

PART I: ORDINANCES

Chapter 1 GENERAL PROVISIONS

Article I Adoption of Code

[Adopted 2-24-2009]

§ 1-1 Adoption of Code.

The ordinances of the Town of Hartford of a general and permanent nature adopted by the Selectboard of the Town of Hartford, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 260, together with an Appendix, are hereby approved, adopted, ordained and enacted in the manner provided in 24 V.S.A. § 1972, as the "Code of the Town of Hartford," hereinafter known and referred to as the "Code."

§ 1-2 Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3 When effective.

The Code and each of the ordinances shall take effect at 12:00 midnight on February 24, 2009, subject to disapproval as provided in 24 V.S.A. § 1973.

§ 1-4 Copy of Code on file.

Upon adoption, a copy of the Code shall be certified to by the Clerk of the Town of Hartford by impressing thereon the Seal of the Town, as provided by law, and such certified copy shall remain on file in the office of the Town Clerk, to be made available as a public record to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5 Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the legislative intent to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Hartford" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6 Filing.

Sufficient copies of the Code shall be maintained in the office of the Town Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7 Code book to be kept up-to-date.

It shall be the duty of the Town Clerk or someone authorized and directed by the Town Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said

Code book, at which time such supplements shall be inserted therein.

§ 1-8 Sale of Code book.

Copies of the Code book containing the Code may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Selectboard, which may also arrange, by resolution, for procedures for the periodic supplementation thereof.

§ 1-9 Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Hartford to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$500.

§ 1-10 Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11 Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12 Repealer.

All ordinances or parts of ordinances of a general and permanent nature actively or putatively adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter provided.

§ 1-13 Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to the effective date set forth in § 1-3 and/or subsequent to October 30, 2007.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.

- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any legislation regulating interlocal services agreements.
- N. Any ordinance that is subject to a petition for disapproval filed within 44 days of the approval of this Code.

§ 1-14 Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Selectboard that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance (chapter and section number references are to the ordinances as they have been renumbered and appear in the Code).

§ 1-15 Designation of ordinances.

- A. Unless otherwise explicitly denominated therein, all ordinances contained in the Code are designated civil ordinances. The enforcement of which shall be as provided herein and by general law.
- B. Prosecution of those ordinances contained in the Code which are designated criminal ordinances may be brought on behalf of the Town by the Town Attorney or any other officer designated by the Selectboard.

§ 1-16 General penalty.

The penalty provision set forth below shall apply to any ordinance violation which does not otherwise specify a penalty for violation. Where penalties are specified for violation of any ordinance or provision thereof, they shall continue to apply unless and until amended. If a monetary fine is specified in any ordinance or provision thereof which is greater than the penalty amount set forth in this **§ 1-16**, that provision for greater penalty amount shall control.

- A. Civil. The general penalty for violation of a civil ordinance shall be a fine in an amount not to exceed \$500 for each offense.
- B. Criminal. The general penalty for a violation of any ordinance where a violation is designated to be criminal shall be a fine in the same amount as may be specified for criminal violation under state law, or imprisonment as and if provided for under state law for such criminal offense. In the event that any ordinance where a violation is specified to be a criminal violation does not have a corresponding state statute, violation of such ordinance shall be punishable by a fine in an amount not to exceed \$500 and may be punishable by imprisonment for a term not in excess of one year. If 24 V.S.A. § 1974 is hereafter amended to provide for any different limits on the amount of fine or imprisonment, then the terms of this **§ 1-16B**, shall be deemed to incorporate such amendment.
- C. Injunctive abatement of nuisances and continuing violations.

- (1) In an event where violation of an ordinance is or may be designated or defined as a nuisance and the nuisance is not abated, cured and discontinued by the violator, then, in addition to any other monetary penalty which may be applicable, the Town may bring an action in Superior Court for abatement of the nuisance claimed to exist in Superior Court and may recover from the violator (including the owner of any real property on which the claimed nuisance may exist if the violator and the owner are not the same person) and may seek an order for abatement of the nuisance and shall also be entitled to recovery of all damages and expenses, including court costs and reasonable attorneys' fees as may be incurred by the Town in the pursuit of the Superior Court action.
 - (2) In the case of a continuing violation of any provision of any ordinance, which continuing violation is not designated to be a nuisance or able to be construed as a nuisance under common law, state statute or other decisional law of the State of Vermont, and the claimed violation is not cured and remedied by the violator (including the owner of any real property on which the claimed continuing violation may exist if the violator and the owner are not the same person), then the Town, in addition to any other monetary fine provided in the ordinance in question, shall have the option of pursuing an action in Superior Court seeking an order compelling enforcement of the ordinance in question and cure or remedy of the claimed continuing violation and shall be entitled to recovery of all damages and expenses, including court costs and reasonable attorneys' fees as may be incurred by the Town in the pursuit of the Superior Court action.
- D. Duration. Each day of violations shall be considered a separate offense.

Chapter 10

ALARMS

[HISTORY: Adopted by the Selectboard of the Town of Hartford 10-20-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Noise from alarm — See Ch. 110, § 110-3A(3).

§ 10-1 Declaration of policy.

An increasing number of persons have installed individual alarm systems which are connected to equipment in the Hartford Police Department. This has resulted in additional services being provided to such persons by the Police and Fire Departments. In order to continue to provide these services, the following regulations are hereby adopted to regulate alarms monitored by the Hartford dispatch center.

§ 10-2 Definition.

For the purpose of this chapter, the following shall be interpreted as set forth below:

ALARM or ALARM SYSTEM

Any alarm system maintained by or connected to the Hartford Police Department or Hartford Fire Department, or any alarm system that is monitored by a commercial alarm monitoring company and, upon receiving notification of an alarm, telephones the dispatch center and informs them of the alarm.

CHIEF

Either the Chief of the Hartford Police Department or the Chief of the Hartford Fire Department.

FALSE ALARM

Any alarm signal eliciting a response by police or fire personnel when the situation requiring such a

response does not in fact exist. An alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the user does not constitute a false alarm.

MASTER FIRE BOX

A special call box which allows a number of interior alarms to connect into that single box which is part of the municipal fire alarm system.

USER

A person who has a private alarm system installed in a residence or business or other structure which connects to an alarm board or an alarm printout at the Hartford police.

§ 10-3 User connection to Town equipment.

A user shall have the right to connect to the equipment of the Town on the following terms and conditions:

- A. The connection shall be made in such manner and at such times as directed by the Town.
- B. The connection of any alarm to Town equipment or which is expected to elicit a response of emergency equipment shall be preceded by written notification. Such notification shall be at least 10 days before any connection.
- C. Each user shall furnish to the Town information on the alarm system and its location and such other relevant information as may be required by the Chief.
- D. A connection fee shall be paid by the user to the Town in accordance with the schedule in § 10-11.
- E. Each user shall pay an annual monitoring fee as set by the Selectboard to the Town. The time the fee is to be paid as well as the amount of the fee shall be determined by the Selectboard.
- F. Each user shall pay such other fees and charges as described in this chapter and in the event legal action is required for collection, the user shall agree to pay reasonable attorney's fees and court costs.
- G. The Chiefs of the Fire and Police Departments shall institute specific procedures for their respective departments to address alarm testing, response procedures and any other guidelines deemed necessary to ensure the safe, quick and efficient response by Town resources.

§ 10-4 Appeal to Chief.

A user shall have the right to appeal to the Chief as to any matter relating to service, fees, charges, connection or disconnection. The Chief shall make a determination. Any appeal therefrom shall be to the Selectboard.

§ 10-5 Fees.

- A. Master fire box annual fee. An annual fee shall be paid by a user to the Town for connection to a master fire box. Such fee shall be set by the Selectboard.
- B. Digital readout fee. An annual fee shall be paid by each user who connects a single digital readout system to the Hartford Police Department. Such fee shall be set by the Selectboard. For the purpose of establishing an annual fee, the digital readout system shall be treated in the same manner as a master fire box. This fee shall be paid by the user to the Town.
- C. Exception. No user fee will be charged to persons using commercial alarm company monitoring services; however, the false alarm charge will apply.

§ 10-6 False alarm charge.

A record will be maintained by the Town of Hartford of all false alarms received from any user's private

alarm system. A false alarm charge shall be paid by the user to the Town based on § 10-11. Failure to pay the false alarm charge shall result in disconnection of the user's equipment from the system, following written notice.

§ 10-7 Disconnection of faulty alarm system.

The Chief may order a faulty alarm system disconnected until repaired. Notice of the proposed disconnection in writing shall be sent by the Chief by certified mail to the user at least seven days prior to the disconnection.

§ 10-8 Failure to pay fees.

If the user fails to pay the connection fee the annual fee or false alarm charges, written notice shall be sent to the user by certified mail. If payment is not made within seven days from the date of mailing, then the user's private alarm system shall be disconnected.

§ 10-9 Cancellation of voice connection lines.

All private alarm systems which connect to the Hartford Police Department over telephone lines used for voice communication shall be canceled and terminated. Notice of such cancellation and termination shall be sent by the Chief to a user.

§ 10-10 Exception.

Any municipal-owned building in the Town of Hartford shall be exempt from any fees or charges outlined in § 10-11.

§ 10-11 Fees and charges.

- A. Master box connection fee (fire): \$100.
- B. Annual service charge municipal alarm lines (fire): \$100.
- C. Annual monitoring charge (other): \$100.
- D. False alarm charge:

No. False Alarms	Fire Alarm Charge	Police Alarm Charge
One	Free	Free
Second	\$50	\$15
Third	\$100	\$20
Fourth or more	\$100/per hour per unit (minimum of \$25 one hour per unit)	

Chapter 19

ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Selectboard of the Town of Hartford 7-7-1987; amended 6-12-2001. Subsequent amendments noted where applicable.]

§ 19-1 Definitions and word usage.

- A. Definitions. For the purpose of this chapter, the following terms, and phrases, words, and their derivations shall have the meanings given herein:

ALCOHOL

The product of distillation of any fermented liquor, rectified either once or oftener whatever may be the origin thereof, and includes ethyl alcohol and alcohol which is considered nonpotable.

MALT BEVERAGES

As defined in 7 V.S.A. § 2.

MALT LIQUOR

As defined in 7 V.S.A. § 2.

OPEN BEVERAGE CONTAINER

A container, bottle, can or vessel containing malt or vinous beverage or spirituous liquors, which is opened or unsealed.

PERSON

Any individual.

POSSESSION

The detention and control, or the manual or physical custody, of a container or containers of a beverage for which possession is prohibited under the terms of this chapter.

SPIRITS

As defined in 7 V.S.A. § 2.

SPIRITUOUS LIQUORS

As defined in 7 V.S.A. § 2.

VINOUS BEVERAGE

As defined in 7 V.S.A. § 2.

PUBLIC PLACE

A place to which the general public has the right to resort, including, but without limitation thereto, public lands and buildings, recreational areas, public streets, highways, bridges and sidewalks within the limits of the Town of Hartford.

B. Word usage. The word "shall" is to be construed as mandatory and not merely directory.

§ 19-2 Open containers prohibited.

Under the authority of 24 V.S.A. § 2291(17) and (18), it shall be unlawful for any person to consume any of the above beverages or to have in his possession any opened container containing any quantity of spirituous liquor, malt or vinous beverages as defined herein on, under or above any public place within the Town of Hartford.

§ 19-3 Permits for special events.

- A. Upon first obtaining a written permit from the Selectboard, which may be included within the regular permit granted for use of such property, any publicly recognized organization for organized or family groups may be exempt from the provisions of § **19-2** of this chapter for a period determined by the Selectboard convened as local control commissioners.
- B. Any person or organization desiring to obtain such a permit shall make written application therefor, to the Selectboard. Granting or withholding of said permit shall be within the sole discretion of the

Selectboard and include the consideration of the Chief of Police. A record of such request and the decision thereon shall be recorded in the minutes of the Selectboard's meetings.

§ 19-4 **Violations and penalties.**

- A. A violation of this chapter shall be subject to civil enforcement in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. A civil penalty of not more than \$500 may be imposed for a violation of this civil ordinance, and the waiver fee shall be set at \$50 for the first offense, \$100 for the second offense within a six-month period, and \$200 for all subsequent offenses within a six-month period.
- B. A person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined no more than \$500.

Chapter 27 **ANIMALS**

[HISTORY: Adopted by the Selectboard of the Town of Hartford as indicated in article histories. Amendments noted where applicable.]

Article I **Dogs and Wolf Hybrids**

[Adopted 7-5-2005]

§ 27-1 **Authority.**

This article is adopted by the Selectboard of the Town of Hartford under the authority of 20 V.S.A. § 3549, 24 V.S.A. § 2291(10) and 2291 (4 and 15), and 24 V.S.A. Chapter 59.

§ 27-2 **Purpose.**

It is the purpose of this article to regulate the keeping of dogs and wolf hybrids, to protect the public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

§ 27-3 **Definitions.**

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

DOG

Any member of the canine species.

OWNER

Any person who has actual or constructive possession of a dog or wolf hybrid. The term also includes those persons who provide food and shelter to a dog or wolf hybrid.

RUNNING AT LARGE

That a dog or wolf hybrid is not:

- A. On a leash;
- B. In a vehicle;
- C. On the owners property;

- D. On the property of another person with that person's permission;
- E. Under the verbal or nonverbal control of the owner; or
- F. Hunting with the owner.

VICIOUS DOG/WOLF

A dog or wolf hybrid that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal. The term shall also mean any animal that, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. § 3541.

WOLF HYBRID

- A. An animal that is the progeny of a dog and a wolf (*Canis lupis* or *Canis rufus*);
- B. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
- C. An animal that exhibits primary physical and/or behavioral wolf characteristics.

§ 27-4 Disturbances and nuisances.

- A. No dog or wolf hybrid shall run at large in the Town.
- B. No dog or wolf hybrid shall harass (e.g. growl, chase, etc.) or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog or wolf hybrid.
- C. A female dog or wolf hybrid in heat shall be confined to a building or other secured enclosure, except while under the direct control of the owner.
- D. No person shall own, keep or harbor a dog or wolf hybrid that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.

§ 27-5 Waste disposal.

The person in control of a dog or wolf hybrid that defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

§ 27-6 License required; attachment of license to collar; rabies vaccine required.

- A. Each dog or wolf hybrid shall be licensed according to the laws of the State of Vermont and shall wear a collar or harness with the current license attached. An animal that is visiting from out of state must wear a collar or harness with a current license from its home state attached.
- B. A dog or wolf hybrid that is found without a collar or a harness and license shall be immediately impounded under authority of 20 V.S.A. § 3806 and shall be managed under the provisions of that statute.
- C. A dog or wolf hybrid shall at all times be lawfully vaccinated against rabies in accordance with state law.

§ 27-7 Humane care of dogs and wolf hybrids.

All dogs and wolf hybrids shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog or wolf hybrid determined by a police, animal control or humane officer to be without such clean and safe facilities may be impounded.

§ 27-8 Enforcement.

This article is a civil ordinance and shall be enforced by a police, animal control or humane officer of the

Town of Hartford in the Vermont Judicial Bureau in accordance with 24 V.S.A. § 1974a et seq.

§ 27-9 Impoundment.

- A. Any dog or wolf hybrid that is determined by a police, animal control or humane officer of the Town of Hartford to be a vicious dog or wolf hybrid which presents an imminent danger to people or other animals shall be immediately impounded.

§ 27-10 Notice of and/or release from impoundment.

- A. The officer who impounds a dog or wolf hybrid shall, within 24 hours, give notice to the owner thereof, either personally or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violation(s), the location of the animal and the steps that are necessary to have the animal returned to the owner.
- B. If an impounded dog or wolf hybrid has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. § 3806.
- C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and after remedial action by the owner. Remedial action shall include but is not limited to such actions as providing a collar and current license and providing a plan for compliance with the provisions of this article and with state law.

§ 27-11 Violations and penalties; costs.

- A. Persons in violation of this article (or any section thereof) shall be subject to the following penalties and costs:
- (1) First offense:
- (a) Full penalty: \$50;
- (b) Waiver penalty \$35; and
- (c) Applicable impoundment and related costs, if any.
- (2) Second offense:
- (a) Full penalty: \$100;
- (b) Waiver penalty \$75; and
- (c) Applicable impoundment and related costs, if any.
- (3) Subsequent offenses:
- (a) Full penalty: \$200;
- (b) Waiver penalty \$150; and
- (c) Applicable impoundment and related costs, if any.
- B. Other/additional: In addition to the above and upon recommendation of the police officer, the Judicial Bureau may also in appropriate circumstances order that the offending dog/wolf hybrid be muzzled, physically confined to the owners property (i.e. fenced, chain, etc.), removed from the community or destroyed.
- C. Waiver penalties may be applied when an alleged violator pays the fine without contesting the violation. Impoundment costs shall be set by the Selectboard.

§ 27-12 **Other laws.**

This article is in addition to all other ordinances of the Town of Hartford and all applicable laws of the State of Vermont.

§ 27-13 **When effective.**

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

Chapter 40

CIVIL DEFENSE

[HISTORY: Adopted by the Selectboard of the Town of Hartford effective 3-23-1985; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

§ 40-1 **Title; statutory authority.**

This chapter shall be known and may be cited and referred to as the "Town of Hartford Emergency Management Ordinance" and is adopted under authority of 20 V.S.A. § 6.

§ 40-2 **Intent and purpose.**

- A. It is the intent and purpose of this chapter to establish an office that will ensure the complete and efficient utilization of all of the Town's emergency functions and to provide emergency management.
- B. The Hartford Office of Emergency Management will be the coordinating agency for all activity in connection with civil defense; it will be the instrument through which the Town Manager may exercise the authority and discharge the responsibilities vested in him as Emergency Management Chairman.
- C. This chapter will not relieve any Town department or officer of the moral responsibilities or authority created by law or by ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

§ 40-3 **Definitions.**

The following definitions shall apply in the interpretation of this chapter:

CHAIRMAN

The Town Manager or his designated alternate duly appointed.

CIVIL DEFENSE

As defined in 20 V.S.A. § 2(4).

CIVIL DEFENSE VOLUNTEER

Any person duly registered, identified and appointed by the Chairman of the Office of Civil Defense and assigned to participate in the civil defense activity.

DISASTER

A condition described in 20 V.S.A. § 1(a) necessitating measures to protect life and property.

EMERGENCY

A condition described in 20 V.S.A. § 1(a) necessitating measures to protect life and property.

EMERGENCY FUNCTIONS

Those identified in 20 V.S.A. § 2(2).

REGULATIONS

Includes plans, programs and other emergency procedures deemed essential to civil defense.

VOLUNTEER

Contributing a service, equipment or facilities to the Emergency Management Office without remuneration.

§ 40-4 Organization and appointments.

- A. The Chairman is hereby authorized and directed to create an organization for civil defense utilizing to the fullest extent the existing agencies and functions within the Town. The Town Manager shall be the Director of emergency management and emergency functions and shall be responsible for the organization, administration and operations thereof.
- B. The organization for emergency management shall consist of the following:
 - (1) An Office of Emergency Management within the executive department of the Town and under the direction of the Town Manager. There shall be an executive head of the Office who shall be known as the Chairman of Emergency Management, and such assistants and other employees as are deemed necessary for the proper functioning of the organization.
 - (2) The employees, equipment and facilities of all Town departments, boards, institutions and commissions will participate in emergency management. Duties assigned to a Town department shall be the same or similar to the normal duties of the department.
 - (3) Volunteer persons and agencies offering service to, and accepted by, the Town.
- C. The Chairman of Emergency Management shall designate and appoint deputies to assume the emergency duties of the Chairman in the event of his absence or inability to act, the intent being that there will always and at all times be a Chairman of Emergency Management in charge of the Town.

§ 40-5 Emergency powers and duties.

- A. The Chairman of Emergency Management may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in general law. The judgment of the Chairman shall be the sole criteria necessary to invoke emergency management powers provided in this chapter and in general law. The Selectboard may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports relative to civil defense activities. Nothing in this chapter shall be construed as abridging or curtailing the powers or restrictions of the Selectboard.
- B. During any period when an emergency disaster threatens or when the Town has been struck by disaster, the Chairman may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:
 - (1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of civil defense forces, or to facilitate the mass movement of persons from critical areas within or without the Town.
 - (2) Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable

to disaster.

- (3) Such other regulations necessary to preserve public peace, health and safety.
 - (4) Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper and radio. These regulations will have the force of ordinance when duly filed with the Town Clerk and violations will be subject to the penalties provided in law and in the Town Code.
- C. The Chairman shall order civil defense forces to the aid of other communities when required in accordance with law, and he may request aid from any source in case of disaster when conditions in the Town are beyond the control of the local civil defense forces.
 - D. The Chairman may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the Town for the fair value thereof.
 - E. Chairman may require emergency service of any Town officer or employees. If regular Town forces are determined inadequate, the Chairman may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by law and ordinances for regular Town employees and other registered and identified civil defense and disaster workers.
 - F. The Chairman will exercise his ordinary powers as Town Manager and all of the special powers conferred upon him by law and local ordinance, all powers conferred upon him by any statute, or any other lawful authority.
 - G. The Chairman shall be responsible for all phases of the civil defense activity. He shall be responsible for the planning, coordination and operation of the civil defense activity in the Town. He shall maintain liaison with the state and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the civil defense plan and the delivery of emergency functions. His duties shall include, but not be limited to, the following:
 - (1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for civil defense purposes.
 - (2) Development and coordination of plans for the immediate use of all of the facilities, equipment, manpower and other resources of the Town for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
 - (3) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for the civil defense purposes and designating suitable buildings as public shelters.
 - (4) Through public informational programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.
 - (5) Conducting public practice alerts to insure the efficient operation of the civil defense forces and to familiarize residents with civil defense regulations, procedures and operations.
 - (6) Coordinating the activity of all other public and private agencies engaged in any civil defense activity.

- (7) Assuming such authority and conducting such activity as the Director may direct to promote and execute the civil defense plan.

§ 40-6 Violation of regulations.

It shall be unlawful for any person to violate any of the provisions of this chapter or the regulations issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any emergency management personnel in the enforcement of the provisions of this chapter or any regulation or plan issued thereunder.

§ 40-7 Conflicting ordinances, orders, rules and regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

§ 40-8 Violations and penalties.

Any person, firm or corporation violating any provisions of this chapter or any regulation promulgated thereunder, upon conviction thereof, shall be punished as provided by law as well as provided in § 1-16 of the Town Code.

Chapter 58

FLOOD HAZARD AREA REGULATIONS

[HISTORY: Adopted by the Selectboard of the Town of Hartford 9-18-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision Regulations — See Ch. 200.

Zoning Regulations — See Ch. 260.

§ 58-1 Statutory authorization.

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established a regulation for areas of special flood hazard in the Town of Hartford, Vermont.

§ 58-2 Purpose.

It is the purpose of this bylaw to:

- A. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood-related hazards.
- B. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property.
- C. Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753.
- D. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

§ 58-3 Applicability.

These regulations shall apply to all areas in the Town of Hartford, Vermont identified as areas of special flood hazard on the most current flood insurance studies and maps published by the Department of

Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

§ 58-4 **Zoning permit required; exemptions.**

A local zoning permit is required, to the extent authorized by the Hartford Zoning Regulations and state law, for all proposed construction or other development, including mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials or the placement of manufactured homes in areas of special flood hazard.

A. The following are exempt from regulation under this bylaw:

- (1) Silvicultural activities not involving the use of buildings and conducted in accordance with Vermont Department of Forest and Parks' acceptable management practices.
- (2) Agricultural activities not involving the use of buildings and conducted in accordance with Vermont Department of Agriculture, Food and Markets' acceptable agricultural practices.
- (3) The removal of a structure or building in whole or in part, providing there is no change in site grade.
- (4) Connections to, or construction or modification of, a water supply system and sanitary sewage system, providing the certifications, as required under § **58-7B(8)** and **(9)** of this bylaw, are submitted to the Administrative Officer prior to the start of construction.
- (5) Recreational vehicles placed on sites within the area of special flood hazard are permitted, provided the vehicle is fully licensed and ready for highway use. The use of recreational vehicles for sleeping quarters also is governed by § **260-34D** of the Hartford Zoning Regulations.

B. The following activities in the area of special flood hazard but outside the floodway only require a zoning permit from the Administrative Officer:

- (1) Minor improvements to existing structures that do not involve fill.
- (2) Nonenclosed accessory structures such as signs, fences, or pole sheds without walls, foundations or utilities, that are adequately anchored to prevent flotation, collapse or lateral movement of the structure during the occurrence of a base flood.
- (3) Small accessory structures. A small accessory structure (200 square feet or less) need not be elevated to the base flood elevation, provided the property owner certifies that the building:
 - (a) Shall not be used for human habitation;
 - (b) Shall be designed to have low flood damage potential;
 - (c) Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (d) Shall be firmly anchored to prevent flotation as detailed in FEMA technical bulletins; and
 - (e) Shall have service facilities such as electrical and heating equipment elevated or floodproofed.

C. Conditional use approval by the Zoning Board of Adjustment, prior to the issuance of a zoning permit by the Administrative Officer, is required for development not exempted or permitted, including:

- (1) New structures;

- (2) Substantial improvement of existing buildings;
 - (3) Any fill or excavation exceeding 10 cubic yards; and
 - (4) Development in a floodway.
- D. All development and subdivisions shall be reviewed to assure that such proposals comply with the development standards in § 58-7 of this bylaw; minimize potential flood damage; public facilities and utilities such as sewer, gas, electrical, and water systems are constructed to minimize flood damage; and adequate drainage is provided to reduce exposure to flood hazards.

§ 58-5 Procedures.

- A. Prior to issuing a zoning permit, a copy of the application and supporting information shall be submitted by the Administrative Officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
- B. Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section, shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse, and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- C. A zoning permit application will be accepted by the Town as complete upon submittal of the following:
- (1) Information as specified in Subsections **A** and **B** of this section;
 - (2) Any required certifications as specified in this bylaw; and
 - (3) Evidence of meeting any other requirements of this bylaw and other pertinent Town regulations, bylaws, policies and procedures.
- D. Proposed development shall be permitted by the Administrative Officer or the Zoning Board of Adjustment conditioned on the receipt of all necessary permits from those government agencies from which approval is required by federal, state or municipal law.
- E. All permit, conditional use, hearing, appeal, and filing processes for a permit under this bylaw must comply with all applicable requirements under the Hartford Zoning Regulations.
- F. Construction must start within 180 days of the permit effective date or the permit becomes null and void.

§ 58-6 Base flood elevations and floodway limits.

- A. Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from state or federal agencies or other sources shall be obtained and utilized to administer and enforce these regulations. If no such source

of data is publicly available, it is the applicant's responsibility to develop this data.

