provisions shall be made for temporary turn arounds for temporary dead-end streets. The above represents right-of-way limits.

H. Street jogs. Street jogs with center line offsets of less than 200 feet shall not be allowed.

I . Street names. Streets shall be identified by name on the proposed plat. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. I n no case shall the names for proposed streets duplicate existing street names within the Town, irrespective of the suffix, be it street, avenue, boulevard, driveway, place or court.

J . Street signs. All street signs and posts, as approved by the Town, shall be provided and installed by the subdivider.

K. Residential and commercial drives. Residential and commercial drives shall meet the standards and requirements of Detail A, B or C of the Standards For Residential and Commercial Drives, Vermont Standard B-71.

§ 185-29. Town highways.

All streets shall be installed by the subdivider in accordance with the following minimum requirements for street construction. The subdivider is responsible for the provision of all engineering, labor and materials necessary to conform to these regulations and any additional requirements the Planning Commission may consider necessary.

A. Classification of streets. The classification of new streets and streets not shown on the Town Plan shall be as determined by the Commission. The following standards shall apply to all streets:

(1) Standards.

Classification	Minimum pavement width (ft)	R-O-W (ft)	Maximum Gradient	Minimum Center Line Radius of Curve (ft)
Collector	24 ft	50 ft	10%	100 ft
Local	20 ft	50 ft	10%	80 ft

(2) Typical cross section: road construction.

B. Greater right-of-way width. The Commission may require greater right-of-way widths where it is judged t h a t the demands of present or future traffic make it desirable or where topographic conditions necessitate greater width for grading.

C. Gradient. The maximum gradient for all streets shall not exceed 10%, with the exception that the Commission may modify, with the compliance of the Select Board and Road Commissioner, the maximum and minimum gradient for short lengths of streets where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land. The minimum gradient shall allow positive drainage.

D. Paving. All streets to be maintained by the Town shall be paved in accordance with the current State of Vermont Agency of Transportation Standard Specifications for Construction.

E. Subbase. The road subbase shall consist of a minimum of 12 inches of clean run or bank gravel with no stones exceeding four inches in diameter. A minimum of three inches of crushed gravel shall be applied on the r u n of bank gravel base.

F. Drainage.

(1) For a roadway, there shall be an eighteen-inch galvanized metal pipe minimum with drop inlets or catch basins as required.

(2) For drives, there shall be a twelve-inch galvanized metal pipe minimum.

(3) For an underdrain there shall be a six-inch perforated, galvanized metal pipe as required.

(4) Location, construction, depth and amount of drainage shall be in accordance with Vermont standards.

G. Slopes. Guardrails with treated wood or steel posts shall be provided, plus two feet of shoulder, widening for fills over 10 feet with slopes of 1:2 or steeper. For slopes of 1:3

or flatter, no guardrail is required. Slopes are to be top soiled, seeded, fertilized and mulched in accordance with Vermont specifications.

H. Town highway ordinance. In all instances, the Town highway ordinance shall govern.

§ 185-30. Access roads.

A. I f the access road to the subdivision is a Class 4 road, the Commission shall require the subdivider to improve the access road to municipal highway construction standards. If in the Municipal Five-Year Highway Plan, the Class 4 road is not intended to be reclassified as Class 3, the subdivider must make arrangements for maintenance of the access road which are satisfactory to the Commission until such time as the legislative body may reclassify the road.

B. The Commission may require the subdivider to improve any access road, where it intersects with new streets or driveways in the subdivision, to facilitate traffic circulation and pedestrian and vehicular safety.

C. Access management. [Added 5-24-1999]

(1) Streets, driveways, and intersections shall be designed and construction in conformance with the Roadway Policies established in the current Rutland Municipal Development Plan.

(2) Exceptions to the requirement above may be granted only if it can be documented that such an exception would be consistent with the Municipal Development Plan and desirable to provide for continuity with streets, driveways, and intersections in adjoining subdivisions or developed areas.

§ 185-31. Pedestrians.

Where necessary, in the judgment of the Commission, rights-of-way for pedestrian travel and access may be required to facilitate pedestrian circulation within the subdivision and to provide access to public property.

§ 185-32. Utilities.

A. Utility lines. All electric, telephone, cable TV and outdoor lighting distribution lines shall be placed underground in accordance with utility company specifications. In areas of extremely shallow soils, the Planning

Commission may waive this requirement. The subdivider shall coordinate the design with the utility companies to ensure adequate and suitable areas for underground installation for the proposed subdivision and areas adjacent to the subdivision.

§ 185-32 SUBDIVISION OF LAND § 185-33

B. Extension of municipal utilities. All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal and required utilities and improvements. Contingent on fire district approval, the Commission may require the extension of public waters and sewers to and within a proposed subdivision, without cost to the municipality, where existing lines are, in the judgment of the Commission, within a reasonable distance of the proposed subdivision.

C. Connections to municipal utilities. Prior to paving, the subdivider shall install laterals from all utilities to the street property line of each building lot. Any residential building constructed in the subdivision shall have house connections installed and shall have such connections extended inside of the building. All such utility system installations shall be at the expense of the subdivider.

D. Depth of utility mains. Water and sewer mains must be laid below the depth of frost penetration of the area. Sewer lines shall be set lower than water mains.

E. Easements. A ten-foot-wide easement to accommodate public utilities shall be reserved along every road or such other reasonable and practicable places. Such easement shall be depicted upon the final plat. Every deed to a lot in the subdivision shall specifically exempt the easement interest from its operation. The easement area shall be deemed to be owned by the subdivider or the subdivider's heirs, successors and assigns and shall not be construed as increasing any setback distances in relation to the edge of the road right-of-way.

§ 185-33. Water

A. For subdivisions which will connect to a public municipal water supply system, applications for extensions to the municipal system shall be approved by the officers arid agents of a municipality entrusted with the care and superintendence of a municipal water supply system.

B. The Commission may require that community water supply system which is unconnected to municipal systems be designed in such a way that it may eventually be connected to a public municipal water supply system.

C. For subdivisions which will have individual water supplies, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities.

D. The following standards shall be met for those subdivisions which will have community water systems or individual water supplies:

(1) Due consideration shall be given to the drainage patterns in the area.

(2) Building sites and new roadways shall be located far enough away from underground water concentrations or surface areas which take in water to prevent runoff from roads or leachate from septic systems from contaminating water supplies.

(3) Buildings and septic systems shall be located sufficiently above floodwater levels and high groundwater areas to prevent the pollution of surface water.

§ 185-34. Sewage disposal.

A. For subdivisions which will connect to a municipal sewage disposal system, applications for extensions shall be approved by the officers and agents of a municipality entrusted with the care and superintendence of a municipal sewage disposal system.

B. The Commission may require that community sewage disposal systems which are unconnected to municipal systems be designed in such a way that they may be connected eventually to a municipal sewage disposal system. Community sewage disposal systems shall meet the requirements of the municipal health regulations.

C. Individual septic systems shall meet the requirements of the municipal health regulations and Vermont Health Regulations Chapter 5, Sanitary Engineering, Subchapter 10, Part III.

D. Subdivisions using subsurface sewage disposal shall meet the following standards.

(1) All subsurface sewage disposal systems shall be located at least one hundred (100) feet from a drilled well and one hundred fifty (150) feet from any other form of water supply.

(2) All subsurface sewage disposal systems shall be located at least two hundred fifty (250) feet from a watercourse or standing body of water used as a source of public

drinking water.

§ 185-35. Storm water drainage.

An adequate surface storm water drainage system for the entire subdivision area shall be provided. The subdivider may be required by the Commission to carry away by pipe or open ditch any spring- or surface water that may exist either previous to or as a result of the subdivisions. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Where it is anticipated that additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the Commission shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a watercourse or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the twenty-five year-flood area of such watercourse, which easement shall be indicated on the final plat.

§ 185-36. Recreation areas.

A. Where a proposed park, playground or other recreation area is shown on the comprehensive plan to be located, in whole or in part, in a proposed subdivision, the Commission shall require that such area or areas be shown on said plat However, the area indicated on the plat shall not exceed fifteen percent (15%) of the total area of the plat

B. If the Commission determines that there is no proposed park, playground or other recreation area in the Comprehensive Plan located in a proposed subdivision or if the Commission determines that such a proposed recreation area of adequate size cannot be suitably located in the proposed subdivision, the Commission shall require, as a condition to the approval of the plat a payment to the municipality of an amount to be determined by the Board of Selectmen. The payment shall be used by the municipality to serve the area in which the subdivision is located. Fees paid pursuant to this section shall be deposited in a special fund to be used for acquisition and development of park and recreational facilities.

§ 185-37. Schools.

Where a subdivision will accommodate a total of more than one hundred (100) dwellings, the Commission may require the designation of necessary public school sites or a payment in lieu thereof. Prior to imposing a condition of school site dedication, the Commission shall contact the Board of Education of the school district(s) of which the

municipality is a part If a Board of Education declares an interest in a site within the proposed subdivision, the Commission shall require the subdivider to' set aside the site and to show such area on the plat If the Commission determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Commission may require, as a condition to the approval of such plat payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality for the acquisition and development of school sites or capital improvements to school structures.