- C. Until a regulatory floodway has been mapped, no new construction, substantial improvements, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.
- D. **Map revisions or amendments.** Applicants who believe that the Flood Insurance Rate Map (FIRM) or flood study incorrectly shows their property in the flood fringe or floodway must apply to FEMA to make that change. The Town or state may comment on any applications to FEMA for map revisions or amendment. The applicant must retain an engineer and/or surveyor to provide the necessary data.
- (1) Applicants believing the map is wrong and their building or area where improvements are proposed is not in the hazard area shown need a Letter of Map Amendment (LOMA) from FEMA, or conditional LOMA (CLOMA) for a proposed building. A letter of map revision (LOMR-F) from FEMA is needed if fill had been used to elevate the grade where the structure is so that it is no longer an area of special flood hazard as mapped. A conditional LOMR-F (CLOMR-F) from FEMA is needed if fill (if allowed) is proposed to elevate the structure above the base flood.
- (2) When any revision or amendment is being sought from FEMA, an application to the Town under this regulation will not be considered complete until the relevant letter has been issued by FEMA. Issuance of a LOMR-F or CLOMR-F is not local permission to fill, which may only take place in compliance with this regulation.

§ 58-7 Development standards.

- A. Floodway areas as shown on the most current version of the FEMA Flood Insurance Rate Map.
- (1) Development within the regulatory floodway, as determined by § 58-6, is prohibited, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered Vermont licensed engineer and certified that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
- (2) Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials are prohibited within the floodway.
- B. Areas of special flood hazard outside the floodway as shown on the most current version of the FEMA Flood Insurance Rate Map (FIRM).
- (1) **All development.** All development shall be certified by a Vermont licensed engineer, architect or surveyor that it is:
- (a) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
- (b) Constructed with materials resistant to flood damage;
- (c) Constructed by methods and practices that minimize flood damage as detailed in FEMA technical bulletins, including not overly constraining flood flows with fill that would require armoring; and
- (d) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- (2) **Residential development.** All residential development shall be certified by a Vermont licensed engineer, architect, or surveyor that the following are met:
- (a) New construction and existing buildings to be substantially improved that are located in Zones A, A1-30 and AE have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.
 - (b) Manufactured homes to be placed and existing manufactured homes to be substantially improved are:
 - [1] Located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood and are elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and are securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood.
 - [2] Located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and are securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.
 - (c) Following the completion of construction and prior to the issuance of a certificate of occupancy, the Vermont licensed engineer, architect, or surveyor shall certify that the structure and other improvements were constructed as designed. The applicant is responsible for the cost of all certifications.
- (3) **Nonresidential development.**
- (a) All nonresidential development shall be certified by a Vermont licensed engineer, architect, or surveyor that the following are met:
 - [1] New construction located in Zones A, A1-30, and AE have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.
 - [2] Existing buildings to be substantially improved located in Zones A, A1-30, and AE have the lowest floor, including basement, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, are designed so that below at least one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - [3] The structural design, specifications and plans, and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
 - (b) Following the completion of construction and prior to the issuance of a certificate of occupancy, the Vermont licensed engineer, architect, or surveyor shall certify that the structure and other improvements were constructed as designed. The applicant is responsible for the cost of all certifications.
- (4) **Subdivisions.**
- (a) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) shall include base flood elevation data.

- (b) Subdivisions (including manufactured home parks) shall be designed to assure:
- [1] Such proposals minimize flood damage within the flood-prone area;
 - [2] Public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage;
 - [3] Adequate drainage is provided to reduce exposure to flood hazards; and
 - [4] Any access roads to habitable structures or critical facilities shall be at least one foot above base flood elevations and able to withstand a one-hundred-year event without failure or overtopping.
- (c) Following the completion of construction and prior to the issuance of a certificate of occupancy, the Vermont licensed engineer, architect, or surveyor shall certify that the structure and other improvements were constructed as designed. The applicant is responsible for the cost of all certifications.
- (5) **Enclosed areas below the lowest floor.**
- (a) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage, and such a condition shall clearly be stated in any permits.
 - (b) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be certified by a Vermont licensed engineer or architect that the following are met:
 - [1] The design will automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - [2] There are at least two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - [3] The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - (c) Following the completion of construction and prior to the issuance of a certificate of occupancy, the Vermont licensed engineer, architect, or surveyor shall certify that the structure and other improvements were constructed as designed. The applicant is responsible for the cost of all certifications.
- (6) **Water supply systems.**
- (a) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems. The designer of the system shall certify that the water supply system design meets this requirement.
 - (b) Following the completion of construction, the designer shall certify that the water supply system was built as designed. The applicant is responsible for the cost of all certifications.
- (7) **Sanitary sewage systems.**
- (a) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. The designer of the system shall certify that the sanitary sewage system design meets this requirement.

(b) Following the completion of construction, the designer shall certify that the sanitary sewage system was built as designed. The applicant is responsible for the cost of all certifications.

(8) **On-site waste disposal systems.**

(a) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The designer of the system shall certify that the on-site waste disposal system design meets this requirement.

(b) Following the completion of construction, the designer shall certify that the on-site waste disposal system was built as designed. The applicant is responsible for the cost of all certifications.

(9) **Watercourse carrying capacity.**

(a) The flood- and sediment-carrying capacity within any altered or relocated portion of a watercourse shall be maintained. A Vermont licensed engineer shall certify that this standard will be met.

(b) Following the completion of construction, a Vermont licensed engineer shall certify that the project was built as designed. The applicant is responsible for the cost of all certifications.

(10) **Flood storage capacity.**

(a) The net post-development flood storage capacity shall not be less than the pre-development capacity. If cuts and fills are used under this provision, a Vermont licensed engineer shall certify that the net change in flood storage and modifications does not create any increase in erosion or flood hazard.

(b) Following the completion of construction, a Vermont licensed engineer shall certify that the project was built as designed. The applicant is responsible for the cost of all certifications.

§ 58-8 Duties and responsibilities of Administrative Officer.

The Administrative Officer shall maintain a record of all permits issued and denied for development in areas of special flood hazard, including:

A. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;

B. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;

C. All certifications required under this regulation; and

D. All variance actions, including justification for their issuance.

§ 58-9 Variances to development standards.

Variances shall be granted by the Hartford Zoning Board of Adjustment after a hearing noticed in the same manner as for a conditional use application under the Hartford Zoning Regulations, and only in accordance with 24 V.S.A. § 4469 and 44 CFR 60.6, of the National Flood Insurance Program Regulations, provided a Vermont licensed engineer, surveyor or architect certifies that the variance will not result in increased flood heights, increased susceptibility to flooding or erosion, additional threats to public safety or infrastructure (including emergency services during flood events), or extraordinary public expense.

§ 58-10 Disclaimer of liability.

This bylaw does not imply that land outside the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This bylaw shall not create liability on the part of the Town of Hartford or any Town official or employee thereof for any flood damages that result from

reliance on this bylaw or any administrative decision lawfully made thereunder.

§ 58-11 Severability.

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

§ 58-12 Compliance with other laws; conflicts.

The provisions of this bylaw shall not in any way impair or remove the necessity of compliance with any other applicable bylaw. Where this bylaw imposes a greater restriction, the provisions of this bylaw shall take precedence.

§ 58-13 Enforcement; violations and penalties.

- A. It shall be the duty of the Administrative Officer to enforce the provisions of this bylaw. Whenever any development occurs contrary to these Flood Hazard Area Regulations, the Administrative Officer shall notify the alleged offender of the violation by certified mail to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding 12 months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, that failure to cure may result in loss of flood insurance, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days and within the next succeeding 12 months.
- B. If the violation is not remedied within seven days, or appealed, the Administrative Officer shall file a copy of the notice of alleged violation in the municipal land use permit files, with the Town Clerk for filing in the land records, and mail a copy to the alleged violator, the state NFIP Coordinator and the Administrator of the National Flood Insurance Program. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of its flood hazard area regulations. The notice shall consist of:
- (1) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 - (2) A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;
 - (3) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 - (4) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
 - (5) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

§ 58-14 Appeal of administrative decision.

An interested person may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the Secretary of the Zoning Board of Adjustment through the Town's Municipal Office. This notice of appeal shall be filed within 15 calendar days of the date of the decision or act, and a copy of the notice of appeal shall be filed with the Administrative Officer. A notice of appeal shall be in writing, submitted on the form provided by the Town and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.

§ 58-15 **Definitions.**

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

ACCESSORY STRUCTURE

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

ADMINISTRATIVE OFFICER

The person designated by the Selectboard as responsible for administering and enforcing the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as are necessary and appropriate.

BASE FLOOD

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

BASE FLOOD ELEVATION (BFE)

The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

BASEMENT

Any area of the building having its floor elevation below ground level on all sides. A walkout-on-grade with a floor at ground level on at least one side of the house, usually with the door on that side, is not considered a "basement" as defined by these regulations.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to construction and placement of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads or foundations, is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads or foundations.

FLOOD

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or

suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source (see definition of "flood").

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents meeting the standards identified in FEMA technical bulletins on floodproofing.

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 at any point.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LEGISLATIVE BODY

The Town of Hartford Selectboard.

LOWEST FLOOR

The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

MANUFACTURED HOME

Commonly known as "mobile homes," means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MINOR IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which is less than 50% of the market value of the structure before the start of construction of the improvement.

NEW CONSTRUCTION

For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads or foundations, is completed on or after the effective date of the floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE

A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA

Land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance

Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-V30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

START OF CONSTRUCTION

Includes substantial improvement, and means the actual start date of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement as approved by the zoning permit issued. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

STRUCTURE

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure," for insurance purposes, means: (a) a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) a manufactured home, also known as a "mobile home," built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or (c) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, a gas or liquid storage tank.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which cumulatively equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VIOLATION

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Chapter 68

HAZARDOUS MATERIALS

[HISTORY: Adopted by the Selectboard 9-19-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Removal of hazardous waste from recyclables — See Ch. 174, § 174-10E.

Dumping hazardous waste — See Ch. 174, § 174-16.

Article I

General Provisions

§ 68-1 Purpose.

The purpose of this chapter is to protect, preserve, and maintain the existing and potential groundwater supply, groundwater recharge areas, and surface water within the Town from contamination and to prevent air and environmental pollution and contamination. Nothing in this chapter shall relieve any person or entity of any obligation imposed by Vermont state law regarding any activity regulated by this chapter, including but not limited to any requirements under Vermont state law for registration, storage or reporting regarding hazardous wastes and materials, nor any obligation under Vermont state law regarding registration or closure of any underground storage tank.

§ 68-2 Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

ABANDONED

Being out of service for a period in excess of six months, in the case of a storage facility for which any license is required or for a period of 12 months, in the case of any other storage facility.

AUTHORITY

The Town Manager or his agent.

DISCHARGE

The disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of any hazardous material or any constituent thereof into or on any land or water so that such material may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

HAZARDOUS MATERIAL

- A. All petroleum and toxic, corrosive or other chemicals and related sludge included in any of the following:
- (1) Any substance defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;
 - (2) Petroleum, including crude oil or any fraction thereof; or
 - (3) Hazardous wastes, as determined under the definition of "hazardous waste" in this section.
- B. "Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, state and local laws and regulations and according to manufacturers' instructions. Nothing in this subsection shall affect the authority granted and the

limitations imposed by 10 V.S.A. § 6608(a).

HAZARDOUS WASTE

Any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form, including but not limited to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground- or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition.

LEAK

Any uncontrolled movement, measurable by a testing method accurate to 0.05 gallon per hour or less, of any hazardous material out of a tank or its components, or any uncontrolled movement of water into a tank or its components.

TANK

Any structure used, or designed to be used, for the storage of hazardous materials of any kind.

UNDERGROUND STORAGE

Storage below ground level but shall not include storage for heating purposes in a freestanding container within a building.

Article II Registration

§ 68-3 Commercial or industrial and home occupation.

Every owner or operator of a commercial or industrial establishment, including home occupations, storing hazardous materials in quantities totaling more than 50 gallons liquid volume or 25 pounds dry weight shall register with the Town of Hartford, on a form so obtained, the following information:

- A. Name, address, and telephone numbers (day and night) of the owner or operator.
- B. Capacity and contents of the tank(s), with specific description of the type of hazardous materials being stored.
- C. The date of installation of the tank, if available.
- D. The type of tank construction, and indication of any leak detection system in place.
- E. The depth below ground level of the lowest and highest points of the tank if the tank is subsurface.
- F. Description of any previous leaks, including approximate dates, causes, estimated amounts, repairs undertaken.

§ 68-4 Date of registration.

Owners or operators of commercial or industrial establishments who meet the registration requirement of § 68-10 shall register annually within 30 days of January 1 each year. Owners or operators of commercial or industrial establishments who later meet the registration requirement shall register initially within 30 days of meeting such requirements, and thereafter within 30 days of January 1 each year.

§ 68-5 Inventory required.

In addition to registration, owners or operators of commercial or industrial establishments registered in accordance with § **68-10** shall maintain on the premises an inventory, reconciled on a monthly basis, of purchase, sale, use, disposal, or discharge of hazardous materials. The purpose of this inventory is to detect any product loss and to provide ongoing record of all quantities of hazardous materials within the Town over the registration period. If unaccounted for product loss is discovered in the monthly reconciliation, the owner or operator shall immediately notify the Town Manager and submit a supplementary report identifying the type and quantity of material which cannot be accounted for by the reconciled inventory. In addition, the person submitting the inventory, or the Town Manager upon failure of such person to do so, shall make such report as may be required by any applicable provision of Vermont state law regarding regulation, storage and disposal of hazardous waste.

§ 68-6 Reconciled inventory.

Upon the request of the Town Manager or his authorized agent, owners or operators shall produce within 24 hours the latest reconciled inventory.

§ 68-7 Removal of waste.

Wastes containing hazardous materials shall be held on the premises in product-tight containers for removal by a licensed carrier for disposal in accordance with the Vermont Hazardous Waste Management Act, Title 10 of Chapter 159.

§ 68-8 Containment of materials.

Surfaces underlying areas where hazardous materials are stored aboveground, or used, transferred, or delivered to such tanks, shall be impermeable to the materials being stored and shall be enclosed by a permanent dike of impermeable construction.

§ 68-9 Storage above ground.

The aboveground storage or use area must have the capacity to remove and contain liquids resulting from leaks, spills, cleaning or precipitation. At a minimum, the capabilities of the system must be sufficient to contain 10% or the total volume of the containers or the largest container, whichever is greater. Run-on of precipitation or surface waters into the containment system must be prevented unless the system has sufficient excess capacity to contain the run-on. Spilled or leaked materials and accumulated precipitation must be removed from the system in as timely a manner as necessary to prevent overflow or contamination. The containment system shall be isolated, and there shall be no connection with any sewer, septic tank, dry well, or the surrounding soil.

Article III Underground Storage Tanks

§ 68-10 Filing of information required.

All owners of buried fuel oil storage tanks shall comply with 10 V.S.A. §§ 1921 to 1944, including the filing of notice thereof.

§ 68-11 Tanks filled with sand.

If the owner of a tank, which is located under a building and which cannot be removed from the ground without first removing the building, decides to abandon said tank, the owner shall promptly notify the Town of Hartford of this decision and, subject to the directions of the Town Manager or his agent, have all the hazardous materials removed from the tank and the tank filled with sand or other inert material, as prescribed by the authority.

§ 68-12 Abandonment of tanks.

Except as provided in § **68-11**, no tank may be abandoned in place. Aboveground tanks shall be disposed of after emptied of all hazardous materials. Underground storage tanks out of service for a period in excess of 12 months shall be considered abandoned, and the tank shall be thereafter emptied of all hazardous materials under the direction of the Town Manager or his agent. The product and the tank shall be disposed of, at the owner's expense, as directed by the authority.

§ 68-13 Tanks out of service.

The owner of a tank, which will be out of service for less than 12 months, shall promptly notify the Town Manager or his agent of the decision, and, where the tank is subsurface, the materials remaining shall be removed from the tank and the tank filled with water.

§ 68-14 Tank removal.

If the Town Manager or his agent determines that a tank and its components shall be removed, any removal shall be completed within 90 days after that authority has notified the owner, in writing, of its decision.

§ 68-15 Leaking tanks.

All leaking tanks must be emptied by the owner or operator within 12 hours after detection of the leak. Such tank may not be refilled in whole or in any part and, unless repair is authorized, in writing, per § **68-16** below, shall be removed by the owner or operator as per § **68-14** above.

§ 68-16 Repair of tank.

The Town Manager or his agent shall determine whether any tank or its components that have been identified as the source of a leak shall be repaired, or removed and replaced, and shall notify the owner of the decision. In making the determination, the authority shall be governed by the following conditions on the repair, by relining, of any steel tank:

- A. It must have a minimum design shell thickness of 0.18 inch (7-gauge).
- B. It must have no open seam or split.
- C. It must have less than 10 holes, with none larger than 1/2 inch in diameter.
- D. It must meet all the standards of the lining manufacturer for structural soundness.

Article IV Variances

§ 68-17 Authority of Town Manager.

The Town Manager or his agent may vary the application of any provision of this chapter, unless otherwise required by law, in any case when, in its opinion, the applicant has demonstrated that an equivalent degree of environmental protection required under this chapter will still be achieved.

§ 68-18 Notification requirements.

The applicant shall submit the names and addresses of all abutting owners, and the Town shall notify the abutters by certified mail. The applicant, at his own expense, must notify all abutters by certified mail at least 10 days before the hearing at which such variance request shall be considered. The notification shall state the variance sought and the reasons therefor.

§ 68-19 Fee.

The fee for the application of a variance shall be \$25 unless otherwise fixed.

§ 68-20 Decisions to be in writing.

Any variance granted by the Town Manager or his agent shall be in writing; any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial.

Article V Penalty and Enforcement

§ 68-21 Hazardous materials prohibited.

All discharges of hazardous materials within the Town are prohibited.

§ 68-22 Report of hazardous materials.

Any person having knowledge of any discharge or hazardous materials shall immediately report the discharge to the Police Department. The Police Department shall alert the Town Manager of the discharge. As a precaution, the Fire Department shall also be notified.

§ 68-23 Right of entry.

The Town of Hartford or its agents may enter upon privately owned property for the purpose of performing their duties under this chapter which may include the removal or the abatement of hazardous waste or material.

§ 68-24 Violations and penalties.

- A. Any person who violates any provision of this chapter shall be punished as provided in § 1-16 of the Town Code. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition shall constitute a separate offense. In addition to any other remedy available to it, the Town may institute and maintain a groundwater cause of action under 10 V.S.A. § 1410 for any damage or groundwater contamination caused by a discharge of hazardous material.
- B. In addition to the penalties provided in § 1-16, any person violating any provision of this chapter shall be responsible for cleanup and remediation of any condition or contamination caused by the violation. Any such cleanup or remediation shall be supervised by an environmental engineering or consultant firm approved by the Selectboard or the Town Manager, or his agent, and such person shall be responsible for all costs incurred in the course of such cleanup/remediation, including the costs of supervision and disposal or removal of any substance as may be required by this chapter or by Vermont state law. In the event that the Town of Hartford incurs costs in connection with such remediation or cleanup, the Town shall be able to recover such costs, including reasonable attorney's fees, by civil action.

Chapter 75

HIGHWAY SPECIFICATIONS

[HISTORY: Adopted by the Selectboard of the Town of Hartford 10-30-1990. Amendments noted where applicable.]

Article I General Provisions

§ 75-1 Intent and purpose.

- A. These rules, regulations and specifications are intended to be used by the Town of Hartford to foster safe and efficient use and construction of all public roads, streets and highways in the Town. Standards are set based on most current use of materials and products that will serve the Town's best interest and provide a sound basis for the Town's capital investment in its roads.
- B. It is the purpose of this chapter to provide an orderly procedure for all applicants which will assure timely review and acceptance of properly constructed public highways.

§ 75-2 Contact information.

- A. Information concerning highway regulations or other matters can be obtained by calling the Public Works Office, Town of Hartford, VT, workdays at 295-3622. On weekends (Saturday, Sunday or holidays and during nonworking hours) emergencies should be reported to the Police Dispatch Office, 295-3725.
- B. Inspectors. Inspectors will carry appropriate identification and will show same upon request of the

property owner or their authorized agent. Impostors should be reported at once by calling 295-3622.

- C. A copy of these rules and regulations shall be available to the public and can be obtained at the Town Manager's office by letter, telephone or in person. Persons should read these rules and regulations carefully, as failure to know the rules and regulations will not excuse anyone from the consequences of neglect of these rules and regulations.

§ 75-3 Definitions.

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

CONTRACTOR

Any individual or firm authorized by the owner or the Town conducting improvements.

CUL-DE-SAC

A street closed at one end, or a dead-end street, generally with a turnaround area.

DIG SAFE

An organization responsible for receiving information on any excavation in a public way; a clearinghouse at Burlington, Vermont (phone: 1-800-225-4977).

DRIVEWAY

Any vehicular access off a Town road designed primarily to serve one property.

ENGINEER

A duly Vermont-registered professional engineer.

HEADER

A structure of stone, concrete or other suitable material used at the end of culverts for the prevention of erosion.

HIGHWAY

Also as defined by "road."

HIGHWAY SUPERINTENDENT

A duly appointed official authorized by the Selectboard with overall responsibility of Town highways.

OWNER

The owner of a project, property or development proposing to make any improvement or adjustment requiring approval under this chapter.

PLAN

A graphic representation of any road, improvement or condition prepared by an engineer or other qualified person to be presented as evidence of the situation or proposed situation.

PUBLIC EXTENSION

Any extension of a highway serving one or more properties intended for the use of the traveling public.

RESIDENT INSPECTOR

A duly authorized representative of the Town of Hartford with the responsibility of inspecting a highway improvement or project.

RIGHT-OF-WAY

A legally defined width of the public way in which a road is located.

ROAD

Any way used for the conveyance of the traveling public.

SELECTBOARD

The duly elected Selectboard of the Town of Hartford.

STREET

Also as defined by "road."

TOWN

The Town of Hartford, Vermont.

TURNOFF

A space provided along a road, street or highway for use by the traveling public to get off the traveled portion of that road.

UNDERDRAIN

Any physical appurtenance used to provide improved drainage of a roadway or improvement, including fabric, perforated PVC pipe, stone or other suitable material.

V.S.A.

Vermont Statutes Annotated.

§ 75-4 Public extensions.

All extensions, improvements or additions to the highway system shall become property of the Town, subject to the provisions of Article **III** of this chapter. All design documents and construction procedures shall comply with the duly accepted Town standards as set forth in the rules and regulations set forth in this chapter and the Appendix documents attached to this chapter and made a part hereof by this reference.

§ 75-5 Resident inspection.

During construction, a resident inspector appointed by the Board under the sole supervision and direction of the Town may be required. All cost of resident inspection will be borne by the applicant. It will be the duty of the resident inspector to assure installation of all facilities in accordance with the approved plans and specifications for the project. Certification of project conformance by the resident inspector and the applicant's engineer will be required before acceptance. Any divergence from the approved plans must be approved by the appropriate Board.

Article II Classification and Maintenance

§ 75-6 Modification of requirements; compensation for damages; reference to state laws.

A. The Selectboard may, at its discretion, modify the requirements contained herein if their strict enforcement would cause undue hardship due to unusual conditions, provided that the general

objectives of these requirements are satisfied.

- B. Compensation for damages to Town highways caused by acts of noncompliance with this chapter may be assessed against violators by the Selectboard.
- C. Where specific reference is not included in this chapter, the State of Vermont Agency of Transportation Standard Specifications for Construction (1986 or latest revision) shall apply.

§ 75-7 Road classification.

- A. Town roads are classified as Class 1, Class 2, Class 3 or Class 4 highways in accordance with 19 V.S.A. § 17. An official Town highway map supplied by the State Agency of Transportation shall be available for inspection in the Town office.
- B. The Selectboard shall periodically review the Town highway classifications, taking into consideration increasing highway need, changing traffic patterns and growing population, including identification of key roads that link towns and major arteries. Selectboard may also discontinue certain highways, either classifying them as trails while retaining a right-of-way or abandoning any claim to a right-of-way.

§ 75-8 Highway construction and maintenance.

- A. Road and related improvements shall be constructed or installed in accordance with sound engineering practice and this chapter.
- B. The Selectboard shall institute and periodically review and update a Town road management system in making decisions about preventive maintenance and road improvements. The plan shall include, but not be limited to, considerations of scenic areas and places of local historical significance, signs, bridges, sidewalks, drainage, etc.

§ 75-9 Class 4 roads.

Class 4 roads, including trails and pent roads, will not be maintained by the Town. The Town assumes no liability for damages incurred by persons using these roads.

§ 75-10 Right-of-way access.

The Selectboard shall control access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances and approaches.

§ 75-11 Encroachment in right-of-way.

No person shall construct or make alterations to lands in the road right-of-way without approval from the Superintendent and the Selectboard (19 V.S.A. § 1105).

§ 75-12 Overweight vehicles.

- A. The Selectboard, in accordance with 23 V.S.A. Chapter 13, shall issue permits for vehicles exceeding posted load limits.
- B. In some cases, the Selectboard will negotiate with the applicant for compensation for estimated road damages. Only after both parties agree to the terms will a permit be issued. The Selectboard, or its agent, will inspect the proposed route both before and after the trucking operation. Probable damages to culverts, bridges, road surfaces and bases will be considered in the estimate.
- C. Before issuing an overload permit, the Selectboard shall also consider weather conditions and seasons of the year.
- D. All damages to the highway, bridges, culverts and related structures caused by overload by applicant or by his negligence are the responsibility of the applicant and shall be repaired under the supervision of the Selectboard or its agent and at the expense of the applicant. Failure to repair said damage will result in the Town completing the work and billing the applicant (19 V.S.A. §§ 1109

and 1110).

§ 75-13 Closing of roads prohibited.

No Town road of any class may be intentionally closed by a gate or other obstruction by anyone other than the Selectboard.

§ 75-14 Obstruction of roadways.

No person shall obstruct a Town road by placing snow, debris, fill or other material in the roadway (19 V.S.A. § 1105).

§ 75-15 Alternate highway uses.

The Selectboard shall have and exercise all authority with respect to alternate highway uses provided for in 19 V.S.A. § 1111 and 24 V.S.A. § 2291(6).

Article III Road Acceptance Policy

§ 75-16 General requirements.

- A. It is the policy of the Selectboard of the Town of Hartford to entertain application for the acceptance of public highways and roadways and to adopt and adhere to an orderly procedure for the receipt of and acting upon such applications. The decision on an application for acceptance of a highway is reserved to discretion of the Selectboard which will consider the grant or denial of an application on the basis of the best interest of the inhabitants of the Town.
- B. An applicant shall secure all other necessary governmental permits for a land subdivision or for road construction as a condition precedent to the acceptance of a highway. Copies of any required federal, state or local permits for land subdivision or road construction shall be attached to any application for road acceptance by the Town of Hartford.
- C. All questions arising during road construction relative to construction methods, materials or specifications shall be answered by reference to this chapter and to the Vermont Standard Specifications for Construction.
- D. The Selectboard shall make final decisions over all questions arising during construction of new roads and shall approve all field changes.
- E. Any new road serving more than one property, whether or not that road is proposed to be conveyed to the Town, shall be constructed according to the minimum standards and other terms of this chapter.

§ 75-17 Application, plans and plats.

- A. A plan of proposed streets or roads shall be submitted to the Town for review. The plan shall be in harmony with existing or proposed streets. As far as practicable, streets shall follow natural contours. All streets shall have free access to or shall be a continuation of one or more accepted Town streets or highways.
- B. A written application for the acceptance of a highway shall be submitted to the Town Manager. The application shall be accompanied by a registered survey prepared by a Vermont registered surveyor, a proposed warranty deed of the land to be conveyed for highway purposes, and a description of the property including metes and bounds, all tangents, radii, and length of curve. The grade line and minimum radii of all curves must be shown.
- C. All monuments shall be of a reasonable permanent nature and where feasible shall be "tied" by survey to other objects of a permanent nature and the "ties" shall be shown on said map. The map shall show approximate location of any property line, buildings, existing Town highways or significant landmarks within 200 feet of the proposed right-of-way.

- D. The applicant may, in the initial application, propose a name for the road, but the Selectboard will determine the road name. The State Agency of Transportation will assign a number to the road.

§ 75-18 Performance bond.

A performance bond of 100% of the estimated cost of the proposed road shall be provided to the Town prior to the stumping of the right-of-way. The Selectboard shall determine the amount of the bond. Permits may be withheld pending tender of proper performance bonds or highway acceptance.

§ 75-19 Inspection.

- A. Refer to Section 4.00, Minimum standards.
- B. All highway designs, including cut and fill plans, gravel pit plans, surveys, layouts, right-of-way, utility locations, road construction site, preparation and construction shall be inspected by the Selectboard, or its authorized representative.
- C. The Selectboard or its representative shall inspect the road site as follows:
- (1) Before clearing.
 - (2) Before stumping.
 - (3) After rough grading.
 - (4) Upon completion of subgrading.
 - (5) During graveling.
 - (6) Before paved surface treatment.
 - (7) Final inspection.
- D. The developer shall have stakes set on center line with finish grades marked on them at least every 100 feet for the entire length of the street or the street side staked with distance and grades marked before each inspection.
- E. Before final inspection, the developer shall remove all trash from the right-of-way and the center of the turnaround and shall repair any damage done to the roadway, shoulders, drainage structures and related road items. All slopes will be seeded and mulched.
- F. Inspections, samples and core tests may be taken by the Town before final acceptance, and all costs incurred shall be reimbursed by developer.

§ 75-20 Completion deadline.

- A. No roads will be inspected or accepted from November 15 to April 15.
- B. Road specifications in effect at the time of the initial inspection will be applicable for a period of two years from that date after which time any new road specifications will apply. The only exception will be if the road in question at the end of the two-year period in Section 3.06 is under the twelve-month maintenance period.

§ 75-21 Acceptance.

- A. When the road has been completed and inspected, and one house has been completed, the Town may, upon request of the owner, begin normal maintenance for 12 months.
- B. After 12 months of maintenance, if no serious defects have been observed, the deed will be recorded and the road will become a Town highway. During the 12 months of the initial acceptance period,

any flaws or defects which are pointed out to the road builder will be his responsibility to correct. During this period, the Town will order the necessary signs to be erected to be provided by and installed by the developer. The decision and determination regarding whether a "serious defect" has been observed shall be made in the sole discretion of the Town of Hartford Director of Public Works.

§ 75-22 Conveyance.

All rights-of-way and slope rights shall be conveyed to the Town of Hartford by warranty deed in fee simple and free of all encumbrances.

§ 75-23 Report of engineer on speed limits.

A report shall be filed with the Selectboard from the owner's qualified engineer on prescribed speed limits of all sections of road to be conveyed to the Town prior to acceptance.

Article IV Minimum Standards

§ 75-24 Request for waiver; adoption of state standards.

- A. Roads and streets vary in their functional use. The standards by which a highway is constructed are important to its proper functioning. As the quantity of traffic on a road increases, so must the standards change. Consequently, the standards which follow are considered minimum standards and are subject to modification by the Selectboard after a study of local conditions requiring changes. (See Figure 1 in Appendix B at the end of this chapter.)
- B. Requests for waiver of any portion of these standards shall be made in writing to the Selectboard.
- C. Vermont agency of Transportation Standards A76 and B71 are hereby adopted and enforced as supplemental criteria under this chapter.

§ 75-25 Right-of-way width.

The right-of-way shall be a minimum of 50 feet in width with wider slope and drainage rights-of-way if deemed necessary by the Selectboard. If possible, the center line of the road is to be located in the center of the right-of-way. The right-of-way conveyed shall intersect at least one existing Class 1, 2, 3 or state highway.

§ 75-26 Traveled way width.

- A. The traveled way width of a road shall be determined by traffic flow, projected service demands and function of the roadway. The required width of the traveled way and shoulders will be identified by the following road types: Type A shall be 12 feet with four-foot shoulders; Type B shall be 10 feet with four-foot shoulders; Type C shall be 10 feet with two-foot shoulders, and Type D shall be nine feet with two-foot shoulders.
 - (1) Type A roads shall be used for municipal arterial highways, such arterial highways will generally be a state-aid highway that links either state or Town roads together to facilitate travel through the community.
 - (2) Type B roads carry our current highway standards and shall be used for the majority of Town highways. Such highways will serve as collector roads to bring traffic to the Town arterial highways and state highways.
 - (3) Type C roads will be used for minor local highways that serve the major collector highways. All Type A, B, and C highways will require paving of the traveled way and shoulders.
 - (4) Type D roads may not require paving and will only be used to connect the end of present gravel surfaced Town highways to extend such roadway.

- B. Such construction will ordinarily occur when a Class 4 highway is being upgraded.
- C. The road type required will be recommended to the Town Manager by the Highway Superintendent. In the event that the applicant is not in agreement with the Town Manager's decision, an appeal may be made in writing to the Selectboard.

§ 75-27 Clearing.

The right-of-way is to be cleared a minimum of 40 feet of all trees, brush and stumps. Burning shall be done in accordance with state and Town fire regulations. No fallen trees shall remain in the right-of-way. All stumps shall be removed so that base of road is on hardpan, gravel, ledge or properly compacted fill.

§ 75-28 Subgrade.

- A. Ledge and boulders shall be removed to at least 18 inches below subgrade and replaced with sand or bank-run gravel.
- B. All loam, muck, stumps and other improper foundation material shall be removed from within the limits of the fully extended road shoulders. In embankment areas, suitable foundation material shall be placed in one-foot layers and compacted to form a stable subgrade.
- C. The subgrade surface shall conform exactly in cross section and grade to the finished road surface. Crowning and banking of curves shall be as required by the Selectboard. Compaction is required on any portion of the subgrade which has been disturbed by excavation or which has been filled during the construction of the subgrade. All ditches and drains will be constructed so that they effectively drain the subgrade prior to the placement of any base material. An additional six inches of sand cushion or proper fabric shall be placed over any clay subgrade.

§ 75-29 Wet area.

If the proposed road is in a wet area, the Selectboard or the Director of Public Works or Town Highway Superintendent may require additional gravel, sand cushion, underdrain and fabric to ensure a stable road.

§ 75-30 Subbase.

The subbase shall be composed of 18 inches of compacted gravel installed in three six-inch lifts with maximum stone size of four inches. The cross section and grade of the subbase shall conform to those of the finished surface. (See Figure 1 in Appendix B at the end of this chapter.)

§ 75-31 Base.

All streets and roads will receive a six-inch base course of compacted crushed gravel as defined by the Vermont Standard Specification Item No. 704.07A. (See Figure 1 in Appendix B at the end of this chapter.)

§ 75-32 Shoulders.

Shoulders shall be a minimum of two feet in width on a side and shall be constructed to the same specifications as the subgrade, subbase and base. Shoulders shall be a minimum of four feet at guardrail sites.

§ 75-33 Paving.

- A. The roadway is to be paved within a year after construction with hot bituminous concrete mix meeting all of Vermont state highway specifications for hot asphalt bituminous concrete mix. The hot bituminous concrete is to be laid and rolled by experienced crews in two layers. The first, the three-fourths-inch binder course, to a depth compacted of two inches and the second application of three-eighths-inch top compacted to a depth of one inch. All work shall be done in a professional and workmanlike manner.
- B. It is not always beneficial for the Town to require hot bituminous concrete mix pavement on all roads which are proposed for acceptance by the Town. That categorical requirement creates undesirable expense for the Town and establishes a policy which does not best serve the orderly

growth and development of roads and properties in the Town. The following criteria shall be considered by the Selectboard in determining what method of road finishing and surfacing will be required as a condition of road acceptance:

- (1) Type of projected use of the proposed road. Arterial and collector roads are defined as roads which will be normally and customarily used as a course of travel to destinations other than the properties fronting upon said roads. An arterial or collector type of proposed use will normally require pavement. A nonarterial or noncollector type of proposed use only for ingress and egress to the properties fronting on or connected to said road will not normally require pavement.
- (2) Density of properties served by proposed road. Where there is less than one unit per two acres fronting on or connected to a proposed road, the Selectboard may waive the required pavement.
- (3) Rural or nonrural characteristics of the neighborhood in which the proposed road is located. The Selectboard will be guided by prevailing characteristics of the surrounding area as well as the proposed development in deciding whether to require pavement of a proposed road.
- (4) Terrain, course, hazards and suitability of proposed road. Safety to the traveling public and inhabitants along the road shall be considered in deciding whether to require pavement and the extent and form of pavement to be required.
- (5) Future foreseeable connection or intensifications of a proposed road shall be considered in determining whether and when to require pavement and what form or location of pavement or finishing to require.

§ 75-34 **Crown.**

The street or road shall have a cross slope from center line to edge of shoulder of 1/4 inch per foot and from the edge of street to edge of shoulder of 5/8 inch per foot for paved surfaces. Graveled surfaced streets and roads shall have a cross slope from center line to edge of shoulder of 1/2 inch per foot and from the edge of street to shoulder of 3/4 inch per foot.

§ 75-35 **Ditches, culverts and headers.**

A. Drainage ditches.

- (1) Drainage ditches shall be provided where necessary and shall be constructed to prevent infiltration of water into the gravel subbase and to conduct storm drainage to waterways and absorption areas. Accordingly, drainage ditches adjacent to roads are normally to be at least six inches below the gravel subbase or 18 inches below finished grade to minimize spring breakup conditions. Ditches shall be shaped to prevent excessive erosion on both shoulder and right-of-way or bank sides of the ditch cross section.
- (2) Open drainage ditches in excess of 5% grade shall be paved with stone or asphalt.
- (3) Underdrain will be required where soil and water conditions make it desirable.
- (4) Open drainage ditches shall be treated to reduce erosion and to remove sediments and other pollutants from runoff water by a) seeding and mulching ditches having a slope of less than 2.5%; b) placing biodegradable matting and seed in ditches with slopes between 2.5% and 5%; and c) stone-lining ditches having a slope of 5% or greater. No ditches shall be paved with asphalt or any other material that results in excessively fast runoff speeds. **[Added 6-13-2000]**

B. Culverts.

- (1) Culverts shall be installed during the construction of the highway and prior to highway subbase and surface preparation and placement. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surface, shoulders or slopes. Culverts should be covered with a minimum of

36 inches of material.

- (2) Headers shall be installed at the inlet of all culverts and may be either reinforced concrete eight inches thick, large flat rock tightly placed, or large cemented rock. The inside edge of headers shall be at least eight feet from the outside edge of the shoulder. Marker posts four to six inches in diameter shall be installed at both ends of the culvert.
- (3) Culverts shall be installed in all low spots and be of sufficient size to handle the anticipated runoff but shall not be less than 15 inches in diameter and shall extend at least one foot beyond all fill, measured at the bottom of the culvert and shall have not less than two feet of compacted cover.
- (4) Culverts shall be installed in all low spots and be of sufficient size to handle the anticipated runoff but shall not be less than 15 inches in diameter and shall be sufficient for the conditions of each specific site. All culverts must be determined, by a professional engineer, to withstand a twenty-five-year flood event. **[Added 6-13-2000]**

§ 75-36 Slopes and banks.

Vertical or sharp-cut faces, excepting ledge, shall not be permitted. Slopes and banks shall not be steeper than one vertical to 1 1/2 horizontal. Soil stability or banks shall be a design consideration. Slopes or banks shall be designed and constructed to prevent instability, slides, washes, or other disturbance to the slope or bank surface or subsurface. Banks shall not interfere with snow removal. After construction and final grading of banks, banks will be seeded and mulched to minimize surface erosion. Cribbing or rip rap shall be provided where necessary.

§ 75-37 Guardrails.

- A. Vermont Agency of Transportation approved types of guardrails and posts will be provided to meet essential traffic control and safety needs, and shall not interfere with snow removal. Normally, any highway with a slope or bank falling away on a steep slope (4:1 or steeper) from the road surface, and which is 10 feet or higher in elevation, shall be protected with guardrail unless such requirement is waived by the Town in approving the road plan and application. Guard posts and rails shall also be provided to warn and protect traffic from ledge or other obstructions where necessary in consideration of traffic volume, road width, and safety. Installation shall conform with Vermont Agency of Transportation requirements.
- B. Where land area permits, guardrails can be eliminated if the slope can be flattened to a one vertical to three horizontal.

§ 75-38 Grades.

- A. Highway grades shall be not more than 10% unless paved. In no case shall grade exceed 12%. Finished grades (traverse and longitudinal) shall be smoothed to eliminate sharp dips in traveled surface and, as may be necessary to permit efficient snow removal and proper drainage.
- B. The maximum grade within 50 feet of an intersection shall be 4%.

§ 75-39 Curves.

- A. Horizontal. Radius of horizontal curves shall be long enough to permit easy flow of traffic, including trucks, graders, and fire engines at design speed with at least a one-hundred-foot radius in all cases, measured on the center line. Trees and boulders shall be removed to permit adequate sight on all curves.
- B. Vertical.
 - (1) Vertical curves shall have the following lengths:
 - (a) Crest: length equals (28) [algebraic difference in intersecting grades].

(b) Sag: length equals (35) [algebraic difference in intersecting grades].

(2) In no case shall a vertical curve length be less than 50 feet.

§ 75-40 **Driveways, entrances and approaches.**

- A. Driveways cannot interrupt the natural or ditch line flow of drainage water. In some cases where shallow ditch lines of natural drainage courses exist, driveways may be swaled at a point beyond the road shoulder to accommodate the flow of stormwater. In all other cases, driveways must have sufficiently sized culverts installed by the homeowner or developer.
- B. In no case shall the culvert pipe under a driveway be less than a fifteen-inch diameter pipe. An all-season safe sight distance in each direction must be present for a building permit to be issued. Conformance with Manual of Uniform Traffic Control Device (MUTCD) shall be adhered to prior to issuance of a building permit.
- C. Driveways shall intersect the roadway at a preferred angle of 90° but in no case shall the intersecting angle be less than 50°.
- D. No driveway will be permitted to be constructed within 100 feet of an intersecting street and 150 feet is desirable.
- E. Under no circumstances shall a driveway permit allow construction which will result in drainage or washing directly out to a Town highway.
- F. In the event a driveway causes damage to a Town highway through improper construction, maintenance, or grading, it shall be the responsibility of the property owner to make necessary repairs upon notification in writing by the Town. In the event such repairs as are required are not made within 30 days, the Town shall take whatever steps are necessary to ensure the interests of the Town and shall bill the property owner for any expenses involved.
- G. All driveways approaching paved state or local roads shall have paved aprons to the road right-of-way. **[Added 6-13-2000]**

§ 75-41 **Driveway permits.**

- A. It shall be unlawful to construct or maintain any driveway, entrance, or approach within the limits of the right-of-way of any street or highway without a written permit from the Town of Hartford. No permit shall be required for any existing driveway entrance or approach unless grade, width, or location of same is changed. Culverts or other drainage facilities shall be at least 15 inches in diameter and shall be approved by the Superintendent.
- B. Applications for permits may be obtained from the Public Works Superintendent's office.
- C. The Highway Superintendent will inspect the site and make recommendations to the owner for compliance with acceptable standards.
- D. The location of the site and the entrance must be shown by sketch or written description.
- E. The proposed entrance must be clearly marked by stakes.
- F. Lot numbers or other identification should be provided with the application to enable the inspector to find the site.
- G. The Superintendent or his agent, in most cases, will be able to inspect the site and issue the permit without the owner or contractor being present.
- H. The permit must be agreed to and signed by both the landowner and Superintendent of Highways

before it takes effect.

- I. The landowner may sign the permit and submit it with the application to facilitate processing.
- J. The fee for the permit shall be set by the Selectboard and payable upon application.

§ 75-42 Intersections.

- A. Intersections shall be as nearly as possible at right angles (90°) with a minimum allowable intersection angle of 60°.
- B. The center line of no more than two accepted rights-of-way shall intersect at any one point.
- C. Any intersections of two highways with a third highway shall be separated by a distance of not less than 150 feet between center lines.

§ 75-43 Culs-de-sac and dead-end streets.

- A. Dead-end streets and culs-de-sac are discouraged. They will be permitted however, but not of greater length than 2,000 feet and with an approved turnaround as specified on Figure No. 6 (in Appendix B at the end of this chapter), and built to subgrade, subbase and base specifications. Provisions shall be made on the outside perimeter for snow removal.
- B. Streets shall be arranged to provide for extension or connection of eventual street systems necessary to develop abutting land in future subdivisions.

§ 75-44 Turnoffs.

Turnoffs with adequate elevation, surface, drainage ditches, and culverts will be provided to permit safe passing under summer and winter conditions, and shall be dimensioned and constructed to enable effective and efficient snow removal.

§ 75-45 Roadsides.

At completion of the project, excess debris not covered shall be removed from the right-of-way. Burial of wood, such as stumps, will be permitted within the right-of-way outside the traveled portion. All disturbed portions of the roadsides shall be loamed, seeded and mulched.

§ 75-46 Utilities.

- A. All electric, telephone and cable TV distribution systems within subdivisions shall be placed underground where feasible as determined by the Selectboard.
- B. The developer shall coordinate designs with the appropriate utility companies to ensure adequate and suitable area for underground installations.
- C. The developer shall be responsible for providing for water mains, manholes, sanitary sewers and catch basins if required.
- D. Easements across lots or centered on rear of side lot lines shall be provided for utilities where necessary and shall be at least 20 feet wide.

§ 75-47 Curbs and sidewalks.

Curbing and sidewalks shall be installed in areas where residential and commercial densities dictate the need. Curb may be concrete or granite as indicated in Figure 8 in Appendix B. Sidewalks shall be a minimum of five feet wide and constructed of concrete as specified in the detailed specifications on cement concrete sidewalk. In urban areas and when required to use a Type A roadway a five-foot grass separation may be required from curb to the sidewalk.

§ 75-48 Signing.

All signs shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD), and

paid for and installed by the developer.

§ 75-49 Bridges.

Plans for bridges must be submitted for review prior to construction. Construction will be authorized only after a review by the State Agency of Transportation indicates that the bridge will meet all applicable Vermont Agency of Transportation Specifications.

Article V Excavation in Streets and Roads

§ 75-50 Permit required.

It shall be unlawful to disrupt or excavate any Town highway or street without first obtaining a permit.

§ 75-51 Approved methods to be used.

All excavation will be done using state and federally approved methods of construction and observing all regulations governing such work. The trench shall be neatly cut with a saw before excavation to minimize damage to pavement.

§ 75-52 Insurance.

The Town shall be provided with a certificate of liability and property damage insurance prior to work being started.

§ 75-53 Trench work.

Trench work must be performed during daylight hours. If open cut, the contractor has the option of separating the excavated material and saving the top 18 inches of gravel for replacement or replacing it with new approved gravel. The top six feet shall be crushed gravel. The backfill, a minimum of 18 inches of material shall be compacted by a tamper every six inches of depth.

§ 75-54 Replacement of disturbed pavement.

The disturbed asphalt pavement will be replaced at the end of job. The clean asphalt removed shall be brought to the Town Highway Garage or other suitable location as directed by the Town.

§ 75-55 Maintenance of trench; restoration.

Owner and/or contractor will maintain the trench until all signs of the trench have been eliminated. The right-of-way shall be restored to its original condition to the satisfaction of the Highway Superintendent.

§ 75-56 Regulation of traffic.

Uniformed traffic officers or approved flagpersons shall be provided when two-way traffic cannot be maintained. Approach signs shall be provided to warn the traveling public. If a safe detour cannot be provided, the road may not be closed completely. The contractor will be responsible for notifying the Police and Fire Departments of any detours.

§ 75-57 Responsibility for damages.

Owner and/or contractor shall be held responsible for any damages that may occur as a result of this work.

§ 75-58 Inspection.

On completion, the job shall be inspected by the Highway Superintendent or his authorized agent.

§ 75-59 Limited nature of permit.

The permit covers only the construction within the Town highway right-of-way and in no way releases owner and/or contractor from the requirements of other parties that may have jurisdiction.

§ 75-60 Utility location.

The owner and/or contractor shall provide the location, including proper ties, for any telephone, power conduits, water and sewer lines and furnish the Superintendent with a plan containing this information.

§ 75-61 **Winter work.**

No excavation will be allowed within the Highway right-of-way between November 15 and April 15, unless authorized by the Town Highway Superintendent or his authorized agent, and shall be of an emergency nature.

§ 75-62 **Cost to correct noncompliance.**

The owner and/or contractor will be liable for any cost associated with correcting noncompliance, which, after a reasonable period of time, has not been corrected.

§ 75-63 **Buried power cables.**

The Town will require that any power conduit be covered with a minimum of three inches of concrete and be clearly marked to indicate buried power cables.

§ 75-64 **Regulations affecting power cables.**

In addition to the above, owner and/or contractor shall be aware of all regulations governing the burying of power lines and shall strictly adhere to such requirements, including contacting Dig Safe.

Article VI Enforcement

§ 75-65 **Violations and penalties.**

Violators of this chapter and the rules and regulations thereof shall be fined as stipulated in 24 V.S.A. § 1974.

Attachments:

[075a App A Detailed Street Specs](#)

[075b App B Typical Standards](#)

[075c App C Application Form](#)

Chapter 82 HISTORIC PRESERVATION COMMISSION

[HISTORY: Adopted by the Selectboard of the Town of Hartford 2-1-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision Regulations — See Ch. **200**.

Zoning — See Ch. **260**.

§ 82-1 **Enforcement of laws relating to historic preservation.**

The Town of Hartford has agreed to enforce, within its jurisdiction, the provisions of the Vermont Planning and Development Act (24 V.S.A. Chapter 117), the Vermont Historic Preservation Act (22 V.S.A. Chapter 14), and any other state or local legislation which may be enacted for the designation and protection of historic properties.

§ 82-2 **Commission membership.**

The Town of Hartford hereby establishes a Historic Preservation Review Commission of five members appointed by the Selectboard. The structure and responsibilities of the Commission shall be as follows:

- A. The Commission shall be composed of professional and lay members, a majority of whom reside within the jurisdiction of the Town of Hartford.
- B. All members of the Commission shall have a demonstrated interest, competence or knowledge in historic preservation.
- C. To the extent available within the jurisdiction of the Town of Hartford, at least a majority of the members shall be professionals from the disciplines of history, archaeology, architectural history, architecture and historical architecture who meet the requirements outlined in Appendix A of the "Regulations for the Vermont Certified Local Government Program." Members representing other historic-preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, and lay members are encouraged. When a discipline is not represented on the Commission, the Commission shall seek the assistance of the Vermont Division of Historic Preservation in obtaining the necessary expertise when considering National Register nominations and other actions that will impact properties which are normally evaluated by a professional in such discipline.

§ 82-3 Public participation in activities.

All activities of the Commission shall be in accord with the terms of the Vermont Open Meeting Law (1 V.S.A. Chapter 5, Subchapter 3), and the Commission shall take additional steps as it deems appropriate to stimulate public participation in Commission activities, such as publishing its minutes, publishing the procedures by which assessments of potential National Register nominations will be carried out or using public service announcements to publicize Commission activities.

§ 82-4 Meetings.

The Commission shall meet no less than four times each year and maintain an attendance rule for Commission members.

§ 82-5 Rules of procedure.

The Commission shall have written rules of procedure, including conflict of interest provisions in compliance with the National Register Programs Guideline.

§ 82-6 Responsibilities.

The Commission shall have the following responsibilities, to be carried out in coordination with and in accord with format and standards established by the Division:

- A. Creation and maintenance of a system for the survey and inventory of historic properties within its jurisdiction that is coordinated with the Vermont Historic Sites and Structures Survey and the Vermont Archaeological Inventory.
- B. Preparation, for submission to the Division by the Board of Selectmen, of a report concerning properties within its jurisdiction which are under consideration for nomination to the National Register of Historic Places. The report shall be prepared in cooperation with the Division and shall be prepared in a manner consistent with the requirements of the National Historic Preservation Act as described in the "Regulations for the Vermont Certified Local Government Program," Chapter 5, Section 501(a)2(F) (2).
- C. When determined to be appropriate in the discretion of the Commission, preparation and submission for approval by the Selectboard of grant applications to the Division for funds from the CLG share of the state's annual Historic Preservation Fund (HPF) grant program.
- D. Advising and assisting the Selectboard, Planning Commission, and other appropriate persons on matters related to historic preservation.
- E. Performance of additional responsibilities in accordance with a mutual written agreement between the Division and the Selectboard.

Chapter 90

IMPACT FEES

[HISTORY: Adopted by the Selectboard of the Town of Hartford 11-14-1989. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision regulations — See Ch. 200.

Zoning — See Ch. 260.

§ 90-1 Impact fee established.

For any residential or nonresidential construction located within the Town of Hartford for which a zoning permit is required and for which a zoning permit has not yet been issued by the Zoning Administrative Officer, there are hereby imposed impact fees which will be computed and assessed in accordance with the formula and methodology set forth by the Selectboard from time to time and attached as Appendix A hereto. The impact fees herein established, and the formula by which said fees shall be calculated, are hereby found and determined to reflect the cost of maintaining an appropriate level of service, consistent with the Town plan, to be provided by capital projects and expenditures resulting from development, construction and subdivision, and capital projects previously constructed or acquired.

§ 90-2 Amendment of formula and methodology.

The formula and methodology set forth in Appendix A may be amended from time to time to exempt in whole or in part from the imposition of the impact fee established herein development found to be affordable housing within the meaning of 10 V.S.A. Chapter 15.

§ 90-3 Off-site mitigation.

In lieu of the fee imposed by § 90-1 hereof, the Town of Hartford, acting by and through its Selectboard, may, but is not obligated to, accept comparable and equal off-site mitigation in the form of interests in real estate, the value of which shall be discounted to reflect the diminution thereof as a result of said real estate being exempt from taxation or of limited development potential.

§ 90-4 Segregated accounts for deposit of fees required.

All impact fees imposed and collected under § 90-1 hereof shall be maintained in segregated accounts and shall be used only to fund capital projects which help mitigate the impact of the development for which the impact fees are collected. The Town of Hartford shall produce annually an accounting identifying the source of each impact fee, the amount thereof, and the capital project attributable thereto.