§ 185-38. Site preservation and improvements.

A. Natural cover. Land shall be subdivided and improved in reasonable conformity with existing topography in order to minimize grading, cut and fill and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil. After application for approval has been made to the Commission, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs for that particular subdivision or to meet any requirements of these regulations.

B. Shade trees. The Commission may require that suitable hardwood shade trees, such as sugar maple, norway maple, red maple, ash or oak, be planted along streets where trees do not exist. A l l trees shall measure at least ten (10) feet in height and at least two (2) inches in diameter measured at a point six (6) inches above finished grade level.

C. Erosion and sediment control. The smallest practical area of land should be exposed at any one (1) time during development. Land should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Commission to protect areas exposed during the development. Sediment basins shall be installed and maintained during development to remove sediment from runoff water and from land undergoing development.

D. Excavation and grading. The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four (4) inches of topsoil shall be provided to cover all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section. The Commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth composition and stability of the subgrade within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth. They shall be thoroughly compacted. The

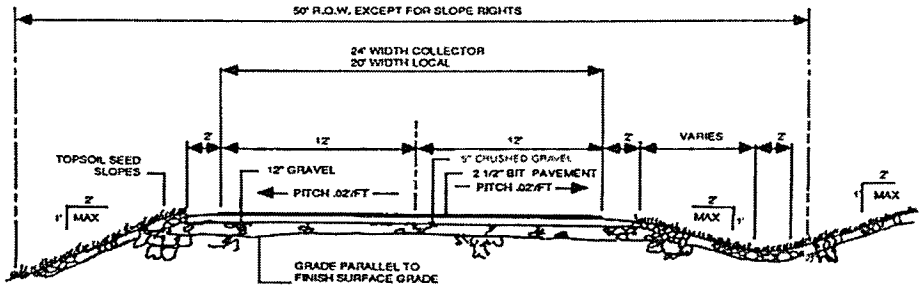
Commission may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion.

§ 185-39. Management organizations.

When a development involves common ownership of community facilities, open spaces or other commonly held property, a management organization to operate and maintain these facilities shall be required by the Commission. A prospectus shall be submitted by the subdivider describing this organization, its financing and membership, which must meet the requirements of the Commission.

Town of Rutland

Typical Cross Section: Road Construction.



Culvert 15" minimum size
1.5" crushed gravel for shoulder work
2 = foot shoulder

18533

6-1-99

CHAPTER § 196
VEHICLES, ALL-TERRAIN

§ 196-1. Definitions.

§196-2. Operation of ATV s .

§ 196-3. Prohibition against constituting a public nuisance.

§ 196-4. Stopping f o r law enforcement officers.

§ 196-5. Exemptions.

§ 196-6. Severability.

§ 196-7. Violations a n d penalties.

§ 196-8. Enforcement.

§ 196-9. When effective.

Adopted by The Board of Selectmen 6-1-1993.
Amendments noted where applicable

§ 196-1. Definitions.

As used in this chapter, the following terms shall have the following meanings:

ALL-TERRAIN VEHICLE or AT\ Any non-highway recreational vehicle, except snowmobiles, when used for cross-country travel on trails or when used on any one (1) of the following or a combination thereof; land, water, snow, ice, marsh, swampland and natural terrain.

NON-HIGHWY RECREATIONAL VEHICLE— Any vehicle propelled or drawn by power other than muscular power, when used off of public highways for recreational purposes, including but not limited to motorcycles, mopeds, dirt bikes and any vehicle or device designed or intended for or capable of operation off of public highways.

OPERATE, OPERATING and OPERATION — As applied to all - terrain vehicles, the operation thereof on any lands within the town other than on public highways. "Operate" includes an attempt to operate and shall be construed to cover all matters and things connected with the presence and use of all-terrain vehicles, whether they are at motion or at rest.

PUBLIC HIGHWAY- A state highway or a town highway.

PERSON — Includes any individual , corporation, partnership, association or other incorporated or unincorporated entity.

PUBLIC NUISANCE — Any operating of an all-terrain vehicle in such a manner as to create, alone or in combination with other all-terrain vehicles and/or other normal background sound, a sound level in excess of eighty-five (85) dBA when measured at any point which is fifty (50) feet from the exterior wall of a residence; or a sound level in excess of eighty-five (85) dBA when measured at any point on or within ten (10) feet of a real property line, where the distance from such point of measurement to the exterior wall of a residence is less t h a n fifty (50) feet.

SOUND LEVEL — The sound pressure level measured in decibels with a sound level meter set for A-weighing. "Sound level" is expressed in dBA.

SOUND LEVEL METER— An instrument for the measurement of sound levels, which conforms to the American National Standard Institute (ANSI) standards for a Type 2 sound meter.

RESIDENCE — Any single-family dwelling, duplex, multi family dwelling (including but not limited to apartment buildings and buildings containing condominium units) or other building containing quarters where persons reside, now existing and hereafter constructed.

§ 196-2. Operation of ATV s .

No person shall operate all-terrain vehicle or cause, suffer, allow or permit any person to operate one (1) or more all-terrain vehicles in such a manner as to create, alone or in combination with other all - terrain vehicles and/or other normal background sound, a sound level in excess of eighty-five (85) dBA when measured at any point which is fifty (50) feet from the exterior wall of a residence; or a sound level in excess of eighty-five (85) dBA when measured at any point on or within ten (10) feet of a real property line, where the distance from such point of measurement to the exterior wall of a residence is less than fifty (50) feet.

§ 196-3. Prohibition against constituting a public nuisance.

No person shall operate an all-terrain vehicle, or cause, suffer, allow or permit any person to operate one or more all - terrain vehicles, in such a manner as to constitute a public nuisance.

§ 196-4. Stopping for law enforcement officers.

A person who is or has been operating an all-terrain vehicle shall, when signaled to do so by a law enforcement officer, bring his or her all-terrain vehicle to a full stop and, upon request, furnish his or her name, address, driver's license and any registration applicable to such vehicle.

§ 196-5. Exemptions.

This chapter shall not apply to operation of ATVs as follows:
A, During town sponsored or conducted competitions or

events.

B, For non-recreational purposes, including but not limited to logging, farming and other commercial purposes.

C, During rescue operations.

D, For official use by federal, state or municipal officials or employees in the performance of official duties.

E, On public highways.

§ 196-6. Severability.

The invalidity of any section of this chapter or of any portion thereof shall not invalidate any other section or portion thereof. If any portion of any section is deemed invalid, the finding of in validity shall be limited to the smallest possible portion of the section in question, and as much as possible of the section in question shall remain in full force and effect. Where a limitation , restriction, requirement or standard is deemed invalid , the next most restrictive limitation , restriction, requirement or standard that may be deemed valid shall be deemed implied and shall be applied in lieu of the provision deemed invalid In the event that any provision of this chapter is less strict than any provision of state law or any other ordinance, the stricter provision shall control.

§196-7. Violations and penalties.

A person who violates this chapter shall be fined not more than five hundred dollars ($500.).

§ 196-8. Enforcement.

The may enforce this chapter by bringing ah action for injunctive relief to abate or enjoin any violation. This remedy shall be in addition to and not in lieu of any fines provided for violation in § 196-7 above.

§ 196-9. When effective.

This chapter shall take effect sixty (60) days after its adoption, in accordance with 24 V.S.A. § 1972.

VEHICLES AND TRAFFIC
Part 1
Parking Regulations
ARTICLE I

General Parking Provisions

§ 198-1. Purpose.

§ 198-2, Parking on traveled portion of road prohibited ; exception.

§ 198-3. Removal; payment of charges.

§ 198-4. Charges and fees; lien against automobile.

§ 198-5. Liability and indemnification.

§ 198-6, When effective ; erection of signs.

§198-7. Effective date.

ARTICLE II
Parking Prohibitions

§ 198-8. Definitions.

§ 198-9. Stopping prohibited in specified places at all times.

§ 198-10. All - night parking ; towing.

§ 198-11. Double parking.

§ 198-12. Parking of vehicles for sale.

§ 198-13. Repairing of vehicles in streets.

§ 198-14. Operation in loading zone limited.

§ 198-15. Designation of loading zones.

§ 198-16, Police, volunteer and emergency vehicles exempted.

§ 198-17. Violations and penalties .

§ 198-18. Removal of unauthorized vehicles; towing; charges; lien.

§ 198-19. Emergency declarations .

§ 198-20. Effective date.

Part 2
Yield Signs

ARTICLE III

Yield Sign Regulations

§ 198-21 Authority and purpose.

§ 198-22 Definitions.

§ 198-23 Operation at intersection controlled by yield sign .

§ 198-24 Designation of intersections controlled by yield signs.

§ 198-25 Enforcement ; violations and penalties.
§ 198-26 Operation of emergency vehicles.

§ 198-27 Severability.

§ 198-28 When effective.

VEHICLES AND TRAFFIC
Part 3
Stop Signs
ARTICLE IV
Stop Sign Regulations

§ 198-29. Authority and purpose.