§ 90-5 Expending of funds.

All impact fees imposed and collected under § 90-1 hereof, and all interest accretions, shall be expended only to fund those capital projects attributable to the impact fees imposed thereto.

§ 90-6 Deadline for application for refund.

All applications for refund of any unexpended impact fees shall be made in writing to the Selectboard within one year of the sixth anniversary of the date upon which such impact fee was paid. Thereafter, any claim for refund shall be barred and be of no force and effect.

§ 90-7 Interest to be paid to owner.

[Added 7-17-1992]

The property owner shall be entitled to interest from the date of payment(s) to the Town at a rate equal to the interest rate paid the Town while the funds were on deposit in the Town's impact fee account.

§ 90-8 Independent contracts.

Nothing herein shall be construed to impair the ability of the Town of Hartford, acting by and through its Selectboard, convened as Water and Sewer Commissioners, to enter into independent contracts for the provision, extension or maintenance of municipal water and sewer services, systems, and improvements; provided, however, that a reasonable proportion of the cost thereof attributable to and paid by any person otherwise subject to the impact fee imposed by § 90-1 hereof shall be deducted from such impact fee.

§ 90-9 Issuance of zoning permits.

No zoning permit shall be issued until full payment of, or adequate security for, the impact fee imposed by § 90-1 hereof shall be received in full by the Town Treasurer after computation by the Zoning Administrative Officer; provided, however, that such impact fee imposed on development deemed to be affordable housing within the meaning of 10 V.S.A. Chapter 15 may be paid in installments over a period of time to be determined by the Selectboard. Appeals from the decision of the Zoning Administrative Officer shall be made within 30 days to the Selectboard.

§ 90-10 Construal of provisions.

- A. This chapter shall not be construed to repeal, modify or amend any existing ordinances of the Town of Hartford
- B. Nothing in this chapter shall be construed as limiting the right of the Planning Commission or Zoning Board of Adjustment, when approving applications before them, from attaching such reasonable conditions and safeguards as they may deem necessary to implement the purposes of Title 24, Chapter 117.

§ 90-11 Violations and penalties.

Any person commencing or undertaking development in the Town of Hartford without first complying with the provisions of this chapter, including the payment of any impact fee imposed hereunder, shall be subject to a penalty as provided in § 1-16 of the Town Code for each day a violation of this chapter continues in existence. In addition to the penalties provided for herein, the Town shall have the power to enjoin and abate any violations of this chapter.

Attachments:

[090a App A Impact Fee](#)

Chapter 110 NOISE

[HISTORY: Adopted by the Selectboard of the Town of Hartford 6-21-2001. Amendments noted where applicable.]

GENERAL REFERENCES

Loud noises by itinerant vendors — See Ch. 238.

Zoning — See Ch. 260.

§ 110-1 Purpose and authority.

- A. It is hereby stated to be the policy of the Town of Hartford in the appropriate and permissible exercise of the police power of the municipality to prohibit unnecessary, excessive and annoying sound levels from all sources except as qualified below. At certain levels, such sounds become noise pollution and are detrimental to the health, safety and welfare of the citizens of the Town of Hartford and, to protect the public interest, such noise is forbidden and sanctioned by this chapter. This

chapter is not intended to take the place of or preempt any other municipal ordinance of the Town of Hartford which may state more restrictive performance or other standards for noise sources within the Town of Hartford, nor is it intended to have any effect on the invocation or enforcement of any state law, rule or regulation regulating noise or sound levels or sources.

- B. This chapter is adopted under the authority of 24 V.S.A. § 2291(14) and 24 V.S.A. Chapter 59 (civil enforcement).

§ 110-2 **Definitions.**

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

AMBIENT SOUND LEVEL

The composite of normal or existing sound from all sources measured at a given location for a specified time of the day or night. The ambient sound level shall be measured with a precision sound level meter, using slow response and A-weighting. The minimum sound level shall be determined with the sound source at issue silenced.

A-WEIGHTING

A frequency response adjustment of a sound level meter that conditions the output signal to approximate human response.

C-WEIGHTING

The weighting network which best represents the response of the human ear to higher intensity low-frequency noise.

DECIBEL

A unit for measuring the relative loudness of sounds equal approximately to the smallest degree of difference of loudness ordinarily detectable by the human ear whose range includes approximately 130 decibels on a scale beginning with one with the faintest audible sound.

EQUIVALENT HOURLY SOUND LEVEL (LEQ)

The sound level corresponding to a steady state A-weighted sound level containing the same total energy as the actual time-varying sound level over a one-hour period.

FIXED SOUND SOURCE

A device or machine which creates sounds while fixed or stationary, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment. It may also include motor vehicles operated on private property.

INTRUDING SOUND LEVEL

The sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source of sound is operating.

NOISE

Any loud, discordant or disagreeable sound or sounds.

PRECISION SOUND LEVEL METER

A device for measuring sound level and decibel units within the performance specifications in the American National Standards Institute (ANSI) Standard Number S1.4, "Specifications for Sound Level Meters."

PROPERTY LINE OR PLANE

A vertical plane including the property line which determines the property boundaries in space. When the term "property line" is used in this chapter, it refers to property plane.

PUBLIC PROPERTY

Any property owned by a public agency or instrumentality and held open to the public, including but not limited to parks, streets, sidewalks and alleys.

RESIDENTIAL PROPERTY

A parcel of real property which is zoned for residential use.

SCHOOL

Institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary, or collegiate levels.

SENSITIVE USE

A land use in which there is a reasonable degree of sensitivity as to noise. Such uses include single-family and multifamily residential uses, schools, hospitals, churches, rest homes, cemeteries, public libraries and other sensitive uses as may be determined by the individual enforcement officer at the time of complaint or enforcement.

SIMPLE TONE NOISE

Any sound which is distinctly audible as a single pitch (frequency) or set of pitches. It includes sound consisting of speech and music.

SOUND LEVEL

The sound pressure level and decibels as measured with a sound level meter using the A-weighting network. The unit of measurement is referred to herein as "dBA."

SOUND LEVEL METER

An instrument meeting American National Standard Institute (ANSI) Standard Number S1.4A-1985 for Type I or Type II sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

§ 110-3 Exemptions.

- A. Noise or sound emanating from the following sources and activities are exempt from the provisions of this chapter:
- (1) Sounds sources typically associated with residential uses: children at play (but not including use by children of sound-amplification devices of any description and not including children using any power accessory, toy or vehicle of any description), air-conditioning and similar equipment, but specifically not including barking dogs.
 - (2) Sound sources associated with usual and customary outdoor property maintenance (e.g., lawnmowers, edgers, blowers, pool pumps, power tools, chain saws, or other such equipment, etc.), provided that such activities do not take place between the hours of 9:00 p.m. and 7:00 a.m. There is no time limitation with regard to snow removal equipment.
 - (3) Safety, warning and alarm devices, including house and car alarms, and other warning devices which are designed to protect the health, safety and welfare of the citizens of the Town of Hartford in general or the occupant of a property in particular.

- (4) The normal operation of public and private schools typically consisting of classes and other school sponsored activities.
 - (5) Sound sources associated with outside activities on public property (e.g., athletic events, sporting events, fairs, entertainment events) not taking place between the hours of 10:00 p.m. and 7:00 a.m., provided that any amplified sound does not exceed 80 dBA at the property line of the property on which such event or activity is being held except as permitted.
 - (6) Maintenance of public facilities, including but not limited to parks, landscape corridors, golf courses, swimming pools and other recreational facilities.
 - (7) Governmental operations required to provide services, including but not limited to highway repair and maintenance, snow removal and municipal recreational facilities operation and maintenance, including use of controlled amplified sound equipment such as, for example, and not by way of limitation, a public address system at a municipal swimming pool).
 - (8) Governmental operations necessary to provide essential services, including but not limited to wastewater treatment plants, pumping and lift stations, water treatment plants, electric substations, fire stations, police stations and other municipal buildings.
 - (9) Emergencies involving the execution of the duties of duly authorized governmental personnel, including but not limited to sworn peace officers, emergency personnel, Public Works Director and those working under his or her supervision and the operation of emergency response vehicles and equipment.
 - (10) Railroad safety devices used in emergencies or as required for the safe operation of rail traffic.
 - (11) Commercial activity designed to maximize efficiency while minimizing impact on traffic or other concerns (e.g., trash or recycling collection, deliveries, etc.).
 - (12) Agricultural activity on or around lands used for commercial production.
- B. Earth-moving and hauling, rock drilling or crushing, jackhammer and similarly excessively loud equipment shall not be operated on Sundays, or between the hours of 5:30 p.m. and 7:00 a.m., except in emergency situations. Notwithstanding the foregoing, all construction equipment used in the course of any such exempt activity shall be fitted with the original or equivalent of factory-installed muffling devices, with all construction equipment to be maintained in good working order except as permitted.

§ 110-4 Sound measurement methodology.

- A. Subject to the alternative language in § **110-6** below, compliance with this chapter may be determined using methodology described in this section. Sound measurement may be made with a sound level meter using the A-weighting network at slow meter response, except that fast meter response shall be used for impulsive-type sounds. Sound measurement for amplified sound (low-frequency sound) shall use the methodology generally described in § **110-5** below.
- B. Calibration of the measurement equipment utilizing an acoustical calibrator meeting American National Standards Institute (ANSI) standards shall be performed immediately prior to recording any sound data.
- C. Exterior sound levels shall be measured at the property line or at any location within the property of the affected residence, school, hospital, church, public library or other sensitive-use facility. Sound measurement shall be taken in such a manner and location so that it can be determined whether sound levels are exceeded at the property line. Where practical, the microphone of the sound level meter shall be positioned three to five feet above the ground and away from reflective services. The actual location of the sound measurements shall be at the discretion of the municipal officer, agent or

employee performing the sound sampling.

- D. It shall be a violation of this chapter for any person to refuse to cooperate with, or to obstruct, any municipal officer, agent or employee in determining the ambient sound level of a commercial, noncommercial, private or public sound source. Such cooperation shall include, but is not limited to, the shutting off or quieting of any sound source so that an ambient sound level can be measured.

§ 110-5 **Residential and other sensitive use areas.**

- A. In addition to the prohibitions set forth in § 110-6 below, it shall be unlawful for any person at any location to create any sound or to allow the creation of any sound on any property owned, leased, occupied or otherwise controlled by such person which causes the exterior sound level when measured at the property line of any affected single- or multiple-family residence, school, hospital, church, rest home, cemetery, public library or other sensitive use to exceed the sound level standards as set forth in Table I below:

Table I
Sound Level Standards
(for fixed sound sources)

Sound Level Description	Daytime	Nighttime
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Hourly Leq, dB	50	45
Maximum Level, dB	70	65

- (1) In the event the measured ambient sound level exceeds the applicable sound level standard identified in Table I, the sound level standard (the standard against which violations are measured) shall be adjusted so as to equal the ambient sound level plus three dB.
 - (2) Each of the sound level standards specified in Table I shall be reduced by five dB for simple tone noises, consisting of speech and music. However, in no case shall the sound level standard be at a lower level than the ambient sound level plus three dB
 - (3) If the intruding sound source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient sound level can be measured, the sound level measured while the source is in operation shall be compared directly to the sound level standards of Table I.
- B. In addition to the sound level standards established in Table I, it shall be unlawful for any person at any location to produce any amplified music or sound which causes the exterior sound level when measured at the property line of any affected single- or multiple-family residence, school, hospital, church, rest home, cemetery, public library or other sensitive use to exceed the sound level standards set forth in Table II below:

Table II
Sound Level Standards
(for amplified sound sources)

Sound Level Description	Daytime	Nighttime
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Leq A-Weighting dBA	50	45
Leq C-Weighting dBC	75	70

- (1) The measurement shall be conducted with the sound meter level set to A-weighting and fast response. Fast response shall be used because the duration between low-frequency tones associated with amplified sound may be considerably less than one second (the average duration represented by the slow meter response). The fast meter response represents 1/8 second intervals.
- (2) If separation of low-frequency tones from the background ambient sound can be determined with the sound level meter on fast response (a clearly identifiable increase in ambient sound levels corresponding to the audible bass sounds), sound levels shall not exceed an Leq of 50 dBA daytime and 45 dBA nighttime for any one-minute period.
- (3) If separation of low-frequency tones cannot be determined with the sound level meter on A-weighting, the meter shall be switched to C-weighting to emphasize the low-frequency sound. If separation between low-frequency tones and ambient levels can be observed with the meter set to the C-weighting scale, the sound level from the low-frequency tone shall not exceed an Leq of 75 dBC daytime and 70 dBC nighttime for any one-minute period.
- (4) If existing background sound levels (ambient sound) are higher than standards identified in Table II above, then the maximum sound levels due to amplified music shall not exceed the background sound levels by more than three dB for A-weighted measurements and five dB for C-weighted measurements.

§ 110-6 **Noise disturbances.**

- A. In addition to and notwithstanding any other provisions of this chapter, it is unlawful for any person to willfully make or continue to cause or allow to be made or continued any loud, unnecessary, excessive or offensive noise or unusual sound which unreasonably disturbs the peace and quiet of any residential or other sensitive use or which causes discomfort or annoyance to any reasonable person of a normal sensitivity in the area.
- B. In determining whether a violation of the provisions of this section exists, the enforcement officer may consider any of the following:
 - (1) The volume and intensity of the sound.
 - (2) The vibration intensity of the sound.
 - (3) Whether the nature of the sound is usual or unusual.
 - (4) Whether the origin of the sound is natural or unnatural.
 - (5) The volume and intensity of the background sound, if any.
 - (6) The proximity of the sound to residential sleeping facilities.
 - (7) The nature and zoning of the area within which the sound is being produced.
 - (8) The density of the inhabitation of the area within which the sound is being produced.

- (9) The time of day or night the sound occurs.
- (10) The duration of the sound.
- (11) Whether the sound is recurrent, intermittent or constant.

C. Violations of this section are violations of this chapter and are enforceable as provided herein.

§ 110-7 **Exceptions.**

- A. An exception may be requested from any section or provision of this chapter. Requests for exception shall be applied for on application forms to be provided by the Town Manager or the Zoning Administrative Officer or his or her designee. Exceptions for construction activities or special events shall conform to the criteria listed in Subsections **B** and **C** below, respectively. All other exception requests shall be evaluated against the criteria in Subsection **D** below.
- B. Construction-related noise. If the applicant can show the Town Manager, Zoning Administrative Officer or his or her designee that, after investigation of available sound-suppression techniques for construction-related noise, immediate compliance with the requirements of this chapter would be impractical or unreasonable, due to the temporary nature or short duration of the activity for which an exception is sought, a permit to allow exception from this chapter may be issued. The approving authority must consider the following factors for construction-related exceptions, though the following list is not exclusive:
 - (1) Conformance with the intent of this chapter.
 - (2) Uses of existing property which are considered sensitive uses within the area affected by the sound for which the exception is sought.
 - (3) Factors relating to the beginning and completing of the work or activity.
 - (4) The time of day or night for which the exception is sought.
 - (5) The duration of the activity.
 - (6) The general public interest, welfare and safety.
- C. Noise related to special events. If the applicant can show the Town Manager, Zoning Administrative Officer or his or her designee that the characteristics of a special event indicate that immediate compliance with this chapter would be impractical due to the type of event or unreasonable due to its temporary nature or short duration, a permit allowing exception may be issued. Special events factors for consideration shall includes at least the following:
 - (1) Conformance with the intent of this chapter.
 - (2) Uses of existing property which are sensitive uses within the area affected by the sound for which the exception is sought.
 - (3) Hardship to the applicant or community if not granting the exception.
 - (4) The time of day or night for which the exception is sought.
 - (5) The duration of the activity.
 - (6) The general public interest, welfare and safety.
- D. General. If the applicant can show the Town Manager, Zoning Administrative Officer or his or her

designee that the applicant's circumstances indicate that immediate compliance with this chapter would not result in a hazardous condition or nuisance, and strict compliance would be unreasonable due to the circumstances of the activity for which the exception is requested, a permit to allow exception from this chapter may be issued. Factors to be considered in all such general requests shall include at least the following:

- (1) Conformance with the intent of this chapter.
 - (2) Uses of existing property which are considered sensitive uses within the area affected by the sound produced.
 - (3) Age and useful life of the existing sound source.
 - (4) Hardship to the applicant or community if not granting the exception.
 - (5) The time of day or night for which the exception is sought.
 - (6) The duration of the activity.
 - (7) The general public interest, welfare and safety.
- E. Within 10 days of the receipt of any permit application, the Town Manager or Zoning Administrative Officer or his or her designee shall either approve or conditionally approve such request in whole or in part or deny the request. In the event the exception request is approved, conditions may be imposed which minimize the public detriment and may include restrictions on sound level, duration and operation hours and an improved method for achieving compliance with this chapter and time schedule therefor.
- F. If the Town Manager or Zoning Administrative Officer or his or her designee has approved an exception request, and therefore complaints are received related to the activity which was the subject of the exception, the Town Manager or Zoning Administrative Officer or his or her designee has authority to take the action deemed necessary to reduce the sound impacts which caused the complaint, which may include modification or revocation of the permit granting exception.
- G. Any person aggrieved with the decision on a request for a permit for exception under this chapter may appeal the decision of the Town Manager or Zoning Administrative Officer to the Selectboard by filing a written notice of appeal with the office of the Town Manager or Zoning Administrative Officer, as appropriate, with copy to the Chair of the Selectboard within 10 days of the decision to be appealed. The decision of the Selectboard shall be final, and shall be based on the considerations set forth in this section.

§ 110-8 Violations and penalties.

A violation of this chapter shall be subject the penalties prescribed in § 1-16 of the Town Code. Each day of violation shall constitute a separate violation of this chapter.

§ 110-9 No preemption of private remedy.

Nothing in this chapter shall be construed to limit or modify any remedy which may be available to any private person under existing common law or statute for abatement of nuisance, nor shall any enforcement process begun or completed by the Town of Hartford against any person be deemed or construed to exempt such person from imposition of liability resulting from pursuit of civil remedy by any other person.

NUCLEAR WASTE

[HISTORY: Adopted by the Selectboard of the Town of Hartford 9-24-1985. Amendments noted where applicable.]

§ 114-1 Nuclear waste prohibited.

The disposal or placement of nuclear waste shall not be permitted within the limits of the Town of Hartford.

§ 114-2 Violations and penalties.

Any government agency, person, or corporation in violation of this chapter shall be fined as provided by the Vermont Statutes Annotated.

Chapter 125 PARKS

[HISTORY: Adopted by the Selectboard of the Town of Hartford 5-27-2003. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 19.

Animals — See Ch. 27.

Noise — See Ch. 110.

§ 125-1 Purpose.

The purpose of this chapter shall be to preserve the public peace and good order on lands owned and managed by the Town of Hartford, Vermont, and to contribute to the safety and enjoyment of the users of such parklands by regulating the use of the property.

§ 125-2 Definitions.

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

PARK

Any area in the Town under the direct jurisdiction of the Town Parks and Recreation Department and Conservation Commission. Parks and conservation lands include Quechee Green Park, Watson Memorial Park, Erwin Clifford Park, George Ratcliffe Park, Hurricane Forest and Wildlife Refuge Park, Frost Park, Kilowatt Athletic Field, Lyman Point Park and Fred Briggs Park (Engine 494), Hurricane Town Forest, Maanawaka Conservation Area and all open public properties managed by the Parks and Recreation Department and Conservation Commission.

PERSON

Any individual, group, association, corporation, company or organization of any kind.

TOWN

The governing entity consisting of the following villages: Quechee, Wilder, West Hartford, Hartford and White River Junction.

VEHICLE

Any conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind and description.

§ 125-3 Authority and administration.

The Department of Parks and Recreation is charged with the administration of this chapter and the posting of signs designating parkland within the Town. The rules and regulations set forth herein shall apply to and be in effect in all parks under the control, supervision and jurisdiction of the Department. Under authority granted in 24 V.S.A. §§ 2291(4), 2291(7), 2291(14), 2291(17), and 2291(18), the Selectboard of the Town of Hartford, Vermont, hereby adopts the following civil ordinance regulating the parks.

§ 125-4 Rules and regulations.

A. Buildings and grounds. No person in a park shall:

- (1) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridges, tables, benches, grills, railings, paving/paving material, waterlines, or other public utilities or parts or appurtenance thereof, signs, notices, or place cards whether temporary or permanent, monuments, play equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (2) Dig or remove any soil, rock, stones, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.
- (3) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string public service utility into, upon or across such lands. Exception is here made as to any person acting by and under the authorization by permit of the Town.

B. Trees; shrubbery; lawns. No person in a park shall damage, cut, carve, transplant, or remove any tree, flower or plant or injure the bark of any tree or plant, nor shall any person attach any rope, wire or other mechanical device to a tree or plant. A person shall not dig in or otherwise disturb turf areas.

C. Hunt or trap on park properties, with the exception of what may be permitted by the regulations as outlined in the Hurricane Town Forest Recreation Management Plan.

D. Sanitation.

- (1) Pollute the natural waters located in and next to the parks.
- (2) Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, or waste in or contiguous to any park, or leave same anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- (3) Owner or person having custody of any dog shall not permit said dog to defecate on any park properties, unless said defecation is removed immediately and properly disposed of in a container for trash or litter or similar manner.

E. Traffic. No person in a park shall:

- (1) Fail to comply with state laws, Town ordinances and with the exception of what may be permitted by the regulations as outlined in the Hurricane Town Forest Recreation Management Plan in regards to recreational equipment and operation of vehicle of any kind.
- (2) Operate any vehicle or recreational equipment on any area except the designated road/driveway areas and or trails.

(3) Park a vehicle in other than established or designated parking areas.

F. Recreational activities. No person in a park shall:

(1) Frequent any waters or places of park grounds before or after park posted hours.

(2) Carry or possess firearms of any description, or air rifles, spring guns, paint-ball guns/rifles, bow and arrows, sling, knife, slingshot, dagger, or any other types a dangerous weapon(s), with the exception what may be permitted by the rules and regulations as outlined in the Hurricane Town Forest Recreation Management Plan.

(3) Picnic areas and use.

(a) Picnic or have large food-serving stations in a place other than those designated for that purpose.

(b) Violate the regulated use of the parks. Large groups are required to submit a park use permit. A large group consists of 10 or more people.

(c) Light and create open fires and/or fire pits with the exception of what may be permitted by the rules and regulations as outlined in the Hurricane Town Forest Recreation Management Plan.

(d) Leave a picnic area before the fire is completely extinguished and before all trash, garbage and all other refuse is placed in the disposal receptacles. If no such trash receptacles are available all refuse to be taken out of park and properly disposed of elsewhere.

(4) No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used for or that could be for such purpose of overnight camping, with the exception of what may be permitted by the rules and regulations as outlined in the Hurricane Town Forest Recreation Management Plan or without permission from the Hartford Parks and Recreation Department.

(5) Take part in organized athletic games without written permission of the Department of Parks and Recreation.

(6) Ride a horse or any other animal in the parks, with the exception of what may be permitted by the regulations as outlined in the Hurricane Town Forest Recreation Management Plan.

§ 125-5 Alcoholic beverages and disorderly conduct.

No person in a park shall:

A. Bring or posses alcohol beverages or any illegal drug, nor shall any person drink alcohol beverages or use an illegal drug at any time in the park, except when allowed by the rules or regulations of the ordinance relating to the use of alcohol beverages.

B. Engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to breach the public peace.

§ 125-6 Merchandising; advertising; signs.

No person in a park shall:

A. Expose or offer for sale any article of thing, nor shall he/she station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any person acting by and under the authorization by permit of the Town.

B. Announce, advertise, or call public attention in any way to any article or service or service for sale or

hire without written permission from the Town.

- C. Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription nor shall any person erect or cause to be erected any sign on park properties. Exception is here made as to any person acting by and under the authority by permit of the Town.

§ 125-7 **Bicycle, snow vehicles and motorbikes.**

- A. No person shall ride a bicycle upon the lawns, walks, foot trails in the parks unless otherwise posted.
- B. No motorized snow vehicles shall be permitted in the area of a park except where permitted by the Town.
- C. No motorized vehicle shall be permitted in any area of the parks, with the exception of those permitted by the rules and regulations of each park.

§ 125-8 **Violation and penalties.**

A violation of this chapter shall be subject to the penalties in § 1-16 of the Town Code. Each day violation shall constitute a separate violation of this chapter.

§ 125-9 **No preemption of private remedy.**

Nothing in this chapter shall be construed to limit or modify any remedy which may be available to any private person under existing common law or statute for abatement of nuisance, nor shall any enforcement process begun or completed by the Town of Hartford against any person be deemed or construed to exempt such person from imposition of liability resulting from pursuit of civil remedy by any other person.

Chapter 152 SEWERS

[HISTORY: Adopted by the Selectboard of the Town of Hartford 10-30-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision regulations — See Ch. 200.
Water — See Ch. 245.

Article I General Provisions

§ 152-1 **Contact information; inspectors and meter readers.**

- A. Information concerning sewer services, rates, regulations or other matters can be obtained by calling the Public Works Office, Town of Hartford, Vermont, workdays at 295-3622. On weekends (Saturday, Sunday or Holidays and during nonworking hours) emergencies should be reported to the Police Dispatch Office.
- B. Inspectors and meter readers will carry appropriate identification and will show same upon request of the property owner or their authorized agent. Impostors should be reported at once by calling 295-3622.

§ 152-2 **Status of rules and regulations.**

- A. These rules, regulations and specifications and all subsequent changes, amendments and additions

thereto shall constitute a part of the contract between all sewer customers (whether persons, corporations or property owners) and the Department. Every customer using the Department sewer shall be considered as having expressed consent to be bound by these rules and regulations.

- B. A copy of these rules and regulations shall be available to the public and can be obtained at the Town Manager's office by letter, telephone or in person. Persons should read these rules and regulations carefully, as failure to know the rules and regulations will not excuse anyone from the consequences of neglect of these rules and regulations.

§ 152-3 **Definitions.**

- A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACT

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500 and Pub. L. 93-243).

BOARD OF SEWER COMMISSIONERS

The Selectboard of the Town of Hartford, Vermont (hereinafter referred to as the "Board").

BOD (denoting "biochemical oxygen demand")

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C. expressed in milligrams per liter.

BUILDING DRAIN

That part of the lowest horizontal piping of a drainage system which receives the discharge 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.

BUILDING SEWER

The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER

A sewer receiving both surface runoff and sewage.

COMMERCIAL UNIT

Each individual factory, warehouse, store, shop, office, motel unit, hotel guest room, restaurant or other commercial establishment. One property may contain several commercial units.

CUSTOMER

Any individual, firm, company, corporation, association, or group receiving or requesting wastewater service from the Department.

DEPARTMENT

The Sewer Department of the Town of Hartford, Vermont, acting through the Board, as appropriate.

EXTENSION OF EXISTING SERVICE

- (1) Any additional faucets, toilets, or other wastewater using facilities (on a property already served by the Department, other than a residential use which does not increase the number of dwelling units) within the same commercial unit.