§ 198-30. Definitions.

§ 198-31. Operation at intersection controlled by stop sign.

§ 198-32. Designation of intersections controlled by stop signs.

§ 198-33. Enforcement; violations and penalties.

§ 198-34. Operation of emergency vehicles.

§ 198-33. Severability.

§ 198-36. When effective

Part 4
Speed Limits
ARTICLE V
Speed Limit Regulations

§ 198-37. Definitions.

I 198-38. Designation of speed limits .

§198-39. Signs.

§ 198-40. Emergency vehicles.

§ 198-41. Violations and penalties .

§ 198-42. Repeal of prior speeding regulations.

§ 198-43. Severability.

Part 1

Parking Regulations Adopted 10-3-1977

ARTICLE I

General Parking Provisions

§ 198-1. Purpose.

After due consideration, based upon studies, surveys and investigations, as aforesaid, the Selectmen of the Town of Rutland in session hereby declare, determine and fix parking for motor vehicles on all town roads and highways within the limits of said town as follows.

§ 198-2. Parking on traveled portion of road prohibited; exception.

A. No person owning or controlling a motor vehicle shall park, or cause to be parked, said motor vehicle on the traveled portion of any street, town road or highway within the limits of the Town of Rutland at any time.

B. Excepting herefrom, however, all motor vehicles owned, operated or controlled by persons attending the critically ill on emergency calls and motor vehicles of persons attending church services shall be exempted.

§ 198-3. Removal; payment of charges.

Motor vehicles parked or standing on the streets or traveled portion of highways may be removed or cause to be removed from the street, town road or highway by an official of said town or its agents to a place of storage. No person shall remove any vehicle from such place of storage without first having paid all towing and storage charges as hereinafter defined.

§ 198-4. Charges and fees; lien against automobile.

The owner of any automobile removed to a place of storage in accordance with this article shall pay to the Treasurer of the Town of Rutland prior to removing said automobile a towage charge of $35 and storage charges at the rate of $3 per day. A lie in favor of the Town of Rutland is hereby imposed against any such automobile for the collection of any sums due for towage and storage.

§ 198-5. Liability and indemnification.

Officers and town officials shall be exempt from damages incurred to motor vehicles removed under this section, and those persons other t h a n town officers shall be insured and are deemed to be self-insured for liability for any damages incurred to motor vehicles which are removed under this article.

§ 198-6. When effective; erection of signs.

The aforesaid parking regulations and limits shall prevail at all times on and after the effective date of this article and ordinance (unless otherwise changed or amended by legal means) and when proper signs are erected giving motorists and other users of said highways warning and notice thereof.

§ 198-7 This regulation and ordinance shall take effect on December 5, 1977.

ARTICLE II
Parking Prohibitions
Added 4-24-1989

§ 198-8. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PARK or PARKING— The stopping or standing of a motor vehicle, 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 police officers or traffic regulations, signs or signals, or while making emergency repairs if disabled, while arrangements are being made to move such vehicle.

§ 198-9. Stopping prohibited in specified places at all times.

No operator or driver of any motor vehicle shall park the same 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 traffic sign:

A. Within 15 feet of an intersection;

B. Five feet from a cross walk unless specifically designated for parking;

C. Within 10 feet of a hydrant, unless specifically designated for parking;

D. In front of a driveway;

E. On any sidewalk;

F. Abreast of another vehicle in any street;

G. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

§ 198-10. All-night parking; towing.

I t shall be unlawful for the operator of any motor vehicle to park a motor vehicle anywhere else on a highway or parking lot of the Town of Rutland between the hours of 12:00 midnight and 6:00 a.m., from November 1 until April 1, except where specifically permitted and appropriately signed. A motor vehicle parked in violation of this town ordinance may be towed away by order of the police of said Town of Rutland.

§ 198-11. Double parking.

Double parking on any street is prohibited at all times.

§ 198-12. Parking of vehicles for sale.

It shall be unlawful for any person to park upon a street any vehicle displayed for sale.

§ 198-13. Repairing of vehicles in streets.

It shall be unlawful for any person or corporation engaged in garage, repair or automobile service business to park any motor vehicle in a street or highway for the purpose of assembling, dismantling or repairing any vehicle.

§ 198-14. Operation in loading zone limited.

No operator of a noncommercial motor vehicle shall park in an area designed as a loading zone. Commercial operators may use this area for loading and unloading of merchandise only. No commercial vehicle shall be permitted to park more than 30 minutes or overnight in said area.

§ 198-15. Designation of loading zones.

Loading zones signs shall be erected in the following areas:

§ 198-16. Police, volunteer and emergency vehicles exempted.

Police, volunteer and other emergency vehicles shall be exempt from the provisions of this article.

§ 198-17. Violations and penalties.

A person who violates any provision of this article shall be fined not more than $100. A separate violation shall occur for each period of parking greater than the parking time allowed in a zone.

§ 198-18. Removal of unauthorized vehicles; towing; charges; lien.

Enforcement officers may cause any motor vehicle parking in violation of this article, or parked on privately owned land

without authorization, including by illustration and not limitation private parking lots, drives and ways, to be removed at the expense of the owner of the vehicle. The owner of the motor vehicle shall pay to the town the reasonable cost of towing as determined by the Selectmen and the cost of storage charges not to exceed $2 per day. The town shall have a hen upon the motor vehicles so removed until such towing and storage charges are paid in full, which lien shall be in addition to any criminal penalty imposed by this article.

§ 198-19. Emergency declarations.

In an emergency Selectmen may impose a parking ban on designated streets or may waive the prohibition of parking on a designated street, for a period of time not to exceed one week.

§ 198-20. Effective date.

This article shall become effective on June 24, 1989.

Part 2
Yield Signs
Adopted 3-20-1995

ARTICLE III
Yield Sign Regulations

§ 198-21. Authority and purpose.

Pursuant to 23 V.S.A. § 1008, the following special regulations are adopted by the Town of Rutland to regulate the operation and use of motor vehicles at intersections controlled by yield right-of-way signs (hereinafter "yield" signs) within the limits of the Town of Rutland.

§ 198-22. Definitions.

Unless context otherwise requires in statutes relating to motor vehicles and the enforcement of law regulating vehicles, the terms used in these special regulations shall he defined as provided by 23 V.S.A. § 4.

§ 198-23. Operation at intersection controlled by yield sign.

A. Except when directed to proceed by an enforcement officer or traffic-control signal, every driver of a vehicle approaching a yield intersection indicated by a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

B. After slowing or stopping, the driver shall 5deld the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; " provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his or her failure to yield right-of-way.

§ 198-24. Designation of intersections controlled by yield signs.

Yield signs shall be erected on the following streets for the regulation of traffic at the following intersections:

Name of Street	Direction of Travel	At Intersection of
Blueberry Lane	South	Chittenden Road
Blueberry Lane	South	Prospect Hill Road
Karen Drive	North	Connor Drive
Karen Drive	South	Connor Drive
Nancy Lane	East	Susan Lane
Sunset Lane	East	Victoria Drive
US Route 7 South	South	Middle Road

§ 198-25. Enforcement; violations and penalties.

A. A violation of a special regulation regarding yield signs shall constitute a "traffic violation" as defined in 23 V.S.A. § 2302(a)(3).

B. A violation of a special regulation regarding yield signs shall constitute a violation of 23 V.S.A. § 1008.

C. A violation of a special regulation regarding yield signs shall be enforced in the Vermont Traffic and Municipal Ordinance Bureau pursuant to Chapter 24 of Title 23.

D. A person who violates a special regulation regarding yield signs shall be fined $50.

E. Upon conviction, points for the violation of 23 V.S.A. § 1008 shall be assessed against the violator's license to operate a motor vehicle as required by 23 V.S.A. § 2502, and the violator's license to operate a motor vehicle may be suspended pursuant to 23 V.S.A. §§ 2505 and 2506

§ 198-26. Operation of emergency vehicles.
A. These special regulations regarding 5deld signs shall not apply to the driver of an authorized emergency vehicle as defined in 23 V.S.A. § 4(1) where:

(1) The vehicle is operated by or under the direction of an on-duty law enforcement officer in the performance of his or her duty;

(2) A Fire Department vehicle is travelling to, but not returning from, a fire alarm; or

(3) A public or private ambulance is travelling on, but

not returning from, an emergency call.

B. The foregoing exemptions shall relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.

C. The foregoing exemptions granted to the driver of an authorized emergency vehicle shall apply only when the vehicle is making use of audible or visual signals meeting the requirements of Title 23 of the Vermont Statutes Annotated.

§ 198-27. Severability.

The provisions of these special regulations regarding yield signs are severable. If any provision of these special regulations or their application to any person or circumstances or within any part of the town is held invalid, illegal or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of these special regulations which can be given effect without the invalid provision or application thereof

§ 198-28. When effective.

These special regulations shall become effective as of the date of adoption by the Board of Selectmen.

Part 3
Stop Signs
Adopted 2-21-1995

ARTICLE IV
Stop Sign Regulations

§ 198-29. Authority and purpose.

Pursuant to 23 V.S.A. § 1008, the following special regulations are adopted by the Town of Rutland to regulate the operation and use of motor vehicles at intersections controlled by stop signs within the limits of the Town of Rutland.

§ 198-30. Definitions.

Unless context otherwise requires in statutes relating to motor vehicles and the enforcement of law regulating vehicles, the terms used in these special regulations shall be defined as provided by 23 V.S.A. § 4.

§ 198-31. Operation at intersection controlled by stop sign.

Except when directed to proceed by an enforcement officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has view of approaching traffic on the intersecting roadway before entering

the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

§ 198-32. Designation of intersections controlled by stop signs.

Stop signs shall be erected on the following streets for the regulation of traffic at the following intersections:

Name of Street	Direction of Travel	At Intersection of
Barrett Hill	All (4-way)	Barrette Hill
Bellevue Lane	North	US Route 4 East
Belock Drive	West	Quaterline Road
Boardman Hill	East	Quaterline Road
Carriage Runn	West	US Route 7 North
Chasanna Drive	South	Post Road
Cold River Road	East	Stratton Road and
Connor Drive	East	Town Line Road
Curtis Brook Road	South	East Pittsford Road
Depot Lane	North	US Business Route 4
East Proctor Road	North	Maplewood Park
East Proctor Road	South	US Business Route 4
East Proctor Road	West	US Route 3
Farrell Road	East	Cop John Drive
Forest Way	East	Post Road
Gleason Road	East	Town Line Road
Gloria Drive	East	Blueridge Drive
Killington Avenue	East	Town Line Road
Lincoln Avenue	East	US Route 7 North
Maplewood Park	West	East Proctor Road
McKinley Avenue	East	US Route 7 North
McKinley Avenue	West	North Grove Street
McKinley Lane	East	North Grove Street
Meadow Way	East	Post Road
Northwood Park Drive	East	Post Road Extension
Old Fall Road	Northwest	US Business Route 4
Old Route 4A	Southwest	US Business Route 4
Old Wood Road	East	North Grove Street
Pamela Drive	East	North Grove Street
Park Way	East	Post Road
Pinnacle Ridge	East	US Route 7 North
Pinnacle Ridge	West	North Grove Street
Post Road Extension	South	Park Lane
Post Road	North	Post Road Extension
Post Road	South	US Route 4 East
Prospect Hill Road	West	US Route 7 North
Quality Lane	North	Cold River Road
Quaterline Road	North	Campbell Road
Quaterline Road	South	Belock Drive and Boardman Hill
Randbury Road	East	US Route 7 South
Roy Avenue	West	Post Road
Simmons Avenue	Southwest	US Business Route 4
Stratton Road	South	Cold River Road
Sugarwood Hill	Road South	Sugarwood Hill Road
Sugarwood Hill Road	South	US Route 7 North

Name of Street	Direction of Travel	At Intersection of
Susan Drive	North	East Pittsford Road
Town Line Road	East	Town Line Road
West Proctor Road	South	US Business Route 4

§ 198-33. Enforcement; violations and penalties.

A. A violation of a special regulation regarding stop signs shall constitute a "traffic violation" as defined in 23 V.S.A. § 2302(a)(5).

B. A violation of a special regulation regarding stop signs shall constitute a violation of 23 V.S.A. § 1008.

C. A violation of a special regulation regarding stop signs shall be enforced in the Vermont Traffic and Municipal Ordinance Bureau pursuant to Chapter 24 of Title 23.

D. A person who violates a special regulation regarding stop signs shall be fined $50.

E . Upon conviction, points for the violation of 23 V.S.A. § 1008 shall be assessed against the violator's license to operate a motor vehicle as required by 23 V.S.A. § 2502, and the violator's license to operate a motor vehicle may be suspended pursuant to 23 V.S.A. §§ 2505 and 2506.

§ 198-34. Operation of emergency vehicles.

A. These special regulations regarding stop signs shall not apply to the driver of an authorized emergency vehicle as defined in 23 V.S.A. § 4(1) where:

(1) The vehicle is operated by or under the direction of an on duty law enforcement officer in the performance of his or her duty;

(2) A Fire Department vehicle is travelling to, but not returning from, a fire alarm; or

(3) A public or private ambulance is travelling on, but not returning from, an emergency call.
B. Notwithstanding the foregoing, the driver of an authorized emergency vehicle may proceed past a stop sign without stopping, but only after slowing down as may be necessary for safe operation.

C. The foregoing exemptions granted to the driver of an authorized emergency vehicle shall apply only when the vehicle is making use of audible or visual signals meeting the requirements of Title 23 of the Vermont Statutes Annotated.

§ 198-35. Severability.

The provisions of these special regulations regarding stop signs are severable. If any provision of these special regulations or their application to any person or circumstances or within any part of the town is held invalid, illegal or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of these special regulations which can be

given effect without the invalid provision or application thereof

§ 198-36. When effective.

These special regulations shall become effective as of the date of adoption by the Board of Selectmen.

Part 4
Speed Limits
Adopted 8-3-1998

ARTICLE V
Speed Limit Regulations

§ 198-37. Definitions.

As used in this Part, the following term shall have the meaning indicated.

MOTOR VEHICLE — Includes all vehicles propelled or drawn by power other than muscular power.

§ 198-38. Designation of speed limits.

An operator of a motor vehicle shall not operate or drive a motor vehicle at a rate of speed greater than the designated speed on the following designated streets or highways:

Name of Street	Speed Limit (mph)	Location
Annette Terrace	35	Beginning at the intersection Town Highway 9 and extending southeast 0.30 miles to the intersection with Town Highway 77
Avenue A	35	Beginning at the intersection with Town Highway 39 and extending north 0.12 miles and terminating in a dead end
Avenue B	35	Beginning at the intersection with Town Highway 39 and extending north 0.12 miles and terminating in a dead end
Barrette Hill Rd.	25	Beginning at the Rutland City line and extending 0.39 miles to the intersection with Town Highway 43
Bellevue Lane	35	Beginning at the with US Route 4 East extending southeast 0.18 miles and terminating in a dead end
Birch Knoll Road	35	Beginning at the intersection with Town Highway 16 extending east 0.22 miles and terminating in a dead end
Bittersweet Lane	35	Beginning at the intersection with Town Highway 4 extending south 0.14 miles and terminating in a dead end
Blue Ridge Drive	35	Beginning at the intersection with Town Highway 9 extending south 0.40 miles and terminating in a dead end
Blueberry Lane	35	Beginning at the intersection with Town Highway 13 extending south 0 43 miles and terminating in a dead end
Boardman Hill Road	35	Beginning at the intersection with Town Highway 22 extending south 0.35 miles

To the West Rutland Town line

Name of Street	Speed Limit (mph)	Location
Briarwood Lane	35	Beginning at the intersection with Town Highway 13 extending south 0.43 miles and terminating in a dead end
Campbell Road	35	Beginning at the Rutland City line and extending north 1.7 miles and terminating at the intersection with Town Highway 28
Cedar Avenue	35	Beginning at the intersection with US Route 7 North extending west 0.48 miles to the intersection with Town Highway 4
Chasanna Drive	35	Beginning at the intersection with Town Highway 9 extending northeast 62 miles and terminating in a dead end
Cheney Hill Lane	35	Beginning at the intersection with Town Highway 11 and extending north 0.10 miles and terminating in a dead end
Cold River Road	35	Beginning at the intersection with US RT 7 South extending south east 1.78 miles to the Clarendon Town line
Colonial Drive	35	Beginning at the intersection with Town highway 1 and extending southeast 0.45 miles to the intersection with Town Highway 98 then east 1 mile to the intersection with Town highway 78
Columbus Drive	25	Beginning at the intersection with Town Highway 10 extending north 0.06 miles to the intersection with Town Highway 45
Connor Drive,	35	Beginning at the intersection with Town Highway 8 extending west 0.24 miles to the intersection with Town Highway 75
Countryside Drive,	35	Beginning at the intersection with Town Highway 1 extending east-north 0.42 miles to the intersection with Town Highway 48
Creek Road,	35	From the Clarendon Town Line north 1.04 miles to the Rutland City line
Crestway Drive	35	Beginning at the intersection with Town Highway 61 extending west 0.27 miles and terminating in a dead end
Crossman Drive	35	Beginning at the intersection with Town Highway 8 extending west 0.08 miles and terminating in a dead end
David Road	25	Beginning at the intersection with Town Highway 45 extending north 0.27 miles to the intersection with Town Highway 95
Depot Lane	35	Beginning at the intersection with Business RT 4 and extending south 0.10 miles and terminating in a dead end
East Mountain View Dr.	35	Beginning at the intersection with Town Highway 10 extending south 0.27 miles and terminating in a dead end
East Pittsford Rd.	35	From US Route 7 North 3.20 miles to the Pittsford Town Line
East Proctor Road	25	From Business RT 4 west and north 0.59 miles to Vermont RT 3
East Ridge Terrace	25	Beginning at the intersection with Town Highway 46 extending northwest 0.35 miles to the intersection with Town Highway 47