- (2) Any change of service from residential to commercial in an existing building or other change of use which the Board of Sewer Commissioners determines will result in greater disposal of wastewater.

GARBAGE

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

INDUSTRIAL WASTES

The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

NATURAL OUTLET

An 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 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER

A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

RESIDENTIAL UNIT

A structure or part of a structure occupied or intended to be occupied by one family for residential purposes, containing full housekeeping facilities for the exclusive use of the occupants. Residential unit shall not include units rented, or intended to be rented, for a period of less than 30 days.

SANITARY SEWER

A sewer which carries sewage and to which storm- , surface and ground water are not intentionally admitted.

SECRETARY

The Secretary of the Agency of Environmental Conservation, State of Vermont.

SEWAGE

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

SEWAGE TREATMENT PLANT

Any arrangement of devices and structures used for treating sewage.

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 when in connection with any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration of 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.

SUPERINTENDENT

The Town Manager.

SUSPENDED SOLIDS

Solids that either float on the surface of, or are in suspension in sewage or other liquids and which are removable by laboratory filtering.

B. Word usage. "Shall" is mandatory; "may" is permissive.

§ 152-4 Purpose; effect of extensions on existing users.

- A. It is the purpose of this chapter and the rules and regulations provided for herein to provide an orderly procedure for all applicants which will assure timely review and acceptance of properly constructed public sewer works utility extensions and connections. It is adopted under the authority of 24 V.S.A. §§ 2291(6), 3507, 3616 and 3617.
- B. The existing users will continue to be responsible for the required system operation and maintenance including general purpose prioritized local capital improvements to the system. All other extensions, additions or proposed improvements that are required for or requested by new users will be the financial responsibility of those new users. After construction, testing and acceptance by the Department, these new extensions, additions, or proposed improvements shall become the property of the Town of Hartford.
- C. It is specifically the purpose of these procedures to assure that existing users do not sacrifice any standard of service for the benefit of new users connecting to the system. Any reductions in service created by expansion into new areas will be evaluated considering the total impact on the entire system. Where an impact causes any potential reduction in the standards of service to existing users, new users requesting connections will be required to complete such system improvements to eliminate any such impacts as a condition for obtaining a sewer connection permit.

§ 152-5 Public extensions.

Subject to the condition that the Town be supplied with proof of compliance with all applicable provisions of this chapter and any appendix to this chapter, all extensions, improvements or additions to the sewer system shall become the property of the Department. Private systems shall not be allowed connection to the Town sewer system. All design documents and construction procedures shall comply with the duly accepted Town standards as set forth in the rules and regulations of the Sewer Commissioners and in the standard specifications for each.

§ 152-6 Resident inspection/inspections.

- A. During construction, a resident inspector appointed by the Board under the sole supervision and

direction of the Town may be required. All cost of resident inspection will be borne by the applicant. It will be the duty of the resident inspector to assure installation of all facilities in accordance with the approved plans and specifications for the project. Certification of project conformance by the resident inspector and the applicant's engineer will be required in order to obtain permission from the Department to initiate water service for the project. Any divergence from the approved plans must be approved by the appropriate Board.

- B. Where required the Department will provide persons for conducting inspections. The developer or owner shall notify the Department at least 24 hours in advance of such required inspections.
- C. The developer will be responsible for direct costs of providing an inspector by the Department.

Article II Sewer Rules and Regulations

§ 152-7 Board of Sewerage System Commissioners.

As provided in 24 V.S.A. § 3609, the Selectboard of the Town of Hartford is hereby constituted a Board of Sewerage System Commissioners whose duties are prescribed therein.

§ 152-8 Use of public sewers required.

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Town of Hartford or in any area under the jurisdiction of said Town any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town of Hartford, or in any area under the jurisdiction of said Town any sanitary wastewater, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose for which toilet facilities may be required, situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date official notice to do so, provided that said public sewer is within 100 feet of the property line and proper cause is shown by the Town for requirement of the connection.

§ 152-9 Building sewers and connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least 45 days prior to the proposed change or connection.
- B. There shall be two classes of building sewer permits: residential and commercial service, and service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A fee to be determined by the Selectboard shall be charged for the permit and inspection of a residential service, which shall be paid to the Town Treasurer, at the time application is filed. A fee, as determined by the Selectboard, based on the impact on the sewerage system and treatment plant on an individual-case basis shall be paid to the Town Treasurer before the permit is issued by the Superintendent. This charge is exclusive of any connections.
- C. All costs and expense incident to the installation and connection, repair, and maintenance of the

building sewer to the street line shall be borne by the owner. The construction of the portion of building sewer which extends from the public sewer to the property line of the owner shall be constructed by the Town. Actual costs are to be borne by the owner to be connected. The remaining portion of the building sewer shall be constructed by the owner, and all costs associated with construction and connection of both portions 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.

- D. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Town. In no event shall the diameter be less than four inches. The slope of such pipe shall be not less than 1/8 inch per foot.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor and shall have straight alignment and uniform grade. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened nor parallel to or within 10 feet of the water service pipes. The depth shall be sufficient to afford protection from frost. 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 sanitary sewer.
- H. Changes in direction shall be made only with properly curved pipe and fittings. The building sewer shall be constructed to such point along the street line as directed by the Superintendent.
- I. No person shall make connections of roof downspouts, sump pumps, exterior foundation drains, areaway drains, cellar drains, basement 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.
- J. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with accepted standards. No backfill shall be placed until the work has been inspected.
- K. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Town. No building sewer connections will be installed between November 1 and April 1 or when frozen ground conditions exist as determined by the Superintendent. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- L. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- M. All excavations for building sewer installation shall be adequately guarded by the applicant 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.

- N. In the event that a connection with the public sewer shall no longer be required under the terms of this chapter, the owner shall disconnect the building sewer and provide a satisfactory stopper for the remaining part of the sewer line leading to the public sewer. The stopper shall not be covered until it has been inspected by the Superintendent, which shall be done within 48 hours after notification of the Superintendent by the owner that the stopper is ready for inspection. Sewage disposal charges shall continue until the stopper has been inspected and approved by the Superintendent, and all excavations have been properly backfilled.
- O. The Superintendent shall keep a permanent and accurate record in ink of the location, depth and direction of all new sewer connections, including measurements from building corners or such landmarks as may be necessary to make an adequate description.
- P. The Superintendent shall initiate water services to a new sewer main only after the Superintendent has been provided with the following:
 - (1) Written certification by the resident inspector and the applicant's engineer that all construction was conducted in accordance with approval plans, specifications and special conditions.
 - (2) In any case where the Town is to assume ownership or control of the sewer line, the owner shall submit an easement deed acceptable to the Town Superintendent which easement deed shall reference and be based upon as-built plans prepared by a registered Vermont licensed surveyor or engineer on reproducible Mylar in a form acceptable to the Town Superintendent and conforming with the requirements of the Hartford Town Clerk for recordable Mylars. If acceptable as-built plans are not received within 90 days of initiation of service, the Town Superintendent may discontinue service to the customer or customers in the development in accordance with the Uniform Discontinuance Act (Title 24 V.S.A. Chapter 129), and the performance bond shall not be released.
 - (3) Certification that all newly constructed sewer mains have passed all state and/or Departmental testing requirements.

§ 152-10 Use of public sewer.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Where subsoil drains are placed under the cellar floor or used to encircle the outer walls of a building, the same shall be made of open-jointed drain tile or earthenware pipe, not less than four inches in diameter, and shall be properly trapped and protected against back pressure by an automatic back-pressure valve accessibly located before entering the house sewer or drain. They may be discharged through a cellar drain only in areas served by combined sewers and only with written approval of the Superintendent.
- C. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or a natural outlet approved in writing by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged upon written approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- D. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (2) 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 sewage treatment plant. Said toxic pollutants are defined in standards, under Section 307a of the Act.

- (3) Any waters or wastes having a pH lower than 5.0 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (4) Any incompatible pollutant controlled by an industry in an amount or concentration in excess of that allowed under standards or guidelines issued in Sections 304, 306 and/or 307 of the Act.
 - (5) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- E. 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 Superintendent 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 Superintendent 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, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of waste in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).
 - (2) Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. and 65° C.
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
 - (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - (5) Any wastewaters containing an increase in caustic alkalinity, calculated as CaCO₃ (calcium carbonate) in excess of 75 parts per million by weight, or in volume which may be excessive.
 - (6) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
 - (7) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, 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 receiving waters.
 - (8) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

- (9) Any obnoxious or malodorous gas or substance capable of creating a public nuisance.
 - (10) Materials which exert or cause:
 - (a) An average concentration of inert suspended solids in excess of 300 milligrams per liter (mg/l) (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of excessive dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) An average concentration of BOD in excess of 250 milligrams per liter (mg/l), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, or which may cause the effluent limitations of the discharge permit to be exceeded.
 - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
 - (11) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (12) Septic tank solids that are not diluted sufficiently to assure that all particles will be carried freely under all flow conditions in facilities of the Town.
- F. If any waters or wastes discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this chapter and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- (1) Reject the wastes.
 - (2) Require the pretreatment to an acceptable condition for discharge to public sewers.
 - (3) Require control over the quantities and rates of discharge.
 - (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges.
- G. If the Superintendent permits pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, laws and the municipal discharge permit. Further, such pretreatment installation must be consistent with the requirements of any state pretreatment permit issued to the industry.
- H. Grease interceptors.
- (1) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, 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 restaurants connected to the public sewer system shall provide grease interceptors. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
 - (2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding

abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

- (3) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in a continuously efficient operation at all times.
- (4) Each grease interceptor shall have an approved rate of flow which is not less than that given below for the total number and size of fixtures connected or discharging into it, and the total capacity in gallons of fixtures discharging into any interceptor shall not exceed 2 1/2 times the gallons per minute flow rate of the interceptor.

Grease Interceptors

Total Number of Fixtures Connected	Maximum Capacity of Fixtures Connected (gallons)	Required Rate of Flow per Minute (gallons)	Grease Retention Capacity (pounds)
1	50	20	40
2	65	25	50
3	90	35	70
4	125	50	100

- (5) For the purpose of this section, the term "fixture" shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to a grease interceptor.
- (6) Each grease interceptor shall be vented and each fixture discharging into a grease interceptor shall be individually trapped and vented in an approved manner, except that an approved grease interceptor may be used as a fixture trap for a single fixture when the horizontal distance between the fixture outlet and the grease interceptor does not exceed 40 feet and the vertical tail pipe or drain does not exceed 2 1/2 feet.
- (7) Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease.
- (8) Interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping.
- (9) Each grease interceptor shall be constructed of durable materials satisfactory to the administrative authority and shall have a full-size gastight cover which can be easily and readily removed.
- (10) No water-jacketed grease interceptor shall be approved or installed.
- (11) Each grease interceptor shall have an approved water seal of not less than two inches in depth or the diameter of its outlet, whichever is the greater.
 - I. 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.
 - J. The Town must be notified 45 days in advance by any person or persons involved in:
 - (1) Proposed substantial change in volume or character of pollutants over that being discharged into the

treatment works at the time of enactment of this chapter;

- (2) Proposed new discharge into the treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Act if such source were discharging pollutants; or
 - (3) Proposed new discharge into the treatment works of pollutants from any source which would be subject to Section 301 of the ACT if it were discharging such pollutants.
- K. When required by the Superintendent, 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 Superintendent. 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.
- L. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized employee of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. When industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit. Such records of any monitoring shall be made available upon request by the Superintendent to the Secretary or to other agencies having jurisdiction over discharges to the receiving waters.
- M. 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 premises 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's are determined from periodic grab samples.
- N. Any industry held in violation of the provisions of this chapter may have its disposal authorization terminated.
- O. Each industrial user may be required to submit an annual report on the first of July each year, or such other time as designated by the Town, to the Town containing information as to the minimum, average, and peak flows of industrial wastewater samplings taken in an acceptable manner at approved items during the flow measuring periods.
- P. No statement contained in this chapter shall be construed as preventing any special agreement of arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment contravene any requirements of existing federal laws.
- Q. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein and to

connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said sewer is within 200 feet of the property line.

- R. The owner has the right of petition to not be connected to the public sewer system but to provide a private disposal system.
- S. No person who cleans a septic tank or other private disposal facilities shall deposit matter thus collected in the sewage works of the public sewer as defined in this chapter without the consent of the Superintendent. If the Superintendent approves, such person may deposit such matter in the sewage work or public sewer at such location as may be designated by the Superintendent, upon payment of special charges therefor at rated which the Board of Sewage Disposal Commissioners shall establish.

§ 152-11 Protection from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structures, appurtenances, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 152-12 Violations and penalties.

- A. Any person found to be violating any provision of this chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for shall be punished as provided in Chapter 1, § 1-16, for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such offense. The extent, loss or damage shall be taken to be the extent determined by a competent registered professional engineer particularly skilled in the operation and maintenance of wastewater collection and treatment works.
- D. In addition to invoking the penalties hereinabove provided and otherwise available, including all legal and equitable remedies, the Commissioners are authorized to order abatement of any violation and to provide in said order that failure to abate said violation shall require termination of all use and occupancy of any building not in compliance with this chapter. A property owner receiving a notice of abatement shall be entitled to a public hearing upon request prior to the commencement of any occupancy termination.

Article III

Wastewater Reserve Capacity Allocation

§ 152-13 Ownership; operation in accord with discharge permit.

The Town of Hartford owns and operates a sewage treatment and disposal plant ("plant") and sewage collection and transmission system ("sewers") as defined in 24 V.S.A. §§ 3501(6) and 3601. The plant has a permitted capacity and is operated in accord with a discharge permit issued by the Vermont Department of Environmental Conservation ("Department") under authority granted in 10 V.S.A. Chapter 47. The Board of Sewage Disposal Commissioners ("Board") is obligated by law to comply with conditions of that permit and to operate and manage the plant and sewers as governmental functions under and pursuant to 24 V.S.A. Chapters 97 and 101.

§ 152-14 Statutory authority; construal of provisions.

The permitted capacity of the plant and sewers is the property of the Town of Hartford. The uncommitted

reserve capacity of the plant and sewers shall be allocated by the Board in the manner described below. This chapter is adopted pursuant to the provisions of 24 V.S.A. §§ 3625 and 2291(22), and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the Board to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the Town of Hartford, nor shall it be construed to impair or inhibit the ability of the Town of Hartford to contract with persons for the collection, transmission and treatment of sewerage.

§ 152-15 Definitions.

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

BOARD

The Selectboard of the Town acting as a Board of Sewage Disposal Commissioners under 24 V.S.A. § 3614.

COMMITTED RESERVE CAPACITY

The total amount of total development wastewater flow (gallons per day) from all projects/buildings approved by the Board and the Department for discharge to the treatment plant, but not yet discharging at the time of the calculation.

COMPLETED CONSTRUCTION

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

CONNECTION FEE

A fee imposed on applicants for the municipality's cost of performing, supplying materials, supervising, inspecting and administering a connection to the sewage system including any necessary sewer service extension, upgrading sewers or for any portion of these activities.

DEPARTMENT

The Vermont Department of Environmental Conservation.

DEVELOPMENT

The construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial activity.

DEVELOPMENT WASTEWATER FLOW

The flow resulting from full use of the development at its peak capacity, which flow shall be calculated using flow quantities, adopted as rules by the Department, as promulgated at the time a connection permit application is made. The flow quantities in state regulation at the time of adoption of this chapter are shown on Table 7a (Attachment A).

DISCHARGE PERMIT

A permit issued by the Department pursuant to authority granted in 10 V.S.A. Chapter 47.

IMPACT FEE

A fee imposed on applicants for capacity allocation equal to the capital cost per gallon of sewage treatment and disposal capacity attributable to the project or development. This fee shall be consistent with the intent of impact fees authorized under 24 V.S.A. Chapter 131.

INITIATE CONSTRUCTION

- A. For building development, the completion of the foundation.
- B. For subdivision development, the sale of the individual lots.

PERMITTED WASTEWATER FLOW

The maximum plant wastewater flow authorized in the discharge permit on an annual average (365-day average) basis.

PERSON

The meaning prescribed in 1 V.S.A. § 128.

PLANT

The municipal sewage treatment plant owned by the Town of Hartford.

PLANT WASTEWATER FLOW

The wastewater passing through the treatment plant in gallons per day on an annual average basis (365-day average) except where flows vary significantly from seasonal development. In the latter case, plant wastewater flow is determined as the average throughout the high seasonal use period, as determined by the Board.

RESERVE CAPACITY

The permitted wastewater flow minus the actual plant wastewater flow during the preceding 12 months.

SANITARY WASTEWATER

Wastewater of the same character and range of strength as expected from homes.

SEWER SERVICE AREA

That area of a municipality that is within 50 feet horizontally from existing municipal collection lines and manholes.

SEWERS

The sewage collection and transmission system owned by the Town of Hartford.

UNCOMMITTED RESERVE CAPACITY

The portion of the reserve capacity remaining after subtracting the development wastewater flow of all projects approved by the Department but not yet discharging to the sewer.

§ 152-16 Priority in allocation of uncommitted reserve capacity; allocation principles.

- A. Priority. Residential, commercial, institutional and industrial facilities existing within the sewer service area on the date of adoption of this chapter which are required to be connected to the municipal sewer by the terms of this Chapter **152**, or by virtue of existing pollution from the facilities to waters of the state, shall be entitled to first priority in allocation of uncommitted reserve capacity. The Town may provide for a block of capacity allocation to areas of extension of service where the extension is developer-financed. Such blocks of capacity with appropriate time limits on the commitment period would be subject to Board approval.
- B. Allocation principles. Subsequent to application of the allocation priority, uncommitted reserve capacity in the wastewater treatment facility may be allocated to specific projects according to the following procedure: Once sewer permit applications have been returned to the Town office and

marked with the time and date by the person receiving the application, the Board may review the applications on a first-come-first-served basis. The total remaining uncommitted wastewater reserve capacity shall be allocated by the Board pursuant to the procedure outlined in this Chapter **152**, Article **III**, or any other applicable provision of this Chapter **152**, in such a way that there are no limitations on what total reserve amounts can be allocated in any one year as long as uncommitted capacity exists, and with no limitation of the type of development receiving the allocation, except for the following consideration: The Board may reserve a block of allocation for public facilities, a block of allocation for an area of service extension financed by the property owners or developers, or limit the amount of allocation for "wet" industry or industry with high BOD loading.

§ 152-17 Cost recovery for sewer expansion.

- A. Any extension of the sewer service area to provide for new users shall be funded in the following way: The proposed users to be served by the expansion pay the entire cost of the expansion and upgrading of the sewers determined necessary and adequate by the Board.
- B. Any payments made as required by Subsection A shall not be construed as payments towards treatment capacity that may be provided for the development.

§ 152-18 Application for use of plant and sewers.

- A. Persons wishing to use the plant and sewers shall apply to the Board on a form prescribed by the Board. Such application shall:
 - (1) Be accompanied by a calculation of the development wastewater flow to be generated by the project/development;
 - (2) Include calculations for the volume, flow rate, strength and any other characteristics determined appropriate by the Board;
 - (3) Be accompanied by plans and specifications for the construction of building sewers (from the buildings to municipal sewers) and any municipal sewer extensions, including pump stations, required to service the development prepared by a Vermont registered engineer. This requirement to submit plans and specifications may be waived by the Board until final connection approval.
- B. Unless waived by the Board all calculations required in Subsection A(1) and (2) above for developments generating over 1,000 gallons per day shall be certified by a Vermont registered engineer.

§ 152-19 Preliminary connection approval findings.

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

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

§ 152-20 Conditions of preliminary connection approval.

- A. The Board, after making the approval findings above, may issue a preliminary connection approval, which approval shall be a binding commitment of capacity to the project contingent on compliance with any conditions attached to the preliminary approval and the subsequent issuance of a final connection approval. The preliminary approval conditions may include:
- (1) Specification of the period of time during which the interim connection approval shall remain valid (suggested 120 days); provisions for time extensions if approved by the Board.
 - (2) Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the preliminary connection approval.
 - (3) Provision for revocation by the action of the Board on failure of the applicant to fulfill requirements of the preliminary connection approval.
 - (4) Specification that the recipient of the preliminary connection approval may not transfer, by any means, the preliminary connection approval to any other person or connect to the sewers.
- B. Prior to final connection approval the following commitments shall be met by the applicant:
- (1) Applicable local, state and federal permits have been secured for the development/project.
 - (2) Connection fees, impact fees, permit fees and other local fees or taxes all set by the Board have been paid in full to the Town of Hartford. Impact fees will be partially based on the volume and strength of the proposed wastewater flow.
 - (3) The plans and specifications for connection to and, if necessary, extension of the municipal sewers are acceptable to the Board.

§ 152-21 Final connection approval requirements.

- A. The Board on making affirmative findings that all conditions of the preliminary connection approval and final connection approval prerequisites in § 152-20 have been fulfilled shall issue the final connection approval permit which approval may be conditioned as follows:
- (1) The permit shall specify the allowed volume, flow rate, strength frequency and any other characteristics of the proposed discharge determined appropriate by the Board.
 - (2) The capacity allocation is not transferable to any other person or project unless requested by the original owner and approved by the Board.
 - (3) The construction of the connection and, if necessary, the municipal sewer extension must be overseen to assure compliance with the plans and specifications and good construction practice in a manner acceptable to the Board.
 - (4) Capacity allocated in conjunction with the final connection permit for building development shall revert to the Town of Hartford if the permit recipient has failed to initiate construction within one year of the issued date on the permit.
- B. The permit shall expire two years from the date of issuance based on the original development plan at the time of permit approval. Within the two-year period a revised development plan and connection application may be approved by the Board in the same manner as the original. Such revised plans must also be approved under local bylaws and by the applicable state laws and regulations. If the Board approves an amended development plan and connection application, it will issue a revised final connection permit with reduced or increased capacity allocation determined in accord with the allocation priorities and principles. Where reduced capacity is granted in a revised connection permit, the capacity will revert to the Town of Hartford and the Town of Hartford may

pay to the applicant a proportional refund of connection or impact fees. Regardless of any revised development plans approved by the Board, the Board shall not approve an extension of the original two-year expiration period. After two years, the unused portion of the committed capacity allocation will revert to the Town of Hartford, and there will be no refund of connection, impact, permit or other fees.

- C. Generally, the unused capacity reverting to the municipality is associated with buildings that do not at least have foundations, framing and roofs. Regardless of the permit expiration period above, the Board may order construction of the development over a longer period if this action is in the municipality's best interests.

§ 152-22 Transfer of allocation.

- A. Initially reserve capacity is allocated by the Board to a specific person, project and parcel of land. The allocation is not made solely to a parcel of land and therefore does not run with the land during project completion. After completion of the project or permit expiration, however, the allocation (adjusted to the actual development constructed, if necessary) will run with the land.
- B. The transfer of the capacity allocation is prohibited unless approved in writing by the Board at the original owner's request.
- C. The Board may approve transfer of capacity from one project to another and one owner to another, provided that the new project and owner meets all the requirements for the final connection approval originally issued and the original owner requests such transfer.

§ 152-23 Authority to require connection.

Nothing herein shall be construed as limiting or impairing the authority of the Town of Hartford or its Board to require connections to the plant and sewers under the general laws of the state or local ordinances.

Attachments:

[152a Application Forms](#)

[152b Bills and Billing](#)

[152c Sewer Tech Specs](#)

[152d Standard Details](#)

Chapter 160

SIGNS

[HISTORY: Adopted by the Selectboard of the Town of Hartford 2-3-2004. Amendments noted where applicable.]

GENERAL REFERENCES

Highway signs — See Ch. 75.

Street and road signs — See Ch. 181.

Signs uses by itinerant vendors — See Ch. 238.

Zoning Regulations — See Ch. 260.

§ 160-1 Title.

This chapter shall hereafter be known and cited as the "Town of Hartford Sign Ordinance."

§ 160-2 Authority.

This chapter is enacted by the Selectboard under the authority it is granted to regulate signs set forth in 24 V.S.A. § 2291(7). This chapter shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

§ 160-3 Purpose.

- A. The purpose of this chapter is to promote the public welfare and safety by regulating existing and proposed signs. The intent is to allow the display of signs for the purposes of providing information and advertising, in an orderly, effective and safe manner.
- B. This chapter recognizes business as an essential part of the community. Since businesses need identification and the public needs direction, the following chapter is intended to create an attractive environment which is conducive to business, industry and tourism; encourage the use of street graphics which are compatible with the community character, readable, clear and maintained in safe and good repair; maintain and enhance the aesthetic environment and the Town's ability to sustain economic development and growth; facilitate safe pedestrian and vehicular traffic; and enable the fair and consistent enforcement of this chapter. This chapter intends to further the objectives and policies of the Town of Hartford Master Plan.

§ 160-4 Definitions.

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

ADMINISTRATIVE OFFICER

Any individual designated by the Selectboard to administer and enforce this chapter.

ATTACHED SIGN

Any sign which is attached to a building. This includes wall signs, roof signs, and projecting signs.

AWNING SIGN

Any sign that is part of or attached to an awning, canopy, or other fabric, plastic or other structural protective cover over a door, entrance, window or other outdoor service area. This does not include a fuel island canopy.

BANNER

Any lightweight plastic, fabric, or other material bearing words, graphics, or colors designed to draw attention.

BULLETIN BOARD SIGN

A freestanding or attached sign constructed of corkboard or similar material within a frame. This does not include projecting or roof signs.

DIRECTIONAL SIGN

Any sign displayed to provide direction and/or orientation for pedestrian or vehicular traffic, including signs marking entrances, exits, parking, one-way drives, service areas, pickup and delivery areas, or similar informational wording.

FACADE

The exterior walls of a building exposed to public view.

FLAG

Any fabric containing distinctive colors, patterns, or symbols.

FREESTANDING SIGN

Any sign not attached to or part of any building, but permanently affixed, by any other means, to the ground. Includes monument, pole and post-and-arm signs.

LOT (LOT OF RECORD)

A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

ON PREMISES

Referring to signs which are on the same lot as the business they advertise.

PARAPET

The extension of the main walls of the building above the roof level.

PENNANT

Any sign constructed of lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, used in a series, designed to move in the wind. (For single pennants, refer to "flag.")

PERSON

Any individual, firm, partnership, association, corporation, company, organization or entity of any kind.

PORTABLE SIGN

Any sign that is not permanently affixed to a building, structure, or the ground.

PREEXISTING NONCONFORMING SIGN

Any lawful sign existing as of the effective date of the adoption of this chapter and which could not be displayed under the terms of this chapter.

PREMISES

The area comprised by a lot. It may contain one or more businesses.

PROJECTING SIGN

A form of attached sign with two sides, mounted perpendicularly to the building to which it is attached and that projects more than 12 inches from such building.

PROMOTION

Any special event of limited duration, such as a sale, grand opening, open house, etc., often using banners, pennants, flags, etc., to attract attention.