Name of Street	Speed Limit (mph)	Location
Easy Street	35	Beginning at the intersection with Town Highway 9 extending south 0.17 miles and terminating in a dead end
Elbern Avenue	35	Beginning at the intersection with Town Highway 10 extending south 0.16 miles and terminating in a dead end
Farham Lane	35	Beginning at the intersection with Town Highway 66 extending east 0.09 miles and terminating in a dead end
Flory Heights	25	Beginning at the intersection with Town Highway 21 extending north-southwest 0.40 miles to the intersection with Town Highway 21
Forest Way	35	Beginning at the intersection with Town Highway 30 extending west 0.08 miles and terminating in a dead end
Georganna Blvd	35	Beginning at the intersection with Town Highway 1 extending southeast 0.17 miles to the intersection with Town Highway 98
Gleason Road	35	From the Rutland City Line east 0.55 miles to the Town of Mendon line
Gloria Drive	35	Beginning at the intersection with Town Highway 9 extending southeast 0.38 miles to the intersection with Town Highway 55
Heather Lane	35	Beginning at the intersection with Town Highway 86 extending southwest 0.29 miles and terminating in a dead end
Hitzel Terrace	35	Beginning at the intersection with Town Highway 10 extending south 0.43 miles and terminating in a dead end
Janice Avenue	25	Beginning at the intersection with Town Highway 45 extending north 0.17 miles to the intersection with Town Highway 45
Karen Drive	35	Beginning at the intersection with Town Highway 65 extending 0.26 miles to the north, west and south to the intersection with Town Highway65 and then extending 2.2 miles south, east and north to the intersection with Town Highway 75
Killington Avenue	35	From the Rutland City line east 0.47 miles to the Mendon Town line
Lester Lane	35	Beginning at the intersection with Town Highway 4 extending west 0.12 miles and terminating in a dead end
Lilac Lane	35	Beginning at the intersection with Town Highway 66 extending east 0.08 miles and terminating in a dead end
Linda Drive	35	Beginning at the intersection with Town Highway 55 extending east-south 0.29 miles to the intersection with Town Highway 55
Lynette Drive	35	Beginning at the intersection with Town Highway 75 extending northeast 0.24 miles to the intersection with Town Highway 75
Maplewood Drive	35	Beginning at the intersection with Town Highway 59 extending east 0.06 miles and terminating in a dead end
McKinley Avenue	35	From US Route 7 North extending west 1.96 miles to a dead end

Name of Street	Speed Limit (mph)	Location
Middle Road	35	Beginning at the intersection with the Clarendon Town line and extending northeast 0.32 miles to the intersection with US Route 7 South
North End Drive	25	Beginning at the intersection with Town Highway 94 extending east 0.04 miles to the intersection with Town Highway 96
Oak Ridge Drive	35	Beginning at the intersection with Town Highway 64 extending northeast 0.06 miles and terminating in a dead end
Old Route 4	25	Beginning at the intersection with Town Highway 6 extending west 0.16 miles to the intersection with Business Route 4
Old Wood Road	35	Beginning at the intersection with Town Highway 4 extending southwest 0.21 miles and terminating in a dead end
Ox Yoke Drive	35	Beginning at the intersection with Town Highway 51 extending north 0.31 miles and terminating in a dead end
Pamela Drive	35	Beginning at the intersection with Town Highway 4 extending east 0.06 miles then south 0.13 miles and then east 0.10 miles to the intersection with Town Highway 4
Perkins Road	35	Beginning at the Rutland City line and extending east 0.30 miles and terminating in a dead end
Pinnacle Ridge Rd	35	Beginning at the intersection with US Route 7 North extending west 0.31 miles to the intersection with Town Highway 4
Post Road	25	Between a point 0.40 miles east of US Route 7 North and a point 1 mile east of US Route 7 North
Post Road	35	From US Route 7 North extending east 0,04 miles and from a point 1 mile east of US Route 7 North to US Route 4 East
Prospect Hill Road	35	Beginning at the intersection with US Route 7 North and extending east 0.70 miles and south 0.38 miles to the intersection with Town Highway 1
Quality Lane	35	Beginning at the intersection with Town Highway 5 extending southeast 0.47 miles and terminating in a dead end
Quaterline Road	35	Beginning at the Rutland City line extending south 1.1 miles and terminating where Town Highway 22 becomes a Class IV roadway
Ranbury Road	35	Beginning at the intersection with US Route 7 South extending west 0.32 miles
Roy Avenue	35	Beginning at the intersection with Town Highway 30 extending east – north 0.29 miles to the intersection with Town Highway 30
Ruth Avenue	25	Beginning at the intersection with Town Highway 45 extending north 0.14 miles and terminating in a dead end
Seward Drive	35	Beginning at the intersection with US Route 7 South extending east 0.26 miles and terminating in a dead end

Simons Avenue	35	Beginning at the intersection with Business Route 4 and extending east and north 0.03 miles to the intersection with Business 4
Stratton Road	35	Beginning at the intersection with Town Highway 5 extending north 0.52 miles to the Rutland City line
Sugarwood Hill Rd	35	Beginning at the intersection with US Route 7 North and extending north then east then west 1.12 miles to the intersection with US Route 7 North
Sunset Drive	35	Beginning at the intersection with Town Highway 10 extending southeast 0.44 miles to the intersection with Town Highway 10
Lilac Ln	35	Beginning at the intersection with Town Highway 82 extending west – south 0.35 miles and terminating in a dead end
Susan Lane	35	Beginning at the intersection with Town Highway 10 extending northeast 0.38 miles to the intersection with Town Highway 97
Tamarack Lane	35	Beginning at the intersection with Town Highway 1 extending north 0.33 miles and terminating in a dead end
Timber Lane	35	Beginning at the intersection with Town Highway 51 extending southwest 0.21 miles and terminating in a dead end
Town line Road	35	From US Route 4 East extending south 1.90 miles to the intersect with Town Highway 10
Victoria Drive	35	Beginning at the intersection with Town Highway 10 extending south, west and north to the intersection with Town Highway 53
Viewmont Drive	35	Beginning at the intersection with Town Highway 4 extending west - south 0.28 miles and terminating in a dead end
West Proctor Road	35	From Business Route 4 west – north 0 88 miles to the Proctor Town line
West Ridge Terrace	35	Beginning at the intersection with Town Highway 45 extending west - north 0.50 miles to the intersection with Town Highway 95
Windcrest Road	35	Beginning at the intersection with US Route 7 South extending east 0.60 miles and terminating in a dead end
Winkfield Road	35	Beginning at the intersection with Town Highway 11 extending south 0.08 miles and terminating in a dead end

§ 198-39. Signs.

Signs indicating the speed limits provided for in this Part 4 shall he posted conspicuously within the highway limits at the point where such speed limit s become effective under this Part 4.

§ 198-40. Emergency vehicles.

The speed limitations set forth in this Part 4 shall not apply to vehicles when operated with due care for safety under the direction of law enforcement officers i n the performance of their duties, nor to public or private ambulances when travelling in emergencies.

§ 198-41. Violations and penalties.

A person who violates any provision of this Part 4 shall be fined not more than $100. In addition, the operator's license of any violator may be suspended pursuant to 23 V.S.A. §§ 2505-2506.

§ 198-42. Repeal of prior speeding regulations.

Any other speeding regulations in the Town of Rutland which are applicable to the aforementioned highways and streets are repealed as of the effective date of this Part 4. However, any violation which occurred prior to the effective date of this Part 4 may be prosecuted under the provisions of any applicable prior ordinance, as though such earlier ordinance had not been repealed.

§ 198-43. Severability.

If any part of this Part 4 is held to be invalid by a court of competent jurisdiction, the remaining part shall be severable and shall continue in force and effect.

TOWN OF RUTLAND
SPEED LIMIT ORDINANCE AMENDMENT

WHEREAS, 23 V.S.A. §1007(f) authorizes the Town of Rutland to establish a speed limit on state highways in the Town where the State of Vermont has enacted speed limits to below 50 miles per hour pursuant to 23 V.S.A. §1003, provided that the speed limit established by the Town is the same as the speed limit established by the State of Vermont;

WHEREAS, the State of Vermont has established the speed limits below 50 miles per hour in various locations on Business Route 4, U.S. Route 4, and U.S. Route 7 in the Town of Rutland; and

WHEREAS, 13 V.S.A. §7251(a) authorizes the Town of Rutland to receive revenue from traffic tickets written for violations of a local speed limit ordinance established by the Town pursuant to 23 V.S.A. §1007(f);

WE, the Select Board of the Town of Rutland, pursuant to 23 V.S.A. § 1007(f), 24 V.S.A. § 1976, and 24 V.S.A. §§1971-73 and in order to establish local speed limit on the following sections of Business Route 4, U.S. Route 4, and U.S. Route 7 in the Town of Rutland, hereby amend the Town of Rutland Speed Limit Ordinance as follows:

Section 198-38:

Name of Street	Speed Limit	Location
Business RT 4	35 mph	Beginning at the Rutland City / Rutland Town Municipal boundary line, which is located (820 feet west of the Ripley Road / Business RT 4 intersection), extending 0.62 miles to the western section of TH-43.
Business RT 4	40 mph	Beginning at the western section of TH-43 and extending west 0.38 miles to the Rutland Town / West Rutland municipal boundary.
US Route 7 N	40 mph	Beginning at TH-1 extending south .9 miles to Rutland Town / Rutland City municipal boundary line.
US RT 4 E	35 mph	Beginning at TH-10 extending 2,875 feet to the east, Norman Rockwell Museum

US RT 4 E	40 mph	Beginning at a distance of 2,875 feet from the intersection with TH-10 extending 1.3 miles east to the Rutland Town / Mendon municipal boundary line
US RT 7 S	45 mph	Beginning at the Clarendon / Rutland Town municipal boundary line extending north 3,588 feet to Diamond Run Mall Place, northern most ingress/egress.
US RT 7 S	40 mph	Beginning at the intersection of Diamond Run Mall Place, northern most ingress/egress extending .7 miles to the north to the Rutland Town / Rutland City municipal boundary.