SIGN AREA

A measurement of the total square footage of a sign as specified in § 160-12.

SIGN HEIGHT

The maximum allowable height is measured from grade level to the top of the sign or any part of its

structure.

SIGN PERMIT

A written authorization by Town government to erect a sign, which is required for all signs, except where exceptions are listed under § **160-8**.

SIGN

Any device designed to inform or attract the attention of persons.

STREAMER

A narrow strip of material, sometimes a pennant.

STREET BANNER

Any banner sign which is stretched across and hung over a public or private street right-of-way.

TEMPORARY SIGN

Any sign used for a limited period of time for advertising or informational purposes supplementary to or replacing existing permanent signs.

THREE-DIMENSIONAL SIGN

A special type of two-sided sign, whether freestanding or projecting. This sign type allows for incorporating three-dimensional objects or creating an effect with a third dimension.

WALL SIGN

Any sign that is painted on, incorporated into, or affixed parallel to the wall of a building and that does not project more than 12 inches from such building.

WINDOW SIGN

A sign visible from a sidewalk, street or other public place, affixed to or painted on glass or other window material. This may be a permanent or temporary sign, and attached to either the exterior or interior surface.

§ 160-5 Permit required.

Prior to the placement, erection, construction or modification of any permanent or temporary sign, except signs as described in § **160-8**, a sign permit shall be secured from the Administrative Officer.

§ 160-6 Application for sign permit.

Applications for sign permits shall be made on the sign permit form provided by the Town. Action on the application shall be taken by the Administrative Officer within 10 working days after the date of filing a complete application. All sign permit applications shall contain a sketch or rendering of the face of the sign, including dimensions. The sign dimensions and mounting information may be submitted without a photo of the sign graphics. However, a photo must be submitted no later than one week after sign installation.

§ 160-7 Permit fees; waiver.

The fee for a sign permit shall be established by the Selectboard. Said fee shall accompany each application for a permit. No application shall be deemed complete unless accompanied by the appropriate fee. The fee is waived for sign permit applications submitted with zoning permit applications for approved site development plans.

§ 160-8 **No permit required.**

- A. The following signs may be displayed without a permit so long as they are not internally illuminated. The area of such signs shall not be counted in meeting the requirements of § **160-10B(2)**.
- (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
 - (2) In any zoning district, flags of any government.
 - (3) Legal notices, identification, informational, warning or directional signs displayed in accordance with governmental regulations or requirements.
 - (4) Historic markers authorized by the Hartford Historic Preservation Commission.
 - (5) Integral decorative or architectural features of buildings; memorial signs or tablets denoting the names of buildings and dates of erection when cut into the masonry or constructed of bronze or other nonflammable material and attached to the wall.
 - (6) Signs for the direction, instruction or convenience of the public including signs which identify rest rooms, public telephones, automated teller machines, and signs directing and guiding traffic and parking on private property, provided that they bear no advertising matter, do not exceed four square feet and are not located within the right-of-way. Exceptions may be allowed by the Vermont Agency of Transportation for state rights-of-way or by the Hartford Department of Public Works for Town rights-of-way provided that the sign does not obstruct, obscure or interfere with other traffic control devices.
 - (7) "For sale" or "for rent" signs and signs of a similar nature not exceeding six square feet located on lots that are for sale or on lots where there are premises being offered for sale or lease. Such signs shall not exceed one per structure or per street lot frontage and shall be removed immediately upon sale or lease of the lot or premises. (See state regulations.)
 - (8) In residential zoning districts, a maximum of two decorative, "Open" or "Welcome" flags per lot on which there is no other wording, not to exceed 15 square feet in area per flag.
 - (9) In commercial zoning districts, a maximum of one "Open" or "Welcome" flag per entrance on which there is no other wording. Such signs shall not exceed 15 square feet in area.
 - (10) In commercial zoning districts, a maximum of one decorative flag per 15 linear feet of building facade. Such flags shall bear no commercial symbol or message and shall not exceed 15 square feet in area each. If a business has a facade less than 15 feet, one decorative flag is allowed.
 - (11) In residential zoning districts, one on-premises sign not exceeding six square feet in area advertising a garage sale, tag sale, or other temporary sale; such signs must indicate the date of the event and may be displayed for a period of up to 48 hours in advance of the sale and must be removed within 12 hours after the completion of the sale.
 - (12) Bulletin boards for public use located on the property of schools, churches, community centers, or neighborhood commercial facilities and not exceeding 32 square feet.
 - (13) On-premises temporary construction signs, subject to the following limitations set forth below. Such signs shall be removed immediately upon completion or cessation of work.
 - (a) Residential and rural land districts: not exceeding 32 square feet per site total for all contractors. Signs must meet a ten-foot setback requirement from any property line.

- (b) Commercial/Industrial districts: 32 square feet per contractor, not to exceed 160 square feet total per site. Signs must meet a ten-foot setback requirement from any property line.
- (14) One identifying sign attached to each bin or dispenser containing items for sale (ice, newspapers, etc.).
- (15) Interior window signs which do not exceed the following percentages of the total window area on the facade and story where they are displayed (or, if the business occupies only a portion of the building, of the window area for the space occupied by the business):
 - (a) Permanent window signs: 20%.
 - (b) All window signs (permanent plus temporary): 50%.
- (16) Awning lettering not to exceed six inches per letter and located on the lower edge or fringe of an awning, displaying one time the name of the business. In addition, any street number may be expressed twice in numeral form. Any other lettering or graphics of any size will constitute a sign and requires a permit. (See illustration of awning signs on Attachment 2 at the end of this chapter.)
- (17) Political and campaign signs on private property if displayed not more than 60 days before an election and removed the day after the election. The property owner is responsible for all removal.
- (18) Menu signs for restaurants (attached), provided that they do not exceed six square feet.
- (19) Signs on registered and regularly operated motor vehicles.
- (20) Portable signs, including sidewalk signs (see illustration on page 15) except signs prohibited under § 160-9C. Portable signs must meet the following standards:
 - (a) Not to exceed one sign per business;
 - (b) No wider than 26 inches;
 - (c) No taller than 48 inches;
 - (d) Except for sidewalks, not located within public right-of-way;
 - (e) Placed so that they do not block pedestrian and vehicular traffic or create a public hazard;
 - (f) To be maintained in good repair and taken in at night; and
 - (g) Should merchandise be placed on said sign, the merchandise must not stick out beyond the sign's perimeter.
- (21) Signs for the outdoor display of merchandise provided that they meet the following standards:
 - (a) The number of signs does not total more than 12 signs per business;
 - (b) Each sign does not exceed four square feet in size;
 - (c) The signs are for items that are approved to be permanently stored outdoors; and
 - (d) The signs are located on the merchandise.
- (22) Vehicle window signs (signs located on a window or within a vehicle) as long as the sign is related to selling that particular product.

- (23) Banners, pennants, ribbons, streamers and balloons for businesses or nonprofit, civic, philanthropic, religious or arts organizations are allowed in commercial zoning districts.
- B. For banners, each business or organization shall be provided an allowance based on 0.5 square feet of banners per one linear foot of the chosen facade of the building with the maximum banner size and total area for banners based on the zoning district. (See chart below in Subsection C.) Each business shall be allowed to choose one facade on which the banner allowance is calculated, provided that the facade chosen has visibility from the street on which the property fronts. A maximum of six banners are allowed per business or organization, provided that the individual banners and the total banner area do not exceed the total allowance for the zoning district. (See chart below in Subsection C.) These banners may be displayed on more than one side of the structure, but the total amount of banners shall not exceed the allowance of 0.5 square foot per one linear foot of the building facade for that particular facade, except for the minimum allowance for that zoning district. (See illustration of banner allowance on Attachment 2 at the end of this chapter.) Banners must be affixed to the building or attached to an existing freestanding sign and shall not be affixed to roofs.
- C. Street banners for a community-wide campaign, drive or event of a nonprofit, civic, philanthropic, religious or arts organization may be displayed within the public right-of-way, not to exceed 128 square feet and may be displayed for up to two weeks. Street banners require signoff from the Department of Public Works prior to their being displayed.

Zoning District	Minimum Total Allowance for Banners (square feet)	Maximum Total Allowance for Banners (square feet)	Maximum Size of an Individual Banner (square feet)
RC-2, VB, VR-C, QG	15	30	15
CB	24	66	30
I-C	24	100	30

- D. Pennants, ribbons, streamers and balloons are allowed and may be displayed by a business or organization individually or in a series. The maximum size for individual pennants, ribbons, streamers and balloons shall not exceed two feet in any dimension. (See illustration of permitted promotional items on Attachment 2 at the end of this chapter.)
- E. All promotional materials must be kept in good repair at all times.

§ 160-9 Prohibited signs.

The following signs may not be erected in any zoning district:

- A. Off-premises signs, except § **160-10B(6)**, that is, signs which are located on lots other than the one where the advertised business, product or activity is located or sold. (See state regulations.)
- B. Signs on vehicles, including trailers, if those vehicles are regularly or continually located at a site primarily for the purpose of display. This standard is not intended to prevent a business owner from parking his/her vehicle in front of the business. (See state regulations.)
- C. Signs mounted on wheels or trailers.
- D. Signs which contain, include or are illuminated by any flashing, intermittent or moving lights, or moves, or have any animated or moving parts, except that this restriction shall not apply to a traffic

control sign, time and temperature displays, or barber poles. (See state regulations.)

- E. Signs which prevent a driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs or otherwise interfere with visibility or traffic safety. (See state regulations.)
- F. Signs which extend into the public right-of-way or across lot lines, except as permitted under §§ **160-10B(4)** and **160-8A(6)** and **(20)**.
- G. Signs or displays which are placed on the sidewalk or in the public right-of-way, except as permitted under § **160-8A(20)** and those placed to protect public safety during road and utility repairs.
- H. Signs which are located so as to be readable primarily from a limited access highway. (See state regulations.)
- I. Signs which interfere with, imitate or resemble official traffic control signs or attempt or appear to attempt to direct the movement of traffic. (See state regulations.)
- J. Signs located on trees, painted or drawn on a rock or other natural feature, except that this restriction shall not apply to residential or hiking/recreational trails directional signs. (See state regulations.)

§ 160-10 Signs requiring a permit.

All signs not listed in § **160-8** must conform to the following requirements and receive a permit from the Administrative Officer before they are erected:

A. General requirements:

- (1) All signs must be made of durable materials and maintained in good condition.
- (2) All permanent signs must be attached to a building or mounted on a supporting structure which is securely set in the ground.
- (3) Signs must meet a ten-foot setback requirement from any property line in all residential and rural lands zoning districts. In commercial zoning districts where setbacks exist, signs must meet a ten-foot setback from any property line.

B. Specific requirements: Except as provided under § 160-8, signs per business shall not exceed the following: [Amended 2-24-2009]

- (1) Multitenant commercial building(s): Where two or more business establishments are located within the same structure or multiple structures on one lot, one common multibusiness (freestanding or attached) sign will be permitted for the development as a whole based on the provisions under Attachment 1 at the end of this chapter. No other signs may be erected, except that:
 - (a) If the development has a second vehicular entrance and the first sign cannot be seen from this entrance, a second multibusiness sign may be erected based on Attachment 1 at the end of this chapter.
 - (b) Each business may have two signs whose total area shall not exceed one square foot of sign for each linear foot of that business' portion of the facade based on Attachment 1 at the end of this chapter.
 - (c) In a multitenant commercial building, any tenant whose place of business is not located facing the street at ground level (i.e. upper floors, basement, side or rear locations), may, with the landlord's approval, mount one sign for maximum visibility, in conformance with the minimum sign area allowance per business for that zoning district.

- (d) A directory sign, no larger than 12 square feet, may be mounted on a multitenant commercial building at each entrance. The directory sign shall only list the business names and location within the building. The directory sign must use one uniform typeface, and no additional logos or advertising matter.
- (2) Signs may not extend above the ridge of the roof or parapet of a building except as a conditional use in the I-C and CB Zoning Districts. In no case, shall the sign extend more than 10 feet above the ridge or parapet. (See state regulations.)
- (3) Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be focused upon or from within the sign itself. (See state regulations.)
- (4) Projecting signs are limited to a maximum size of 36 square feet depending on the particular zoning district. Projecting signs may project up to six feet out from buildings over the sidewalks, provided that the bottom edge of such signs is at least nine feet above the sidewalk, and the sign remains one foot less than the width of the sidewalk and does not exceed five feet wide.
- (5) With the approval of the Hartford Zoning Board of Adjustment, the area of signs more than 50 years old which are in good repair may be excluded in calculating the total allowable area under Attachment 1 at the end of this chapter in the interest of preserving their historical value or significance.
- (6) Signs erected and maintained by the Town of Hartford which show the place and time of public or private/nonprofit meetings and events in Town, and may identify the name of Town or Village, including "Welcome to," not to exceed 64 square feet in area. Not more than two such signs may be erected and maintained readable by traffic proceeding in any one direction on any one highway. Approval by the Selectboard is required. This may include off-premises signs. (See state regulations.)
- (7) Municipal informational and guidance signs in the right-of-way (excluding interstate highways) to assist persons in reaching destinations that are transportation centers, geographic districts, historic monuments, and significant or unique educational, recreational or cultural landmarks, provided that such destinations are not private, for-profit enterprises. The maximum size of the signs shall be 12 square feet and shall not exceed 12 feet in height. Such signs shall be uniform throughout the Town regarding color, shape and placement. A proposal shall be submitted to the Planning Commission for review. The Selectboard shall make a final decision on the proposal. (See state regulations.)
- (8) Home occupations: for an approved home occupation, a sign not exceeding six square feet may be displayed in all zoning districts.
- (9) Home businesses: for an approved home business, a sign not exceeding 16 square feet may be displayed in all zoning districts.
- (10) Planned developments: The Planning Commission may allow variations in the sign allowance for planned developments consistent with § 260-47A(2) of Chapter 260, Zoning Regulations.

§ 160-11 Removal of signs.

When a business or organization closes, moves or otherwise terminates, an advertised product ceases to be offered, or an advertised event has occurred, all graphics and text signs pertaining to that use, service, product or event must be removed from the location within 180 days unless an extension of time is approved as a conditional use by the Zoning Board of Adjustment.

§ 160-12 Calculation of sign area.

- A. Signs on panels. The area of any sign regulated under this subsection shall be calculated by measuring the smallest rectangle or other geometric shape or combination of shapes which includes

all of the display and all of the elements of the matter displayed. Frames and panels are included in this computation, but structural supports not bearing advertising matter are not included. (See illustrations of Calculating Panel and 3-Dimensional Sign Area and Area of Signs on Panel on Attachment 2 at the end of this chapter.) The area of a sign that is painted on both sides is counted only once. (See state regulations.)

- B. Individual letters or graphics. Where individual letters or graphics are mounted on the surface of a building with no backing or panels, the area of a sign will be calculated by measuring the smallest rectangle or other geometric shape or combination of shapes around the perimeter of each word and figuring the area within those lines. (See illustrations of Calculating Panel and 3-Dimensional Sign Area and Area of Signs on Panel on Attachment 2 at the end of this chapter.)
- C. Three-dimensional signs. The area of three-dimensional signs will be calculated as a special case of a two-dimensional sign where the widest plan view shall be considered to be the area of the sign for freestanding and projecting signs. The area will be calculated by measuring the smallest rectangle or other geometric shape or combination of shapes following the perimeter of the entire sign, graphic panels, graphic symbols, and/or physical items, and figuring the area within that perimeter. (See illustration of Calculating Panel and 3-Dimensional Sign Area on Attachment 2 at the end of this chapter.) Three-dimensional signs also are subject to the same height and projection restrictions as other projecting signs. [See § **160-10B(4)**. Any lettering or graphics on the top or bottom surfaces of a sign will be counted as sign area. (See illustrations of Calculating Panel and 3-Dimensional Sign Area and Area of Signs on Panel on Attachment 2 at the end of this chapter.)]

§ 160-13 Calculation of number of signs.

For the purpose of determining the number of signs, a sign shall be considered any device designed to inform or attract the attention of persons. Where matter is displayed in a random manner without an organized relationship of elements, each element shall be considered to be a single sign. (See illustration of Number of Signs on Attachment 2 at the end of this chapter.)

§ 160-14 Nonconforming signs.

Nonconforming signs that were otherwise lawful on the effective date of this chapter may remain in use for that location, provided that the use has not been abandoned or discontinued for more than 180 consecutive days. (See § **160-11**.)

§ 160-15 Changes to signs.

- A. A permit is required if:
 - (1) The sign remains the same size, but graphics or text on the sign are altered. This permit is for the record only, and requires no waiting period for approval.
 - (2) A different-sized sign is replacing a permitted sign.
- B. No permit is required to refresh or repair existing graphics.
- C. Prior to any changes to signs, the property owner/business owner should confirm with the Administrative Officer that the existing sign is properly permitted or is a lawful nonconforming sign.

§ 160-16 Appeals.

Any person aggrieved by any action of the Administrative Officer, may appeal such action to the Town of Hartford Zoning Board of Adjustment. Such appeal shall be filed on an application form with the appropriate fee and submitted to the Clerk of the Zoning Board of Adjustment. Such notice of appeal must be filed within 15 days of the date of the decision or act and a copy of the notice of appeal shall be filed with the Administrative Officer. In deciding appeals, the Zoning Board of Adjustment may make such order or take such action, including the issuance of a permit or the revocation of same as is consistent with this chapter. The Zoning Board of Adjustment, however, may not grant variances, exemptions, extraordinary relief or otherwise alter, amend, enlarge or modify the provisions of this

chapter, it being the intent of this section to merely provide for appeals of decisions of the Administrative Officer and not to provide for variances or exceptions hereto.

§ 160-17 Civil penalty.

Any person who violates any provision of this civil ordinance shall be subject to a civil penalty of up to \$250. Each day the violation continues shall constitute a separate violation. The Administrative Officer or other designee of the Selectboard shall be authorized to act as issuing municipal officials to issue and pursue before the Judicial Bureau a municipal complaint for a violation of this chapter. The Administrative Officer or other designee of the Selectboard shall issue a written warning for a violation of this chapter before issuing a municipal complaint for a first offense of this chapter in any calendar year.

§ 160-18 Waiver fee.

A. Waiver fee from municipal complaint. An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

- (1) First offense: \$25.
- (2) Second offense: \$50.
- (3) Third offense: \$75.
- (4) Fourth offense: \$100.
- (5) Fifth and subsequent offenses: \$150.

B. Civil penalty for ordinance violation. An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation of this chapter:

- (1) First offense: \$50.
- (2) Second offense: \$100.
- (3) Third offense: \$150.
- (4) Fourth offense: \$200.
- (5) Fifth and subsequent offenses: \$250.

§ 160-19 Effect.

This chapter shall take effect 60 days following adoption by the Selectboard unless a petition requesting voter approval is submitted within 44 days following adoption as provided in 24 V.S.A. § 1973. Adoption of this chapter shall be deemed to repeal such portions of the Town of Hartford Zoning Regulations adopted March 1, 1962, and any amendments thereto, which are inconsistent with the provisions of this chapter.

§ 160-20 Amendments.

This chapter may be amended from time to time after a Selectboard public hearing as provided by 24 V.S.A. §§ 1972 and 1973, Chapter 59, as amended.

Attachments:

[160a Sign Allowance by Zoning Dist](#)

[160b Sign Illustrations](#)

Chapter 174

SOLID WASTE

[HISTORY: Adopted by the Selectboard of the Town of Hartford as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous materials — See Ch. 68.

Article I

Collection and Disposal of Solid Waste and Recyclables

[Adopted 10-30-1990]

§ 174-1 **Purpose.**

To protect the health and welfare of the citizens of Hartford and to promote the conservation of natural resources and the wise use of the environment, the Selectboard of the Town of Hartford hereby adopts this article to regulate the separation, recovery, collection, removal, storage and disposition of solid waste, including recyclables, in the Town of Hartford, Vermont.

§ 174-2 **Definitions.**

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

AIR CONTAMINANTS

Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

AUTHORIZATION BY THE TOWN OF HARTFORD

Authorized pursuant to a legal contract or other written authorization entered into by the Town of Hartford and a private third person as defined herein.

COMMERCIAL HAULER

Any person who collects and/or hauls solid waste that is generated within the Town of Hartford or brings waste into the Town of Hartford that is intended for disposal at the Town's landfill site or at any other landfill or transfer station facility outside the Town of Hartford except for those defined as a "residential hauler."

[Amended 10-30-2007]

EMISSION

A release into the outdoor atmosphere of air contaminants.

INCINERATION

The burning of solid waste in an enclosed indoor or outdoor container.

OPEN-FIRE BURNING

Burning of solid waste in the open where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney or other enclosure.

PERSON

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

RECYCLABLE

Recyclable material as specifically identified in regulations promulgated by the Selectboard.

RESIDENTIAL HAULER

Any individual who hauls residential solid waste from their own individual residence that is located within the Town of Hartford or who hauls residential solid waste for a member of the community without financial remuneration or other benefit.

[Amended 10-30-2007]

SOLID WASTE

Any solid waste as defined in Title 10 V.S.A. § 6602. (See Appendix A for 10 V.S.A. § 6602.)

§ 174-3 Authority.

In accordance with 10 V.S.A. § 6601 et seq. and 24 V.S.A. §§ 2202a and 2291(12), the Town of Hartford is responsible for the management and regulation of the storage and collection of solid wastes within the limits of the Town, in conformance with the state solid waste management plan authorized under 10 V.S.A. § 6601 et seq. The Town may issue local franchises and may make, amend or repeal rules necessary to manage the storage and collection and disposal of solid waste materials within their limits and impose penalties for violations thereof, provided that the rules are consistent with the state plan and rules promulgated by the Secretary of the Agency of Natural Resources.

§ 174-4 Collection.

- A. The Selectboard is authorized to employ or make contracts with individual persons for the separation, recovery, collection, removal, storage, or disposition of solid waste, including recyclables. Contracts which are awarded pursuant to this authority shall be advertised or otherwise put to competitive bid. Contracts may be rejected or awarded at the sole discretion of the Selectboard for any reasons which they deem appropriate, including but not limited to, the efficiency of scale, past performance of a contractor, stability of operation, and need for competition. The Selectboard may adopt regulations regulating the preparation of solid waste for collection. Those solid waste management regulations in force on the effective date of this Code are appended to this chapter as Exhibit A.
- B. All commercial haulers of solid waste in the Town of Hartford shall register with the Town Manager, and such registration shall constitute authorization to collect solid waste but not recyclables. Authorization to collect recyclables shall be a separate authorization. Authorization(s) may be revoked for violation(s) of this article. The Selectboard may designate the disposal location for all solid waste collected within the Town limits. The Selectboard may set a registration fee and may require all commercial haulers to charge for collection and hauling services on a per-quantity basis. The Board may require documentation that charges are based on a per-quantity basis. The information would be considered proprietary information and consequently would not be made public.

§ 174-5 Payment of waste generation fee.

[Added 10-30-2007]

- A. All commercial haulers required to be licensed or registered by the Town to transport residential or commercial (hereafter, the term "solid waste" as used in § 174-4 shall include both commercial solid waste and residential solid waste) solid waste shall cause such solid waste to be weighed on a recognized state-licensed and certified scale on behalf of the Town at a Town-operated facility or at a weighing facility having state-certified scales (whether by Vermont or another state) and shall

report the amounts of solid waste so transported in written form to the Town as the Board shall specify by regulation. Such report must include facility name, state identification, location, date and tonnage, and for loads including solid waste collected in more than one town, an accurate allocation of the tonnage as to town of origin.

- B. All commercial haulers transporting solid waste generated within the Town shall pay a waste-generation fee on each ton of solid waste so transported in an amount and at such times as shall be established from time to time by the Selectboard. No waste-generation fee shall be paid on recyclables or compost as determined by the Town. Solid waste disposed of at the Town of Hartford Solid Waste Transfer Center or hauled for the Town shall be exempt from the waste-generation fee. Further, commercial haulers who do not haul more than 10 tons of solid waste annually for disposal at locations other than the Town of Hartford Solid Waste Transfer Center shall be exempt from the waste-generation fee.
- C. All commercial haulers shall maintain and make their business records, as defined hereinafter, available to the Town upon request for inspection, sampling, or copying on weekdays between 9:00 a.m. and 5:00 p.m. at the registered office of the hauler. This provision shall be a condition of obtaining and holding any license from the Town of Hartford. Business records shall include those records kept or made by a person or municipality in connection with the collection, storage and transportation of solid waste and related to and necessary for the verification of the source, disposition and volume of solid waste and construction demolition debris generated within the Town.
- D. Upon the refusal of any commercial hauler to allow inspection, sampling or copying pursuant to this section, the agent or grand juror or the duly authorized representative of the Town may apply for and obtain a court order, warrant or subpoena to allow such entry, inspection, sampling, or copying in the manner established by the Vermont rules of civil or criminal procedure. In that event, the commercial hauler shall reimburse the Town for all costs, including legal fees, incurred by Town in obtaining any such order, warrant or subpoena.

§ 174-6 Reporting.
[Added 10-30-2007]

- A. All commercial haulers that deliver solid waste generated within the Town to a solid waste disposal or transfer facility other than the Town of Hartford Solid Waste Transfer Center shall be required to report monthly to the Town office the tonnage delivered during the previous month. The content and format of the reports shall be specified by the Town Manager or his designee. Loads containing waste from multiple towns may be subject to audit to verify estimated weight allocation.
- B. Any information obtained hereunder shall be maintained by the Town as confidential information not subject to release as a public record and shall be considered a trade secret under Title 1 V.S.A. Chapter 317 except that in the event of criminal or civil litigation between the Town and any licensee, the information may be utilized and published or made public as necessary to enforce the reporting requirements of this chapter.

§ 174-7 Public safety.

No person having the custody or control of residential, industrial or business premises from which solid waste, including recyclables, is collected for disposal in the Town of Hartford shall permit or cause any solid waste, including recyclables, within their control to become a hazard to public travel, health or safety or to become a nuisance of any sort. Solid waste, other than yard waste, may not be deposited or otherwise left out of doors unless it has been placed in the proper container as defined by regulations promulgated pursuant to this article. Household hazardous wastes may only be disposed of in accordance with regulations adopted by the Selectboard from time to time.

§ 174-8 Illegal dumping.

- A. It shall be unlawful for any person, business, or corporation to enter any Town of Hartford solid

waste facility when said facility is not open; nor shall they deposit, dump, or leave solid waste of any kind in any such facility or adjacent hereto, whenever said facility is not open.

- B. It shall be unlawful for any person to deposit, dump, or leave solid waste on or in any privately owned or maintained disposal container other than their own, nor any other private property, without the consent of the owner and obtaining any and all required local and state permits.
- C. It shall be unlawful to deposit in a municipally owned or maintained disposal container any solid waste other than that created or originated in any public buildings/grounds/highways or on the person of anyone using said public buildings/grounds/highways.

§ 174-9 Open fires and incinerators.

- A. Except as provided by this article, the burning of any solid waste, either by open fire or incineration, in the Town of Hartford is prohibited.
- B. A specific written permit may be granted by the Fire Chief or his designee for the open burning of yard and garden debris including trees, stumps, brush, untreated wood, lawn clippings, and leaves, provided that the Fire Chief is satisfied that no hazardous condition will be created by such burning and the emission of air contaminants will not create a danger to the health and property of the citizens of the Town of Hartford.
- C. Permits which are issued under the provisions of this article shall be for a specified date, time and location and only for specified materials. The Selectmen of the Town of Hartford reserve the right to establish a fee for the issuance of such permits.
- D. This article does not apply to medical/infectious wastes that are incinerated at the VA Hospital.

§ 174-10 Separation of recyclables.

- A. Except as hereinafter provided, recyclables from all residences shall be kept separate from other solid waste, either delivered to a private or Town collection facility or placed at the street curb or designated area, as defined in regulations adopted pursuant to this article. Recyclables placed at the curb or curblines shall be placed in a manner designated by regulation as established by the Selectboard for collection on the morning of the collection day as set forth under a schedule determined by the Town Manager.
- B. Apartments, condominium, businesses, institutions and industries located within the Town of Hartford shall separate recyclables from all other solid waste in accordance with regulations adopted pursuant to this article and shall have an area designated for recyclables. The area so designated shall be clearly marked.
- C. In accordance with regulations adopted pursuant to this article, any person within the Town of Hartford may properly dispose of recyclables at private collection facilities or at collection areas maintained by the Town of Hartford or its designated agent for that purpose. Recyclables shall be separated from solid waste according to standards that shall be promulgated as regulations pursuant to this article by the Selectboard.
- D. Placement requirements may be waived for reasons of age, infirmity or handicap.
- E. Special wastes/recyclables/hazardous waste. Tires, car and truck batteries, metal appliances and other large metal items shall not be disposed of with residential or commercial solid waste. These items must be removed and placed in containers provided at the Recycling Center. There will be a charge for these items as set by the Selectboard. Further, nothing in this subsection shall be deemed to authorize the transfer, collection, or disposal of any commercial solid waste or residential solid waste that would otherwise be classified as a hazardous waste or hazardous material under the definitions in 10 V.S.A. Chapter 159 as amended from time to time. Disposal of any such hazardous waste or hazardous material is only allowed in compliance with the provisions of 10 V.S.A. Chapter

159. [Added 10-30-2007]

§ 174-11 **Collection by unauthorized person.**

It shall be a violation of this article for any person not authorized by the Town of Hartford to collect or pick up or cause to be collected or picked up any solid waste, including recyclables. This does not apply to "green-up" efforts along roadways. Any and each such collection shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 174-12 **Violations and penalties.**

- A. Any person violating any provision of this article or any orders or regulations enacted hereunder shall be punished as provided in § 1-16 of the Code for each offense except as provided by this article.
- B. The Town of Hartford, 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 or for the benefit of the Town where this article or the regulations promulgated hereunder are ignored or violated. The Town further reserves the right to terminate the authorization of any commercial or residential hauler who violates this article or the regulations promulgated hereunder. Termination of authorization may include, but 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 or exist shall constitute a separate offense.
- D. The Town of Hartford may, upon the violation of any provision of this article, maintain an action to enjoin the violation 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 this article shall provide all persons a reasonable period of time and opportunity to correct violations prior to pursuing penalties and/or fines.
- F. Waste generation fees or any other fee due under this chapter that are not remitted by the due date are considered to be late and will be subject to interest at the rate of 1% per month or any part of a month for the first three months, and at the rate of 1 1/2% per month or any part of a month thereafter. Commercial haulers whose fees remain unpaid 60 days after the due date will have their commercial permits at the Town of Hartford Solid Waste Facility suspended until payment is made. Commercial haulers whose fees remain unpaid will also be subject to revocation of their permit to operate and transfer solid waste within the Town. [Added 10-30-2007]

Article II

Throwing, Depositing and Dumping of Refuse

[Adopted 6-15-1999; amended 6-27-2000]

§ 174-13 **Authority.**

This article is enacted pursuant to the authority granted to the Town to promote the public health, safety, welfare, and convenience contained in 24 V.S.A. §§ 2202a and 2291(12) and (14).

§ 174-14 **Purpose.**

It is the purpose of this article to regulate the disposal of solid waste in the Town of Hartford to protect the public health, safety and welfare and to promote the responsible use of resources and protection of the environment. Further, it is the purpose of this article to regulate the throwing, depositing, and dumping of refuse, including junk motor vehicles, which is deemed to be a public nuisance.

§ 174-15 **Definitions.**

The definitions set forth in 10 V.S.A. § 6602 are hereby incorporated into this article. In addition, the following terms shall have the meanings indicated:

JUNK

Old or discarded scrap, copper, brass, iron, steel, and other old or scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, bottles, crockery, cans, plastic, paper, rubber debris, waste, garbage, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof. Any of the above items used in connection with a bona fide agricultural operation are excluded from this definition.

JUNK MOTOR VEHICLE

A discarded, dismantled, wrecked, scrapped or ruined motor vehicle, or parts thereof, an unregistered motor home not connected to water and/or sewer, or a vehicle other than an on-premises utility vehicle which is allowed to remain unregistered or uninspected for a period of 30 days from the date of discovery.

PERSON

An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

§ 174-16 **Throwing, depositing, and dumping refuse.**

- A. A person shall not throw, place, deposit, dump, cause, or permit to be thrown, placed, deposited, or dumped, solid waste as defined in 10 V.S.A. § 6602, hazardous waste as defined in 10 V.S.A. § 6602, junk, junk motor vehicles, refuse of whatever nature, or any noxious thing on lands of others, public or private, or into the waters of this state, or on the shores or banks thereof, or on or within view of a public body of water or public highway. It shall be prima facie evidence that a person who is identifiable from examination of refuse that is illegally dumped is the person who violated this article. Similarly, if the throwing, placing, depositing, or dumping was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing, depositing, or dumping was done by the driver of the motor vehicle.
- B. The throwing, placing, depositing or dumping or refuse, junk, junk motor vehicles or other waste material, including solid waste and hazardous waste, is prohibited in the Town of Hartford, except at a facility approved for such disposal under the provisions of 10 V.S.A. Chapter 159 or 24 V.S.A. Chapter 61, Subchapter 10. A person owning or occupying land shall not throw, place deposit or dump refuse, junk, junk motor vehicles or other waste on said land, nor shall any person allow waste materials to be stored, stockpiled or to otherwise remain on land owned or occupied by them. This provision shall not prohibit the temporary storage of waste material in a container designed to prevent release of such material pending collection of such waste for disposal at an approved facility.

§ 174-17 **Violations and penalties.**

- A. The Judicial Bureau. Any person who violates any provision of this article shall be subject to the penalties provided in § 1-16 of the Town Code. Each day the violation continues shall constitute a separate violation. The Municipal Attorney, solid waste management district attorney, grand juror, designee of the Town's legislative body, or any duly authorized law enforcement officer, may act as an issuing municipal official and issue and pursue before the Judicial Bureau a municipal complaint for a violation of this article.
- B. Right to civil enforcement. In addition to the enforcement procedure available before the Judicial Bureau, the Town is authorized to utilize the procedures set forth in 24 V.S.A. Chapter 61, Subchapter 12, to issue a solid waste order, which may include civil penalties for each violation and, in the case of a continuing violation, for each succeeding day, and may commence a civil action in a court of competent jurisdiction to enforce said order, or to pursue any other remedy authorized by

law.

§ 174-18 **Waiver fees.**

A. Waiver fee from municipal complaint. An issuing municipal official is authorized to recover civil penalties in the following amounts, or as established by the Judicial Bureau for each violation of this article:

- (1) First offense: \$50.
- (2) Second offense: \$100.
- (3) Third offense: \$150.
- (4) Fourth offense: \$200.
- (5) Fifth and subsequent offenses: \$300.

B. Civil penalty for ordinance violation. An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation of this article:

- (1) First offense: \$100.
- (2) Second offense: \$200.
- (3) Third offense: \$300.
- (4) Fourth offense: \$400.
- (5) Fifth and subsequent offenses: \$500.

Attachments:

[174a Ex A Reg for Coll and Recycling](#)

Chapter 181

STREET NAMING, NUMBERING AND SIGNS

[HISTORY: Adopted by the Selectboard of the Town of Hartford at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Signs — See Ch. **160**.

Subdivision regulations — See Ch. **181**.

§ 181-1 **Statutory authority.**

This chapter is adopted under the authority of 19 V.S.A. § 304(17) and 24 V.S.A. §§ 2291(16) and 4421 for the naming of roads/streets, the erection of signs and numbering of structures with respect to any new roads/streets located within the Town of Hartford.

§ 181-2 **Applicability of certain documents.**

When applying, the criteria and forms attached as Exhibits A and B shall apply, and the following procedure should be followed after meeting with staff from the Planning and Development Office.

§ 181-3 **Road/street naming.**

- A. The following criteria shall be followed in order to meet Town/state specifications for road/street naming:
- (1) There should be no duplicate or similar sounding names.
 - (2) A named road shall be continuous, without gaps.
 - (3) Directional (West Street) hyphens, apostrophes (Smith's Street), etc., shall be avoided.
 - (4) New names shall be appropriate according to existing street names in the neighborhood.
- B. Up to five suggested names shall be submitted on the attached form to the Planning and Development Office.
- C. The names will be reviewed by the E-911 Committee.
- D. If none of the names are acceptable, suggested names will be returned along with the rejected list for the applicant to choose from.
- E. If the project consists of a subdivision or planned development, the naming process begins with the submittal of the plot/site plan and is included on the filed plot/site plan.
- F. If your project is for a major subdivision or planned development, the naming must be completed before final approval by the Planning Commission and included on the plot/site plan.

§ 181-4 **Street/road signs.**

- A. For street/road signs, the applicant shall:
- (1) Obtain and review the guidelines and standards.
 - (2) Complete the form attached to erect a private street sign and return it to the Planning and Development Office.
- B. The E-911 Committee will ensure conformance with the guidelines.

§ 181-5 **Road/street numbering.**

- A. For road/street numbering, the applicant shall submit the plot/site plan to the Planning and Development Office for numbering at the time a zoning permit is applied for.
- B. Street/road numbers will be assigned by the Planning and Development Office staff in accordance with the attached standards adopted by the Selectboard. (The measuring increment is the distance between successive structure numbers, i.e. increments of approximately 1/1000th of a mile.)
- C. Numbers will be distributed to all Town departments.

Attachments:

[181a ExhibitA](#)

[181b ExhibitB](#)

[181c Signpost Illustrations](#)

Chapter 200

SUBDIVISION REGULATIONS

[**HISTORY:** Adopted by the Selectboard of the Town of Hartford 6-8-1970; as amended 4-20-1972, 12-8-1975, 6-27-1984 and 9-1-1987. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Flood Hazard Area Regulations — See Ch. 58.

Impact fees — See Ch. 90.

Sewers — See Ch. 152.

Water — See Ch. 245.

Zoning Regulations — See Ch. 260.

Article I

Title and Purpose

§ 200-1 Title.

In order that land subdivision may be made in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Hartford Subdivision Regulations" have been adopted by the Town of Hartford.

§ 200-2 Statement and purpose.

The legislative body of the Town of Hartford pursuant to the authority conferred upon it by Chapter 117, the State of Vermont Planning and Development Act (24 V.S.A. § 4301 et seq.) adopted the following regulations governing the subdivision of land. The Planning Commission (herein sometimes referred to as "Commission") shall be the administering body, and, under the authority provided by Section 4401 of the Vermont Planning and Development Act, the Commission shall administer these regulations for the purpose of assuring orderly growth and coordinated development in the Town of Hartford and to assure the comfort, convenience, safety, health, and welfare of the people. Further, the approval of such subdivisions shall be based on the following broad considerations:

- A. Conformance with the various parts of the Municipal Development Plan and Zoning Regulations.
- B. Recognition of a desirable relationship to the land form, its topography and geology, to natural drainage and surface water runoff, surface water, and to the groundwater table.
- C. Recognition of desirable standards of subdivision design including provision for pedestrian and vehicular traffic, surface water runoff, surface water, and for suitable building sites for land use contemplated.
- D. Provision for facilities which are desirable adjuncts to the contemplated use such as parks, recreation areas school sites, churches, fire stations, and off-street parking.
- E. Preservation of natural assets such as streams, ponds, trees and attractive scenic areas.
- F. Provision of adequate utilities and services such as water and sewer.
- G. Encouragement of variety and flexibility in residential development including clustering of lots and provisions of § 4407(3) and (12) of the Vermont Planning and Development Act.

- H. Awareness of the municipality's capital investment in community facilities such as sewer and water systems, roads, public recreation areas, etc.

Article II Definitions

§ 200-3 Definitions.

For the purposes of these regulations certain words used herein shall be defined as follows:

ACT

Refers to and shall be interpreted to mean the Vermont Planning and Development Act (24 V.S.A. § 4301 et seq.).

COMMISSION

See "Planning Commission."

CONSTRUCTION DRAWINGS

The drawing showing the location, profile grades, size and type of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts, pavements, cross section of streets, miscellaneous structures.

EASEMENT

The authorization of a property owner for the use by another, and for a specified purpose and intensity of use, of any designated part of his property.

LEGISLATIVE BODY

The Selectboard.

MUNICIPAL DEVELOPMENT PLAN OR PLAN

A comprehensive plan prepared by the Commission pursuant to Subchapter 5 of the Vermont Planning and Development Act (24 V.S.A. § 4381 et seq.) which establishes guidelines for the future physical development of the municipality.

OFFICIAL MAP

The map authorized by Section 4401(3) of the Vermont Planning and Development Act.

OFFICIAL SUBMITTAL DATE

The time of submission of the subdivision plan considered to be the date of the next regular meeting of the Commission following the submission of the application for the plat approval to the Commission, complete and accompanied by the required fee and all data required by Article V of these regulations.

PLANNING COMMISSION or COMMISSION

A Planning Commission for a municipality created under Subchapter 2 of the Vermont Planning and Development Act (24 V.S.A. § 4321 et seq.).

REGIONAL PLAN

A plan adopted under § 4348 of the Vermont Planning and Development Act.

REGIONAL PLANNING COMMISSION

Planning Commission for a region created under Subchapter 3 of the Vermont Planning and Development Act.

RESUBDIVISION

A change of record subdivision plat if such change affects any street layout shown on such plat, or area reserved thereon for public use, or any change of a lot line, or any such change if it affects any map or plan legally recorded.

SKETCH PLAN

A sketch of the proposed subdivision showing information specified in § 200-23 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Commission as to the form of the subdivision and objectives and requirements of these regulations.

SUBDIVIDER

Any person, firm, corporation, partnership, or association, who 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 lot, tract, or parcel of land into two or more lots, plats, sites or other division of land for the purpose of sale, lease, license, land development or improvement or any form of separate ownership or occupancy. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common or jointly and subsequently divided into parts among the several owners shall be deemed a subdivision. The sale or exchange of small parcels (less than one acre) between adjoining property owners to adjust property boundaries shall not be considered a subdivision. This exemption only applies to parcels which have never been approved by the Planning Commission. "Subdivision" shall not include the leasing of a lot, tract, or parcel of land on which no structure will be erected or be placed, permanent or temporary and on which lot, tract or parcel of land, no substantial change in the use of the land is indicated.

SUBDIVISION MAJOR

Any subdivision containing five or more lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

SUBDIVISION MINOR

A subdivision containing not more than four lots which has frontage on an existing public street or access to such street by right-of-way, and which does not require any new municipal street, street extension or extension of municipal facilities.

SUBDIVISION PLAT

The drawings on which the subdivider's plan of subdivision is presented to the Commission for approval and which, if approved, will be filed for record with the Municipal Clerk.

TRANSPORTATION NETWORK

- A. **INTERSTATES** — Planned to carry high volumes of traffic among national activity centers, will have at least four traffic lanes and be designed as limited access.
- B. **MINOR ARTERIALS** — Planned to carry high traffic volumes over long distances among regional activity centers within different urban areas.
- C. **MAJOR COLLECTORS** — Planned to carry moderate to high traffic volumes from neighborhood

areas to arterials roads or to local activity centers and will have no more than two traffic lanes.

- D. **MINOR COLLECTORS** — Planned to carry moderate to high traffic volumes from neighborhood areas to arterial roads or to local activity centers and will probably have no more than two traffic lanes.
- E. **LOCAL COLLECTORS** — Those streets planned to carry a moderate traffic volume within neighborhood areas as a link among local streets and will have no more than two traffic lanes.

§ 200-4 **Other definitions.**

The definitions established in the Zoning Regulations and the State of Vermont Planning and Development Act shall apply to these regulations unless these regulations specifically provide for a different definition.

Article III Procedure for Review of Subdivision Application

§ 200-5 **Application to Commission.**

- A. Before any contract for the sale of land or any grading, clearing, construction or other improvement is undertaken, the subdivider shall apply to the Commission for approval.
- B. Upon receipt of a subdivision application the Administrative Officer shall classify it as a minor or major subdivision by use of the definitions in § **200-3**. Thereafter, the approval procedure is summarized as follows:
 - (1) Minor subdivision.
 - (a) Approval of minor subdivision plat after advertised hearing.
 - (b) Filing of approved plat with the Town Clerk. Procedure for approval of minor subdivisions are more fully covered in § **200-7**.
 - (2) Major subdivision (including all PUDs).
 - (a) Approval of preliminary subdivision plat after advertised public hearing.
 - (b) Approval of final subdivision plat after advertised public hearing.
 - (c) Filing of approved final plat with the Town Clerk. Procedures for approval of major subdivisions are more fully covered in § **200-8**.
 - (3) For both minor and major subdivisions, the owner, the Administrative Officer, or the Chairman of the Planning Commission may request a scheduled discussion of a sketch plan for the subdivision with the Planning Commission before proceeding into the above approval procedure.
 - (4) Details of the sketch plan are covered in § **200-23**.
 - (5) When a sketch plan is used, the subdivider, or his duly authorized agent, shall attend the meeting of the Commission to discuss the proposal in broad terms. The Commission shall address itself to the proposal's conformance with the Municipal Development Plan and to the identification of problem areas for the purpose of assisting the developer in deciding whether and in what matter to proceed with preparation of a subdivision plat. No formal action of approval or disapproval shall be taken on the sketch plan which is not a substitute for the subdivision plat.

§ 200-6 **Fee and required submissions.**

All applications for subdivision plat approval shall be accompanied by a fee as determined by the

Selectboard payable to the municipality. Three copies of the subdivision plat and two copies of supporting data shall be presented to the Administrative Officer by noon on the fourth working day preceding the meeting at which it is scheduled for review. The subdivider, or his duly authorized agent, shall attend the meeting of the Commission to discuss the subdivision plat. The time of submission of the subdivision plat shall be as defined in § **200-3**, Definitions, "official submittal date." The subdivider shall apply for all municipal and state permits required by the proposed development. Such permits may include, but are not limited to, a zoning permit, highway access permit, Act 250 permit, public building permit, and Department of Health subdivision permit, and any other municipal and state permits.

§ 200-7 Review and approval of minor subdivision.

The Commission may require, where it deems it necessary for the protection of public health, safety and welfare, that a minor subdivision comply with certain or all of the information requirements specified for major subdivision.

- A. Application. Within six months after classification of the proposal as a minor subdivision by the Administrative Officer, the subdivider shall submit for approval a subdivision plat. The plat shall conform to the requirements listed in § **200-24** and, if a review of the sketch plan was held by the Commission, should address any recommendations made by the Commission.
- B. Public hearing. A public hearing shall be opened by the Commission at the time of submission of the minor subdivision plat to the Commission. Said hearing shall be advertised in a newspaper of general circulation in the area at least 15 days before such hearing and notice of said hearing shall be posted in at least one prominent place at least 15 days prior to the hearing. In addition, at least 15 days prior to the hearing, notice of such hearing shall be forwarded to the regional planning commission, if any, of which such municipality is a member and to the Clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary. Said hearing shall remain open until all pertinent information required by the Commission has been provided.
- C. Action on minor subdivision plat. The Commission shall, within 45 days from the closure of the public hearing, approve, modify and approve, or disapprove the minor subdivision plat.
- D. Filing of approved minor subdivision plat. After final approval and endorsement by the Commission, the applicant shall file the minor subdivision plat in the office of the Municipal Clerk. Any minor subdivision plat not so filed or recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the Commission to act, shall become null and void.

§ 200-8 Review and approval of preliminary plat for major subdivision (including all PUDs).

- A. Application. Within one year after classification of the proposal as a major subdivision by the Administrative Officer, the subdivider shall submit for the consideration of the Commission a preliminary plat of the proposed major subdivision in the form described in this § **200-8**, and if a review of the sketch plan was held by the Commission, address any recommendations made by the Commission.
- B. Study of preliminary plat. The Commission shall study the practicability of the preliminary plat with particular attention given to the arrangement and location 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 Municipal Development Plan and Zoning Regulations.
- C. Public hearing. A public hearing shall be opened by the Commission at the time of submission of the preliminary subdivision plat to the Commission. Said hearing shall be advertised in a newspaper of general circulation in the area at least 15 days before such hearing, and notice of said hearing shall be posted in at least one prominent place at least 15 days prior to the hearing. In addition, at least 15 days prior to the hearing, notice of such hearing shall be forwarded to the regional planning commission, if any, of which such municipality is a member and to the Clerk of an adjacent

municipality in the case of a plat located within 500 feet of the municipal boundary. Said hearing shall remain open until all pertinent information required by the Commission has been provided.

D. Action on the preliminary plat.

- (1) Within 45 days from the closure of the public hearing, the Commission shall take action to approve, with or without modifications, or disapprove such preliminary plat. The ground for any modification required or the ground for disapproval shall be stated in the records of the Commission. Failure of the Commission to act within such forty-five-day period shall constitute approval of the preliminary plat. When granting approval of a preliminary plat, the Commission shall state the conditions of such approval, if any, with respect to 1) the specific change which it will require in the final plat; 2) required improvements for which waivers have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare; 3) the assurance for completion or the amount of all bonds therefor which it will require as a prerequisite to the approval of the final subdivision plat. The action of the Commission plus any conditions attached thereto shall be noted on two copies of the preliminary plat. One copy shall be returned to the subdivider and one retained by the Commission.
- (2) Approval of a preliminary plat shall not constitute approval of the subdivision, but rather it shall be deemed an expression of general concurrence with the design submitted subject to the developer's meeting whatever conditions may be imposed for final approval. Prior to approval of the final subdivision plat, the Commission may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at public hearing.

§ 200-9 Review and approval of final plat for major subdivision.

- A. Application. The subdivider shall, within six months after the approval of the preliminary plat, file with the Administrative Officer a final subdivision plat in the form described in § 200-25 giving effect to the modifications imposed by the Commission in its preliminary approval. If the final plat is not submitted to the Commission within six months after the approval of the preliminary plat, the Commission may refuse without prejudice to act on the final plat and require resubmission of the preliminary plat.
- B. Public hearing. A public hearing shall be opened by the Commission at the time of submission of the final subdivision plat. This hearing shall be advertised in a newspaper of general circulation in the area at least 15 days before such hearing and notice of said hearing shall be posted in at least one prominent place at least 15 days prior to the hearing. In addition, at least 15 days prior to the hearing, notice of such hearing shall be forwarded to the regional planning commission, if any, of which such municipality is a member and to the Clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary. Said hearing shall remain open until all pertinent information required by the Commission has been provided.
- C. Action on proposed final subdivision plat. The Commission shall, within 45 days from the closure of the public hearing, approve, modify and approve, or disapprove the final subdivision plat. In the case of disapproval of the proposed final subdivision plat, the Commission shall notify the subdivider by certified mail. Such notification shall include findings of fact and conclusions of law.

§ 200-10 Filing of approved major subdivision plat.

- A. Final approval and filing. Upon final approval by the Planning Commission, the plat shall be properly endorsed by the Commission and may be filed by the applicant in the office of the Municipal Clerk. Any subdivision plat not so filed or recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the Commission to act shall become null and void.
- B. Plat void if revised after approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Commission and endorsed in writing on the plat, unless said plat is first resubmitted to the Commission and such Commission approves

modifications. In the event that such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Commission shall institute proceedings to have the plat stricken from the records of the Municipal Clerk.

§ 200-11 **Required improvements.**

- A. Required improvement list. The following are required improvements: monuments, lot markers, streets, sidewalks, street signs, streetlighting, water mains, sanitary sewers, storm drains, fire hydrants, and other capital improvements as required by the Commission. The Commission may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety and welfare in accordance with Subsection **B** of this section. Where a developer expects to request the Town's acceptance of ownership of completed improvements, the Commission shall request the developer to provide a letter from the Town Manager certifying as to their satisfactory design and quality.
- B. Improvements and performance bond. Before the Commission grants approval of the final subdivision plat, the subdivider shall follow the procedure set forth in either Subsection **B(1)** or **(2)** below, at the discretion of the Commission.
- (1) In an amount set by the Commission, the subdivider shall either file with the Municipal Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Municipal Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the legislative body and Town Manager, and Municipal Attorney as to form sufficiency, manner of execution and surety. A period of one year (or such period as the Commission may determine appropriate, not to exceed 30 months) shall be set forth in the bond a time within which required improvements must be completed. The certified bond or check shall include an amount required for school and/or land for public recreation purposes, as specified in these regulations; or
- (2) The subdivider shall agree to complete all required improvements to the satisfaction of the Utilities Superintendent and/or the Highway Superintendent or consulting engineer, duly designated by them who shall file with the Commission a letter signed by the Town Manager signifying the satisfactory completion of all improvements required by the Commission. No sale or agreement to sell property within the development shall be made pending receipt of said letter. The Commission may waive this restriction with respect to any portion of the development in which the required improvements are satisfactorily completed and operative.
- C. Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Utilities Superintendent/Highway Superintendent that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Utilities Superintendent/Highway Superintendent may, upon approval of the Commission, authorize modifications, provided that these modifications are within the spirit and intent of the Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Commission. The Utilities Superintendent/Highway Superintendent shall issue any authorization under this section in writing signed by the Town Manager and shall transmit a copy of such authorization to the Commission at their next regular meeting.
- D. Inspection of improvements. At least five days prior to commencing construction of required improvements the subdivider shall notify the Utilities Superintendent/Highway Superintendent of his intention to commence construction.
- E. Proper installation of improvements. If the Utilities Superintendent/Highway Superintendent shall find, upon inspection of the improvements performed before the expiration date of the performance bond, or the lifting of restrictions against sale, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall report to the Town Manager who will advise the legislative body, Administrative Officer and Commission. The

legislative body then shall notify the subdivider and, if necessary, the bonding company, if any, and take all necessary steps to preserve the municipality's rights. No plat proposed by that subdivider shall be approved by the Commission as long as the subdivider is in default on a previously approved plat or agreement.