WATER
Chapter 206

WATER
ARTICLE I
Allocation; Utilization Permits

§ 206-1. Definitions.

§ 206-2. Determination of allocation.

§ 206-3. Notice of determination of allocation.

§ 206-4. Waiver of allocation procedures.

§ 206-5. Reallocation.

§ 206-6. Review of determination of allocation.

§ 206-7. Increase of usage.

§ 206-8. Excessive use prior to determination of allocation.

§ 206-9. Utilization permit required.

§ 206-10. Issuance or denial of utilization permit.

§ 206-11. Standards for issuance of permit.

§ 206-12. Conditions of permit.

§ 206-13. Conditions on utilization.

§ 206-14. Expiration of permit; extensions.

§ 206-15. Consideration of permit applications in filing priority order.

§ 206-16. Manner of giving notice.

§ 206-17. Filing fees.

§ 206-18. Successors in title.

§ 206-19. Violations and penalties.

§ 206-20. Severability.

§ 206-21. Effective date.

ARTICLE II
Water Rates

§ 206-22. Definitions.

§ 206-23. Town administration costs to be covered.

§ 206-24. Metering.

§ 206-25. Establishment of rate to be paid.

§ 206-26. Dates to render bills.

§ 206-27. When bills due and payable.

§ 206-28. Defective meters.

§ 206-29. Use of water in absence of meter.

Adopted by the Board of Selectmen of the Town of Rutland as the Board of Water Commissioners: Art. I , 8-18-86; Art. II , 6-22-87.

ARTICLE I
Allocation; Utilization Permits

Adopted 8-18-86

§ 206-1. Definitions.

As used in this Article, the following terms shall have the following meanings:

BOARD — The Board of Water Commissioners of the Town of Rutland, pursuant to 24 V.S.A. § 3312.

DEVELOPMENT — Any change or expansion in use of property or any building or structure thereon, any construction, reconstruction, conversion, alteration or enlargement of any building or structure and any other activity on property resulting in increased demand for water.

STRUCTURE — Any assembly of materials for occupancy or use.

§ 206-2. Determination of allocation.

After a building or structure has had at least thirty-six (36) months of actual usage, its town water allocation shall be based upon its average water usage over the twelve (12) months just prior to the date of determination thereof by the town. Average water usage shall be calculated by dividing the total gallonage utilized over such twelvemonth period by three hundred sixty (360) days. The quotient rounded

up to the nearest one hundred (100) gallons per day shall be the property's water allocation, notwithstanding the amount specified in any original approval or permit for water.

A. For purposes of the foregoing determination, portions of any thirty-six- or twelve-month period which have elapsed prior to the effective date of this Article shall be counted.

B. If a notice of determination has issued to a property owner under the Policy, then until further redetermination under this Article, the amount stated in such determination, or in any revision thereof by the Board under § 206-6 hereafter, shall be the town water allocation for the building or structure involved.

§ 206-3. Notice of determination of allocation.

The owner of a building or structure shall be given written notice of the determination of the water allocation for such owner's building or structure, calculated in accordance with § 206-2 above. Thereafter, an owner desiring to utilize for such building or structure more than the amount specified in the notice shall apply for a permit for such additional amount pursuant to §§ 206-9 through 206-15 of this Article. A notice of determination given under the Policy shall be deemed a notice under this section. Forthwith upon the effective date of this Article, the Board shall cause to be given to each owner who received a notice of determination under the Policy a further notice to the effect that such owner may have a review of such determination under § 206-6 hereafter.

§ 206-4. Waiver of allocation procedures.

The Board may waive or modify, in whole or in part, the provisions of §§ 206-2 through 206-8 in circumstances where it determines that a particular twelve-month history is not representative of a building's or structure's water usage because of interruption of usage, leaks or otherwise or in circumstances where strict application of §§ 206-2 through 206-8 would result in an inequitable situation.

§ 206-5. Reallocation.

The Board may, at any time after a building or structure has used town water for thirty-six (36) months, determine or re-determine the water allocation of such building or structure, based upon average water usage for the twelve-month period just prior to the date of determination or redetermination. In such event, the owner shall be given notice pursuant to § 206-3 above.

§ 206-6. Review of determination of allocation.

A property owner who receives a notice of right to have a review of a determination made under the Policy or who receives a notice determining such owner's water allocation under this Article, may have such determination reviewed by the Board by filing a written request for review with the Rutland Town Clerk within thirty (30) days of the date that the town gives the notice of right to have a review

or notice of determination of water allocation under this Article, as the case may be. The Board shall, upon filing of such a request for review, proceed promptly, upon notice to the property owner and hearing, to determine the water allocation to which such owner is entitled.

A. If the review request is as to a determination under the Policy, the water allocation shall be established as of the date of determination under the policy.

B. If the review request is as to a determination under this Article, the water allocation shall be established as of the date of determination under this Article.

C. If a request for review is not filed as prescribed i n this section, the determination in the notice made under the Policy or this Article, as the case may be, shall be binding on such property owner.

§ 206-7. Increase of usage.

Upon determination of an owner's water allocation, whether by a written notice of determination, with no review request having been filed as provided above, or upon determination by the Board in a review proceeding, such determination shall be deemed to amend any permit or approval of an owner to use Town Water for a building or structure, and such property owner shall not, without a permit issued pursuant to §§ 206-9 through 206-15 of this Article, utilize more water for such building or structure than the amount specified in such determination. After a determination of allocation has been made, an increase in usage without a permit, caused by any development, shall be deemed a violation of this Article. Whether there has been such an increase in usage shall be established by comparing gallons per day averaged over a calendar month with the number of gallons per day in such determination of allocation. However, an increase in usage where no development has taken place, caused by normal temporary fluctuations or leakage, shall not be deemed a violation.

§ 206-8. Excessive use prior to determination of allocation.

Nothing contained herein shall be construed as permitting utilization of town water in excess of the amount permitted in any approval or permit during any period of time before a determination has been made under §§ 206-2 through 206-8.

§ 206-9. Utilization permit required

An owner desiring to utilize town water for a new use or to service a new building or structure or to meet demand caused by any development shall first apply to the Board for a permit to do so. A separate application shall be filed for each use, building or structure involved. Such permit application shall be made on a form approved by the Board, or, if no form has been

approved, then application shall be made by letter. No application shall be accepted unless signed by all owners of the property involved. Such application shall be accompanied by the prescribed fee and shall include the following information:

A. A brief description of the building or structure for which water usage is requested, its location, its proposed use and, if the application is for increased usage, a description of the proposed development.

B. The amount of new or increased water usage requested, stated in gallons per day as averaged over a calendar month, consistent with the terminology of the water agreement between the City of Rutland and the Town of Rutland.

C. In the event that the application involves construction of a new subsystem or connecting system (as those terms are used in the agreement between the city and town), plans and specifications for the construction thereof

D. If the application involves construction of a new subsystem or connecting system, the maximum amount of water to be provided through such system and the maximum rate of draw through such system, consistent with the terminology in the agreement between the city and the town.

E. Such other information, including without limitation data, plans or documents as may be necessary or as the town may require in order to properly evaluate the application. Such information shall include the design and specifications for water conservation devices and multiple use or recycling systems, as required under these regulations. [Amended 3-12-1990]

§ 206-10. Issuance or denial of utilization permit.

When the application is complete, the Board shall, after notice to the property owner and an opportunity to be heard, issue, issue with conditions or deny the permit application. A separate permit shall be issued for each use, building or structure and shall state the maximum water utilization for such use, building or structure, expressed in gallons per day as averaged over a calendar month. In the event of a denial, the reasons shall be stated in writing.

§ 206-11. Standards for issuance of permit.

The Board shall apply the following standards in determining whether a permit should issue:

A. Whether the application contains all necessary supporting plans and documentation, prepared in accordance with sound engineering practice and acceptable to the town.

B. The amount of water for which application is made shall not exceed the amount reasonably necessary to provide adequate water service for the use, building or structure or development proposed.

C. The amount of water for which application is made shall not, in combination with other users, the amounts in other approvals and permits previously issued and the amounts involved in then pending permit applications filed prior to the property owner's application, cause the town's water consumption to exceed five hundred thousand (500,000) gallons per day, as averaged over a calendar month.

D. The proposed water usage shall not have an adverse effect on the ability of the town to provide fire protection services or the availability of water to other users, whether by reduction in pressure or otherwise.

E. The proposed water usage or any construction related to it shall not cause the town to violate any of the terms or conditions of the agreement between the City of Rutland and the Town of Rutland pertaining to water.

F. The proposed water usage shall not cause the town to be in violation of any agreement between the town and the city pertaining to the supply of sewage disposal services.

G. The new use, new building or structure or development shall utilize water-conserving devices, fixtures and systems and shall incorporate multiple use or recycling where technically and economically practical. The property owner shall utilize the best available technology for such devices, fixtures, systems and applications and shall demonstrate provision for continued efficient operation of any systems involved. [Added 3-12-1990]

§ 206-12. Conditions of permit.

The Board may grant a permit for a lesser amount of water than that applied for and attach such reasonable conditions to any permit as may be necessary so that the proposed water usage will be in compliance with the standards, terms and conditions of this Article and will not be detrimental to the public health, safety and welfare.

§ 206-13. Conditions on utilization.

Whether or not stated on a permit, any utilization of town water shall be subject to the terms and conditions of any contract between the City and Town of Rutland for the supply of water, now existing or hereafter made, and any amendments, modifications and renewals thereof and all applicable town policies and ordinances, rates and rules now or hereafter in effect, and redetermination of the amount which may be used pursuant to §§ 206-2 through 206-8 of this Article.

§ 206-14. Expiration of permit; extensions.

A. A permit for utilization of town water shall expire and become null and void at the expiration of twelve (12) months from the date of issuance by the Board unless within that time the property owner commences utilization of town water for the use, building or structure involved in such permit. If a permit expires because of failure to commence such usage, then the property owner shall, before using town water for such use, building or structure, submit a new permit application, with the supporting documentation and information required by § 206-9 and any required fees, the granting or denial of which permit shall be subject to all the terms of this Article.

B. A permit may be extended by the Board for an additional twelve-month period from the expiration of the original twelve-month period if:

(1) Written application for an extension is made to the Board before expiration of the first twelve-month period.

(2) The Board determines that the property owner continues to have a bona fide intention to complete the project, that the owner during the first twelve-month period has diligently pursued the development of the project and that there is a reasonable expectation that the owner will begin utilization of water pursuant to the permit by the end of the extension period.

C. If, by the end of the second twelve-month period, town water utilization was not commenced for the use, building or structure involved in such permit, then the permit shall expire and become null and void unless again extended as provided hereafter, and the owner shall, before using town water for such use, building or structure, submit a new permit application in the same manner as required by § 2G6-14A above. [Amended 3-27-89]

D. [Added 3-27-89] A water permit may be extended upon written application made before expiration of the second twelve-month period or any further extension period if:

(1) The Board determines that the owner is still diligently pursuing the project; and

(2) The owner has not been able to commence utilization because the owner is in litigation before administrative bodies or courts relating to the obtaining of necessary permits for the project.

Any extension granted under this Subsection shall not be for more than one (1) year, and further extensions may be granted for one-year periods if Subsection D(l) and (2) are met.

E. A permit may be extended upon written application made to the Board before expiration of the second twelve-month period or any further extension period, if the Board determines that there has been a substantial start on construction. Such extension shall be for such additional time and on such conditions as may be equitable. [Amended 3-27-89]

F. The Board, after notice to the property owner and hearing, may, at any time during the initial twelve-month period or any extension thereof, revoke a permit if it determines that utilization of town water for the use, building or structure involved in the permit has not commenced and that the Editor's Note: Pursuant to the addition of Subsection D 3-27-89, former Subsections D through F have been re-designated as E through G, respectively. property owner has abandoned development of such use, building or structure. The Board shall not revoke any permit without first giving the property owner at least fifteen (15) days' notice of the time and place at which the Board shall hold its hearing.

G. As used in this section, the following terms shall have the meanings indicated:

COMMENCEMENT OF UTILIZATION - Active commencement of town water usage for a use, building or structure which is substantially complete and able to be used or occupied for its designed purpose.

§ 206-15. Consideration of permit applications in filing priority order.

Each permit application shall be considered in the order of its filing priority.

§ 206-16. Manner of giving notice.

A. Any notice required to be given under this Article shall be deemed to have been given when deposited in the United States mail, registered or certified mail, return receipt requested, addressed to the property owner at such owner's address as carried on the books of the town for water billing purposes or, if at the time of notice such owner is not a user of town water, then to the address shown on the property owner's permit application or such other address as the property owner may in writing designate in connection with such application.

B. In the event a property owner who has applied for town water transfers title, notice shall be deemed given if given to such successor in title.

§ 206-17. Filing fees.

The Board may prescribe reasonable fees for the filing of any request for review or permit application.

§ 206-18. Successors in title.

A. Any rights of a property owner under this Article or any permit issued under this Article shall insure to the benefit of such owner's successors in title. Any obligations imposed on a property owner by this Article or by a permit issued under this Article shall bind such owner's successors in title.

B. The Board shall keep a file on each owner pertaining to determinations and permits issued under this Article, which shall be available for inspection by the public at reasonable times during business hours.

§ 206-19. Violations and penalties.

A. A person who without a permit issued under this Article, utilizes town water for a new use, building or structure or to meet demand caused by any development, or who increases water usage over the maximum amount specified in a permit or any notice of determination issued or referred to under §§ 206-2 through 206-8 by reason of any development, or who violates any provision of this Article or the terms of any permit, approval or order of the Board or the Selectmen shall be fined not more than five hundred dollars ($500.). Each week that a violation continues shall constitute a separate offense

B. The town may resort to any legal remedy to enforce this Article or the terms of any permit, approval or order, including actions for injunctive relief

§206-20. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof.

§206-21. Effective date.

This Article shall become effective sixty (60) days after the date of its adoption.

ARTICLE II
Water Rates
Adopted 6-22-1987

§206-22. Definitions.

As used hereafter, the following terms shall have the following meanings:

BASIC RATE — The rate per one hundred (100) cubic feet of town water charged by the city to the town from time to time under the Municipal Water Agreement. The basic rate is currently eighty-three and one-third cents ($.831/3) per one hundred (100) cubic feet, but the rate shall increase or decrease with changes in the rate charged by the city to the town, without further amendment of these water rates.

MUNICIPAL WATER AGREEMENT — The agreement, dated March 2, 1972, between the City of Rutland and the Town of Rutland relating to the sale by the city to the town of water.

TOWN WATER — Water supplied to the town by the city under the Municipal Water Agreement, for distribution within the town pursuant to that agreement.

§ 206-23. Town administration costs to be covered.
[Amended 1-29-1990]

The town incurs costs of its own in administering the distribution of water pursuant to the Municipal Water Agreement, which the Board finds are covered by a charge of twenty percent (20%) of the basic rate.

§206-24. Metering.

Payment for town water consumed within the town shall be based upon the quantity of water used by each user, which shall be determined by a meter attached to the user's water supply prior to the commencement of service. Any such meter shall be installed by the property owner at the property owner's expense, and both the meter and the installation thereof shall be approved by the town.

§ 206-25. Establishment of rate to be paid.

Each property owner within the town shall pay, for water consumed on the property owner's premises, the basic rate, plus ten percent (10%) thereof.

§ 206-26. Dates to render bills.

Water bills shall be rendered quarterly for the quarters ending the 20th days of December, March, June and September.

§ 206-27. When bills due and payable.

Water bills shall be due and payable thirty (30) days from the date of rendition by the town.

§ 206-28. Defective meters.

If, for any cause, any meter fails to register the amount of water passing through it, the property owner shall pay to the town for water

passing through the defective meter at the average daily water consumption rate based upon the previous quarter, as recorded by the meter when in operating order. However, if the meter was not in operating order for the entirety of such previous quarter or if during such previous quarter a less water-intensive use was being made of the premises or for part of the time water was not used, such that water consumption would not be fairly representative, then water consumption while the meter is defective shall be that amount for which the city lawfully charges the town.

§ 206-29. Use of water in absence of meter.

No property owner shall take any town water during any period of time when a meter is not installed. If any property owner takes town water during a period of time when a meter is not installed, the amount of water consumed during such period of time shall be that amount for which the city lawfully charges the town.

Town of Rutland
Fire Department
Alarm/Fire Suppression
Systems

Section

100. Definitions and word usage
101. Regulations
102. Permit required; application procedure
103. Issuance of permit
104. Types of permit; fees; exemptions
105. Excessive false alarms
106. Limitation on liability of Town

§ 100. Definitions and word usage

(b) When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(b) For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

(1) Alarm installation - The design, positioning, repair, alteration, maintenance and operation of alarm systems causing a signal to be sounded in the event of a hazard, intrusion or the occurrence of a predetermined inimical event to which the Fire Department are expected to respond.

(2) Alarm system - Any combination or assembly of electronic devices or a single device at a premise or location, designed to transmit to Rutland Town dispatch provider, either directly or through an intermediary, a warning signaling a hazard, intrusion or fire to which police or fire are expected to respond. In this chapter, the term "alarm system" shall apply to all electronic security systems, fire alarm systems, services and alarms defined herein by which police or fire are notified and expected to respond. This would include any Fire Suppression system.

(3) Alarm user - Any person who owns and/or operates an alarm system within the Town of Rutland, except for alarm systems on motor vehicles.

(4) Answering service - A telephone answering service which provides the service of receiving emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the communications center of the Town of Rutland.

(5) Central alarm station - Any facility which is privately owned that owns or leases alarm systems, which facility is staffed by employees who receive, record or validate alarm signals and relay information about such signals to Town of Rutland dispatch of a predetermined inimical event.

(6) Direct alarm - Any alarm system, which is directly connected to the alarm processing unit of the Town of Rutland.

(7) False alarm - Any activation of an alarm system to which police or fire respond where an emergency situation does not exist. Such terminology does not include alarms caused by electrical storms, floods, hurricanes or other violent events of nature.

(8) Local alarm - Any alarm system not connected to the Town of Rutland alarm monitoring facility or to a private central alarm station or answering service that is designed to activate an audible and/or visual signaling device at the premises or location within which the alarm system is installed.

(9) Manual alarm - Any alarm system in which activation of the alarm is initiated by the direct action of the public, alarm user, their agents or employees and is installed with the purpose of eliciting a response to an emergency situation.

(10) Person - Any natural person, corporation, unincorporated association or other legal entity.

101. Regulations

(a) Every alarm / Fire suppression system user shall provide to the Town of Rutland the names and telephone numbers of at least two (2) persons, in addition to the alarm user, who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system.

(b) No alarm system directly connected to the Town of Rutland alarm monitoring facility shall be tested, worked on or demonstrated without first notifying the Town of Rutland.

(c) Within six (6) months from the effective date of this ordinance, all alarm systems which use an audible horn, siren or other audible device shall be equipped with a device which will terminate such horn, siren or bell or other audible device within fifteen (15) minutes after activation of the alarm system.

(d) A permit number used to identify the origin of the alarm signal shall be assigned by the Town of Rutland and applied to the alarm permit at the time of issuance.

(e) <u>No automatic dial alarms</u>. No alarm system shall automatically select a telephone line connected to the Town of Rutland alarm monitoring facility which reproduces a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect. No person shall

have a self-dialing telephone alarm system connected to his/her telephone, which automatically calls the Town of Rutland alarm monitoring facility.

(f) All fire alarm systems, including but not limited to Fire suppression systems shall comply with the current NFPA 101 Life Safety Code as adopted by the State of Vermont.

(g) Plans for alarm systems directly connected to the Town of Rutland shall be submitted to the fire or police department for approval prior to any work being done. The Town of Rutland shall have up to ten (10) working days to review plans and issue a permit for the system.

(h) Fire alarm system plans shall include the floor plan with device locations, the wiring riser diagram, the complete equipment list and specifications, and the type of occupancy, usual hazards, or unusual building features.

§ 102. Permit required; application procedure

(a) Permit required. No person shall operate or have installed an alarm system within the Town of Rutland without first acquiring a permit from the city.

(c) Existing alarm systems. Users of alarm systems presently operating shall conform to this ordinance prior to continued operation thereof. The chief of police, fire chief or their designee shall formulate a reasonable period of time not to exceed six (6) months within which users may be expected to comply with established requirements.

(d) Permit application requirements. Upon application to him/her, the chief of police, fire chief or their designee is hereby authorized to issue a permit to an applicant to have installed and to operate within the Town of Rutland an alarm system, subject to the following provisions:

(1) Alarm user permit application and installation forms are available at the police or fire department. Alarm users will complete the application form and return it, together with the installation form (to be completed by the installer performing the installation), to the police or fire department before an alarm permit may be issued.

(2) Alarm users are responsible for notifying the police or fire department of any anticipated changes in the design, purpose or termination of any alarm system described in the original application for permit. The standard installation form may be used for this purpose and must be filed with the police or fire department prior to any change-taking place.

(d) Any person who shall violate a provision of this section shall be subject to a civil penalty of not less than $100 nor more than $500. Each Day that said violation occurs shall be considered a separate offense.

§ 103. Issuance of permit

(a) The chief of police, fire chief or their designee shall determine whether permit and installation applications conform to the requirements of this ordinance.

(b) The chief of police, fire chief or their designee, upon receipt of the permit fee required and upon compliance by the applicant with this ordinance, shall issue a permit to have installed and/or to operate the proposed alarm system.

(c) Alarm users to whom a permit has been issued shall keep said permit within the protected premises/location for which the permit was issued. Any alarm permit issued under this ordinance shall be made available for inspection upon demand of any authorized Town of Rutland representative.

104. Types of permit; fees; exemptions

(a) A residential permit shall include all private dwellings, summer (vacation) residences, individual apartments, rental property or condominium units occupied by the applicant, for which the applicant shall pay the Town of Rutland a permit fee of twenty-five dollars ($25.00).

(b) A commercial permit shall include all businesses, corporations, or unincorporated associations, for which the applicant will pay to the Town of Rutland a permit fee of seventy-five dollars ($75.00).

(c) A separate commercial permit shall be required for each alarm system owned or leased by a business, corporation, incorporated association or other legal entity, which exists at a separate premises/location.

(d) A new permit shall be required upon the change of ownership or upon a new installation of an alarm system.

(e) All alarms directly connected to the Town of Rutland will pay an annual fee of one hundred fifty dollars ($150.00). The fee will be billed by the Town of Rutland treasurer's office. If not paid within thirty (30) days it will become a general bill of the Town of Rutland and collected like all general bills.

(f) All federal, state, county, local government and other agencies as approved by the Select Board shall be exempt form permit fees and service charges. However, they shall comply with all other requests of the Fire chief or his/her designee as shall concern the operation of their alarm systems.

105. Excessive false alarms

(a) Excessive false alarms shall mean more than two (2) false alarms from the same alarm system within a calendar year.

(b) Any alarm user having an alarm system on his/her premises/location who fails to obtain an alarm user's permit shall be charged one hundred dollars ($100.00) for each alarm that the police or fire respond to.

(c) Any alarm user having an alarm system on his/her premises/location and any user of alarm services or equipment designed and installed with the intent of eliciting a police or fire response shall pay to the Town of Rutland a charge for each and every false alarm to which the police or fire respond in each calendar year as follows:

(1) After two (2) false alarms in a calendar year, where such false alarms result in a response by the police or fire department, the alarm user shall be assessed a service charge of one hundred-fifty dollars ($150.00) for the first excessive false alarm, two hundred dollars ($200.00) for the second excessive false alarm and an additional one hundred dollars ($100.00) for each excessive false alarm thereafter.

(2) Any person, firm, or corporation who fails to pay false-alarm service charges within thirty (30) calendar days from the date of receipt shall be subject to a civil penalty of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each violation in addition to the service charge assessed. Each day of such violation of this provision shall be deemed a separate offense.

§ 106. Limitation on liability of Town of Rutland

(a) The Town of Rutland shall take every reasonable precaution to assure that the alarm signals and prerecorded alarm messages received by the Town of Rutland are given appropriate attention and are acted upon with dispatch. Nevertheless, the Town of Rutland shall not be liable for any defects in operation of alarm devices, for any failure or neglect to respond appropriately upon receipt of an alarm from such a defective system nor for failure or neglect of any person in connection with the installation and operation of alarm systems or their components or the transmission of alarm signals and messages. In the event that the city finds it necessary to require users to cease transmitting signals from alarm systems not conforming to this chapter or act to prevent the sounding of false alarms, the Town of Rutland shall not be held liable for such action.

(b) The provisions of subsection (a) will be prominently displayed on all permits.

SECTION X. Town of Rutland Fire Department
SECTION XI. Abatement of Fire Hazards- Ordinance

Key Box Systems

(a) The following structures shall be equipped with a key lock box at or near the main entrance or other such location required by the Town Fire Chief, or his/her designee:

(1) new commercial or new industrial structures to be protected by an automatic alarm system or automatic suppression system or renovations which include an automatic alarm system or automatic suppression system.

(2) new multi-family residential structures that have a restricted access through locked doors and have a common corridor for access to the living units or renovations, which include an automatic alarm system or automatic suppression system.

(3) new governmental structures and new nursing care facilities or renovations which include an automatic alarm system or automatic suppression system.

(b) All newly constructed or renovated structures subject to this section shall have the key lock box installed and operational before the issuance of the occupancy permit.

(c) The Town Fire Chief, or his/her designee, shall designate the type of key lock box system to be implemented within the city and shall have the authority to require structures to use the designated system.

(d) The owner or operator of the structure required to have a key lock box shall at all times, keep a key in the lock box that will allow for access to the structure, or other keys required by the Town Fire Chief, or his/her designee.

(e) Penalties – Any building owner violating this requirement shall, after receiving due notice by the Town Fire Chief, or his/her designee, be subject to a civil penalty of up to one thousand dollars ($1,000).