- F. Maintenance of improvements to be dedicated to the Town. The applicant shall be required to maintain improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body. The applicant shall be required to file a maintenance bond with the legislative body, prior to dedication, in an amount considered adequate by the appropriate Town authority in a form satisfactory to the legislative body and Municipal Attorney in order to assure that the Town's rights are protected in case the improvements deteriorate during the following two-year period due to improper construction by the applicant.

§ 200-12 Public acceptance of streets and recreation areas.

- A. The approval by the Commission of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such subdivision plat.
- B. When a school site, park, playground, or other recreation area is to be submitted for acceptance by the municipality, the Commission shall require the plat to be endorsed with appropriate notes to this effect. The Commission may also require the filing of a written agreement between the applicant and the legislative body covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such area.

§ 200-13 Construction drawings.

A complete reproducible set of as-built construction drawings shall be provided by the subdivider to the municipality before the acceptance of the public improvements such as streets, easements and utility lines by the municipality.

Article IV

General Requirements and Design Standards

§ 200-14 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, buildings, or other hazardous conditions, shall not ordinarily be subdivided.
- B. Energy conservation. In order to conserve energy all subdivisions shall use the least areas of roadway and the least length of sewer, water and utility lines within environmental and economically sound limits. Buildings should be sited so as to take advantage of southeast, south and southwest orientations where practical. Landscaping should be effectively used providing wind barriers and reducing heat loss and heat gain. Cluster 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 in force, and shall be appropriate for the intended construction. Corner lots should have extra width to permit a setback on each street. Side lot lines shall generally be at right angles to straight streets or radial to curved street lines. Considerations in lot layout shall be given to topographic and soil 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, other natural resources, and historic resources.

§ 200-15 Streets.

- A. Layout. The arrangements of streets in the subdivision shall provide for the continuation of principal streets in any adjoining subdivision or for their proper projection when adjoining property is not subdivided in order to create a logical system. When an Official Map which includes planned future streets has been adopted by a town, subdivisions may be required by the Commission to conform to that map. Streets may be dedicated or served in the locations and widths shown on the Official Map as a condition of plat approval. Where the subdivision borders on an existing street and the Comprehensive Plan or Official Map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Commission shall require that such areas be shown and marked on the final plat "Reserved for Street Realignment (or Widening) Purposes."
- B. Topography. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.
- C. Access. Year-round graveled or paved access shall be available for fire, ambulance and police vehicles to within 100 feet of the principal entrances to multifamily dwellings, commercial or industrial establishments, and institutions.
- D. Dead-end streets and turnarounds. A dead-end street shall not exceed 1,200 feet in length, shall meet at least minimum width requirements as set by the Town street construction specifications. Where a road issues from a turnaround to serve more than one residence (and therefore is not a driveway) the portion of such road which serves more than one residence must be added to the length of the dead-end street, and the sum of the two segments may not exceed 1,200 feet. Where more than one such road issues from a turnaround, the imitation of 1,200 feet shall apply to the dead-end segment plus the longest of such common-use segments issuing from the turnaround. The limit on maximum length may be waived by the Commission where terrain factors would result in a second access being unreasonably expensive to construct and such waiver can be justified by large lot sizes and limitations on resubdivision. A turnaround shall be provided at the end of dead-end streets in a form approved by the Highway Superintendent.
- E. All new streets shall comply with Chapter **75**, Highway Specifications, which is in effect at the time of construction.
- F. Street names. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. Other streets shall be named in accordance with Zoning Regulations. Where names are required they shall be shown on the proposed subdivision plat.
- G. Access road. If the access road to the subdivision is a private road, the Commission may require the subdivider to improve the access road to municipal highway construction standards in accordance with Chapter **75**, Highway Specifications. Such improvement shall provide no implied obligation on the municipality to accept ownership and responsibility for future maintenance of said road. If the access road to the subdivision is a Class-4 Town road, the Commission may require its upgrading at the developer's expense and subdivision may be conditional upon approval of the road-class change by the legislative body.
- H. Curbs and sidewalks. Curbs and sidewalks may be required on at least one side of all streets by the Commission in any subdivision where the density is greater than one residential unit for each two acres unless waived by the Commission, and the curbs and sidewalks may be required on both sides of a street, if deemed necessary by the Commission. Curbs may be required when the density is one residential unit for each two acres of land or less, if deemed necessary by the Commission. If

sidewalks or curbs are required by the Commission, construction must conform to specifications provided and approved by the Highway Superintendent.

§ 200-16 **Pedestrian/bicycle access.**

Where necessary, in the judgment of the Commission, rights-of-way for pedestrian/bicycle travel and access may be required to facilitate pedestrian circulation within the subdivision and to provide access to public property.

§ 200-17 **Utilities.**

- A. Easements. The Commission may require that any underground utilities be placed in the street right-of-way between the paved roadway and street line. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements 20 feet in width shall be provided with satisfactory access to the street.
- B. Extension of municipal utilities. All subdivisions shall make adequate provisions for water supply, stormwater and sanitary sewage disposal, and required utilities and improvements. 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. In such circumstances the municipality may elect to oversize the trunk line extension in anticipation of further extension to other areas. If this option is exercised the cost borne by the municipality will be limited to the additional equipment cost, excluding installation, incurred by the developer over what he would have incurred in construction solely for his own development. This figure must be agreed between the developer and the official responsible for the municipal system before approval of the final subdivision plat is granted. Where the proposed subdivision is located on an existing water and/or sewer line, the Commission shall determine whether off-site capacity is available to service the proposed subdivision.
- C. Connection to municipal utilities. The subdivider shall install laterals from all utilities to the street property line of each building lot. Any residential buildings constructed in the subdivision shall have house connections installed, and 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. Water supply improvements.
 - (1) For subdivisions which will connect to a public municipal water supply system, the Commission may require written certification from the Town Manager that system capacity is adequate to serve the anticipated requirements of the proposed subdivision. Applications for extensions to the municipal system shall be approved by the officers and agents of a municipality entrusted with the care and superintendence of a municipal water supply system.
 - (2) The Commission may require that a private water supply system unconnected to municipal systems be designed in such a way that it may eventually be connected to a public municipal water supply system.
 - (3) Water supply systems shall meet the requirements of any applicable municipal or state health regulations.
 - (4) The following standards shall be met for those subdivisions which will have community water systems for the entire development:
 - (a) Due consideration shall be given to the drainage patterns in the area.
 - (b) 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 leachage from septic systems from contaminating water supply.

- (c) Buildings and septic systems shall be located sufficiently above flood water levels and high groundwater areas to prevent the pollution of surface water.
- F. Sewage disposal improvements.
 - (1) For subdivisions which will connect to a municipal sewage disposal system, the Commission may require written certification from the Town Manager that system capacity is adequate to serve the anticipated requirements of the proposed subdivision. 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.
 - (2) The Commission may require that a private sewage disposal system unconnected to municipal systems be designed in such a way that it may be connected eventually to a municipal sewage disposal system. Private sewage disposal systems shall meet the requirements of any applicable municipal or state health regulations.
 - (3) Septic systems shall meet the requirements of any applicable municipal or state health regulations.
- G. Streetlighting. Streetlights shall be installed according to lighting and spacing standards, if any, as established by the legislative body.
- H. Electric, telephone, cable TV. The subdivider shall coordinate the subdivision's design with the utility companies. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible and, when technology and terrain make it economically feasible, distribution systems should be built underground.
- I. Fire protection. Adequate fire protection facilities within the subdivision shall be provided by the developer to the satisfaction of the Fire Chief and a letter from the Town Manager certifying such adequacy supplied to the Commission. When a subdivision is served by a municipal water system, such letter will also certify the adequacy of supporting off-site fire water systems, available water volumes, pressures, etc.

§ 200-18 **Drainage improvements.**

An adequate surface stormwater drainage system for the entire subdivision 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 subdivision. 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 drainageway, there shall be provided a stormwater 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.

§ 200-19 **Open space and recreation areas.**

- A. For the use of subdivision residents. The Commission may require as one of the criteria for approval that each subdivision contain adequate provision for the recreation needs of its residents. However, except for the special provisions which apply to planned unit developments, the Commission may not require the reservation of more than 15% of the land area for such purposes. In some subdivisions the reservation of open space for common use may be considered by the Commission as adequate fulfillment of this obligation; in other subdivisions the installation of recreation facilities

may also be required.

- B. For the use of the public. Where a proposed development is designed for more than 100 dwelling units, or where the proposed development plus prior developments by the same developer approved after the effective date of regulation total more than 100 dwelling units, an obligation to contribute to the Town toward the cost of a public recreational facility shall apply, unless waived in writing by the legislative body. This obligation shall consist of the current market value of an area equal to 10% of the area of the subdivision, located in a section of the Town designated by the legislative body, representing the average of appraisals by three real brokers chosen by lot by the Planning Commission from all real estate brokers with offices within the Town. The cost of which shall be borne by the developer. Land may be accepted in settlement of this obligation at the discretion of the legislative body, but such land may not also apply in meeting minimum area per family criteria in the Zoning Regulations, nor satisfaction of the 50% undeveloped area requirement in the Zoning Regulations. Prior developments by the same developer include units constructed by family members or corporations owned or controlled by the developer or family members. If the obligation is settled by cash payment, its use by the Town is limited to recreation purposes, current or future, but is not limited to land acquisition. This cash contribution shall be set aside in a special account and shall only be used for recreation purposes.

§ 200-20 School site contribution.

- A. Where a proposed development is designed for more than 100 dwelling units, or where the proposed development plus prior developments by the same developer approved after the effective date of this regulation total more than 100 dwelling units, an obligation to contribute to the Town for a school site shall apply, unless waived in writing by the Board of School Directors. The obligation shall be determined by the following formula:

$$\frac{\text{Square feet of active public school site within the Town at recent date*}}{\text{Proposed student population at recent date}} \times 1.5 \times \text{No. of dwelling units}$$

NOTE:

* From data supplied by the BOSD.

- B. If the land area so determined is too small for a school site or the developer's site is not satisfactory to the Board of School Directors for school expansion, for any reason, the obligation may be satisfied by cash payment to the Town as follows: square feet of obligation times estimated land cost per square feet in general area of the Town designated by the BOSD. This cash contribution shall be set aside in a special account and only be used for school purposes.
- C. The estimated land cost will be the average of appraisals by three real estate brokers chosen by lot by the Planning Commission from all real estate brokers with offices within the Town, the cost of which shall be borne by the developer.
- D. Where a portion of a developer's land is offered and accepted in satisfaction of this obligation, such portion may not also apply in meeting minimum area per family criteria in the Zoning Regulations, nor in satisfaction of the 50% undeveloped area requirement in the Zoning Regulations.
- E. Prior developments by the same developer include units constructed by family members or corporations owned or controlled by the developer or family members.

§ 200-21 Site preservation and improvements.

- A. Natural cover. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater 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 maples, Norway maple, red maple, ash or oak), be planted along streets where trees do not exist. All trees shall measure at least 10 feet in height and at least two inches in diameter measured at a point six inches above finished grade level. All trees are to be planted a minimum of eight feet from the street line at intervals to be specified by the Commission.
- C. Erosion and sediment control. The smallest practical area of land should be exposed at any one 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 development. Sediment basins shall be installed and maintained on site to remove sediment from land undergoing development and from runoff water.
- D. Excavation and grading (exclusive of streets and roads covered by § 200-15E). The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four inches of topsoil shall be provided to cover all finished slopes. Materials for embankment shall be placed in successive horizontal layers not exceeding six inches in depth. They shall be thoroughly compacted. The Commission shall require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep-root grass to prevent erosion.

§ 200-22 **Subdivision organizations and restrictions.**

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 approval of the Commission.

Article V Required Submissions

§ 200-23 **Sketch plan.**

The sketch plan, two copies of which must be presented to the Administrative Officer by noon on the fourth working day preceding the Planning Commission's meeting, shall show the proposed layout of streets, lots, and other features sketched roughly on a print of a survey of the property.

§ 200-24 **Minor subdivision plat.**

In the case of a minor subdivision, the subdivision plat shall include, or be accompanied by, the following information:

- A. Name of the subdivision, if any. If the subdivision is to be named, the proposed name should comply with the Zoning Regulations.
- B. An actual field survey of the boundary lines of the tract, giving lot numbers, the acreage of each parcel, and complete descriptive data by bearings and distances, to tenths of a foot, made and certified by a land surveyor licensed by the State of Vermont. The scale shall be 100 feet equals one inch or at a scale acceptable to the Planning Commission. If the entire tract being subdivided cannot be shown at a scale satisfactory for review, the portion to be developed or sold shall be so shown and its physical relationship to the remainder of the tract shown as an inset at reduced scale.
- C. The date, true and magnetic North points, map scale, name and address of record owner and subdivider, and names of adjoining property owners.
- D. The plat to be filed with the Municipal Clerk shall be on linen or Mylar as required by 27 V.S.A. Chapter 15. The size of the sheet shall be 11 inches by 17 inches or 18 inches by 24 inches as

specified by 27 V.S.A. Chapter 15 § 1403 (a).

- E. A copy of any covenants or deed restrictions between the Town and a developer covering all or part of the tract.

§ 200-25 Major subdivision.

- A. Preliminary plat. The preliminary subdivision plat shall consist of maps or drawings which may be printed or reproduced on paper with all shown in feet and tenths of a foot, drawn to a scale of not more than 100 feet or more to the inch, or such other scale as is acceptable to the Commission, showing or accompanied by the information required in § **200-24** for minor subdivision plats, plus the following information:
- (1) The location and size of sewers and water mains, culverts and drains on the property to be subdivided.
 - (2) Unless waived or modified by the Commission contour lines at intervals of five feet, based on United States Geological Survey datum of existing grades and also of proposed finished grades where change of existing ground elevation will be two feet or more.
 - (3) Typical cross sections of the proposed grading and roadways and of sidewalks.
 - (4) Provisions for collecting and discharging storm drainage in the form of a drainage plan.
 - (5) Preliminary designs of any bridges or culverts which may be required.
 - (6) All parcels of land proposed to be dedicated common and/or public use and the conditions of such dedication.
 - (7) Designation of the location, size and proposed landscaping of such parks, and open spaces as are required by the Commission.
 - (8) The location of all improvements referred to in § **200-11A**, in addition to those specifically listed above.
- B. Final plat. The final subdivision plat shall contain all information required for a preliminary major subdivision plat, plus all modifications or additional information requested by the Commission at the time of granting preliminary approval. It shall be upon linen or Mylar clearly and legibly drawn on sheets 11 inches by 17 inches or 18 inches by 24 inches. Such sheets shall have a margin of two inches outside of the border lines on the left side for binding and one-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Planning Commission, and the approved plat shall be filed with the Municipal Clerk.

Article VI Variances and Waivers

§ 200-26 Variances.

Where the Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstances of a particular plat, it may vary these regulations so that substantial justice may be done and the public interest secure, provided that such variations will not have the effect of nullifying the intent and purpose of the Municipal Development Plan or the Zoning Regulations.

§ 200-27 Waivers.

Where the Commission finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the

proposed subdivision, it may waive such requirements, subject to appropriate conditions.

§ 200-28 **Conditions.**

In granting variances, waivers, and modifications, the Commission shall require such conditions which will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

Article VII
Administration and Enforcement

§ 200-29 **Administrative officer.**

In accordance with 24 V.S.A. § 4442, Chapter 117, an Administrative Officer shall be appointed to perform the necessary administrative and enforcement requirements of this chapter.

§ 200-30 **Endorsement by Commission.**

Every approved subdivision plat shall reflect the date of approval and an endorsement consisting of the signatures of a majority of the Commission's membership on the date of approval.

§ 200-31 **Appeals.**

Appeals from decisions of the Commission shall be taken to the Superior Court under Sections 801 through 816 of Title 3.

§ 200-32 **Enforcement.**

Enforcement of this chapter shall be in accordance with 24 V.S.A. §§ 4444 and 4445, Chapter 117.

§ 200-33 **Permit.**

Prior to the issuance of any zoning permit the Administrative Officer shall first satisfy himself that the subject of the application is in conformance with these regulations and Chapter 58, Flood Hazard Area Regulations, of the Town Code, if applicable. He may request from an applicant any information he deems necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan and any other approvals of the Planning Commission or the Board of Adjustment required by this regulation and Chapter 58, Flood Hazard Area Regulations, if applicable, have been properly obtained and are submitted in connection with the application. The Administrative Officer shall, within 10 working days of submission of application, approvals by the Planning Commission or Zoning Board of Adjustment, if applicable, and receipt of all supplementary information requested, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefor. If the zoning permit is approved, it shall take effect at the end of the waiting period for possible appeal in accordance with § 260-4 of Chapter 260, Zoning Regulations, or if appealed, at the final adjudication of such appeal. All activities authorized by its issuance shall be started within six months and completed within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Any activities not completed within the above permit period (including six-month extension, if granted) shall be subject to any ordinance in effect at the time of reapplication. All construction must be in accordance with the regulations in effect at the time such construction is started.

§ 200-34 **Amendments.**

Amendments to this chapter may be made in accordance with 24 V.S.A. §§ 4403 and 4404 of Chapter 117.

Chapter 207
TAXICABS

[HISTORY: Adopted by the Selectboard of the Town of Hartford 10-15-1996. Amendments noted where applicable.]

§ 207-1 **Definitions.**

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

TAXICAB

A motor vehicle, as defined in 23 V.S.A. § 4(21) and regularly used for carrying people for hire, as defined in 23 V.S.A. § 4(15) within the Town of Hartford. This definition shall exclude vehicles regularly used in the intertown or interstate transportation and vehicles used by common carriers as defined in Section 9388 of the Vermont Statutes Revision of 1947.

TAXI DRIVER

The operator, as defined in 23 V.S.A. § 4(25), of a taxicab.

§ 207-2 **Applications.**

Applications for a taxicab license or a taxicab operator certificate shall be in such form as may be required by the Chief of Police.

- A. Taxicab license. Any person may take application to the Chief of Police for a taxicab license. Such application shall be made in such a manner as may be prescribed by the Chief of Police. The Chief of Police shall issue said taxicab license when he is satisfied the applicant is a proper person to be granted a taxicab license.
- B. Taxicab operator.
 - (1) Any person may make application to the chief of Police for a taxi operator certificate. Said application shall be in such manner and include information as may be prescribed by the Chief of Police. A taxicab operator's certificate shall be granted by the Chief of Police in such form as he may deem suitable. The Chief of Police shall issue said certificate to any applicant when he is satisfied that the applicant is a proper person to operate a taxicab. He may consider the applicant's personal habits, morals, honesty, standing in the community, physical condition, driving ability, police record, and any other facts which may have a bearing on the suitability of the applicant as a taxicab operator. No applicant shall be denied a certificate because of race, creed, religion, or personal dislikes.
 - (2) Grounds of denial include two or more motor vehicle convictions of any kind within the last two years; two or more moving violations within the last three years; one or more serious motor vehicle convictions (DWI, OOC, DLS, OSC-criminal, etc.) within the last five years; and/or license suspension within the last year of the date of application. In addition, any criminal activity, criminal convictions, or contact with law enforcement authorities deemed, by the Chief of Police, to be not in the best interest of public safety, will be grounds for denial.

§ 207-3 **Taxicab license required.**

No taxicab shall be operated without a valid taxicab license obtained in accordance with this chapter.

- A. Form prescribed. Licenses shall be in such a form as may be prescribed by the Chief of Police. Each taxicab owner shall display such licenses on licensed vehicles in a manner which is satisfactory to the Chief of Police.
- B. Taxicab expiration. All taxicab licenses shall expire on May 1 of each year. The annual fee for such license shall be \$50 and may include any cabs being operated by the company.
- C. Taxicab license transfer. A taxicab license may not be sold or reassigned, but it may be transferred to another vehicle upon proper application to and approval by the Chief of Police.
- D. Taxicab license suspension or revocation. A taxicab license may be suspended or revoked within the sole discretion of the Selectboard after a hearing is held. The Selectboard, within 15 days of a temporary suspension or request of the Chief of Police or Town Manger, shall hold a public hearing

before suspending or revoking a licensee's license. The licensee, his/her representative(s), and witness(es) may be present. **[Amended 6-12-2001]**

- E. Temporary taxicab license suspension. A temporary taxicab license suspension may be made by the Chief of Police, pending a hearing, of any taxicab having been operated by any person who did not possess a proper certificate at the time of operation.

§ 207-4 Taxicab operator's certificate.

- A. Any person operating a taxicab within the Town of Hartford shall be a legally licensed driver in Vermont or have a valid authorization to operate a motor vehicle in Vermont. Any person operating a taxicab required to be licensed within the meaning of this chapter shall possess a valid taxicab operator's certificate. Said certificate shall be kept within the taxicab being operated and in full view of any fares and may include the name of the driver, the owner of the cab, a color photograph of the driver, signatures of the Chief of Police indicating his approval, and any other information deemed important by the Town Manager. Such certificate shall expire May 1 of each year, and the annual fee for such taxicab operator's certificate shall be \$50. An individual who is in the active employ of a taxicab company, and operating a taxicab with a valid operator's certificate, shall notify the office of the Chief within 30 days of any license suspension or motor vehicle or criminal conviction which might affect issuance of an operator certificate. The Chief of Police will review this information and make a determination on suspension or revocation. Failure to report convictions and suspension referred to in Subsection **B** shall be grounds for a temporary suspension and call for a hearing to consider suspension or revocation of the operator's certificate. **[Amended 6-12-2001]**
- B. Temporary taxicab operator certificate suspension. A temporary suspension may be made by the Chief of Police, pending a hearing of any taxicab driver who did not possess a proper certificate at the time of operation or becomes ineligible to possess an operator's certificate due to license suspension or motor vehicle or criminal conviction. **[Amended 6-12-2001]**
- C. Taxicab operator certificate revocation or suspension.
- (1) The Selectboard may suspend or revoke any taxicab operator's certificate upon evidence that said operator is not a suitable person to operate a taxicab or has failed to observe and obey the rules of this chapter.
 - (2) Conviction of any violation of a state law or Town ordinance by a taxicab operator may result in the suspension or revocation of such taxicab operator's certificate.
 - (3) A taxicab operator's certificate may be suspended or revoked within the sole discretion of the Selectboard after a hearing is held. The Selectboard, within 15 days of the temporary suspension or on request of the Chief of Police or Town Manager, shall hold a public hearing before suspending or revoking a taxicab operator's certificate. The taxicab operator, his/her representative(s), and witness(es) may be present. **[Amended 6-12-2001]**

§ 207-5 Inspection.

All taxicabs shall be inspected in compliance with Vermont state laws governing the inspection of motor vehicles. Whenever the Chief of Police or his designee has reason to doubt that a taxicab is not in safe and proper mechanical condition and/or properly equipped, he may require the owner to have such taxicab inspected and to present a satisfactory certificate of inspection to the Chief of Police. In case of failure to comply with such requirements within 24 hours, the Chief of Police shall suspend the license for the taxicab in question until the said requirements have been fulfilled.

§ 207-6 Rates of fare.

- A. Rates of fare to be charged for the conveyance of passengers shall be filed with the Chief of Police by each taxicab owner prior to the granting of the license(s). Upon granting of the taxicab license, the rates of fare shall be set forth on a plate or placard headed "Licensed Taxicab, Hartford, Vermont, Rates of Fare." Such plate or placard shall state plainly the rates in printed form

satisfactory to the Chief of Police of his designee and shall be visible by passengers entering the taxicab.

- B. Changes in rates of fare. Any changes in rates shall first be reviewed and approved by the Chief of Police. Such changes shall be subject to public notice prior to becoming effective.
- C. Soliciting fares. The owner of a taxicab shall not permit fares for his/her cab to be solicited at a distance in excess of 25 feet from the taxi or the taxi stand, it any.
- D. Meters. The Chief of Police reserves the right in his sole discretion to require meters to be installed in all taxicabs.
- E. Taxi stands. The Chief of Police may designate taxi stands, the number of and location of which shall be within his/her discretion and may be changed at will upon notice. The owner of a taxicab shall not permit fares for his/her cab to be solicited at a distance in excess of 25 feet from the taxi or taxi stand, it any.

§ 207-7 Communication services.

Taxicab service shall be provided with satisfactory communication services on a twenty-four-hour basis, unless provided differently on the license.

§ 207-8 Insurance.

- A. A taxicab license may be granted only after the owner thereof has furnished the Chief of Police with satisfactory evidence that the vehicle has been insured against public liability with limits of at least \$500,000 combined single-limit liability, including bodily injury and property damage; and with a certificate of an inspector approved by the Chief of Police that the vehicle in question was in sound mechanical condition and in compliance with all applicable laws.
- B. If, for any reason, the licensee's insurance is canceled, the insurance company must so notify the Chief of Police by certified mail within 10 days of cancellation. If the policy is canceled by the company and the insured does not furnish a new policy within the ten-day period herein mentioned, the license will automatically be revoked.

§ 207-9 Suspension or revocation of license.

Every taxicab owner and operator shall observe all applicable state laws and Town ordinances and amendments thereof. Conviction of any violation of a state law or Town ordinance by the taxi operator or owner while operating such taxi may result in the suspension or revocation of the license of the taxicab. When a license is suspended, it shall be for such time as may be considered equitable by the Selectboard under all circumstances of the case.

§ 207-10 Violations and penalties.

[Amended 6-12-2001]

Violation of any of the provisions of this chapter shall, upon conviction, subject the owner of the taxicab to a fine of not exceeding \$100, notwithstanding § 1-16 of the Town Code.

§ 207-11 Interpretation.

Notwithstanding the provisions of §§ 1-12 and 1-13, the inclusion of this chapter in the Code shall not be deemed a repeal and reenactment of the same but an amendment thereto.

Chapter 220

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Selectboard of the Town of Hartford 10-30-1990; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

Article I General Provisions

§ 220-1 Statutory authority.

This chapter is adopted under the authority of 19 V.S.A. § 304(a), 23 V.S.A. Chapter 13 and 24 V.S.A. § 2291.

§ 220-2 Inclusion in Code.

Notwithstanding the provisions of §§ 1-12 and 1-13 of the Code of the Town of Hartford, the inclusion of this chapter in the Code shall not be deemed a repeal and reenactment of the same but an amendment thereto.

Article II General Parking Prohibitions

§ 220-3 Parking near curbs.

All motor vehicles when parked shall be parked by the operator as close to the curb or sidewalk as possible.

§ 220-4 Parking near fire hydrants.

No person shall stop, stand or park any vehicle within six feet of a fire hydrant.

§ 220-5 Fire lanes.

No person shall stop, stand or park any vehicle on or in a fire lane, clearly marked as such.

§ 220-6 Driveways.

No motor vehicle shall be parked on any street in front of a driveway or on any crosswalk.

§ 220-7 Double parking.

There shall be no double parking on any street within the Town of Hartford.

§ 220-8 No parking in designated areas.

There shall be no parking in all areas so designated by signs or otherwise.

§ 220-9 Limited parking.

There shall be limited parking only in all areas so designated by signs or otherwise and specifying the time limit.

§ 220-10 Parking on highway.

There shall be no parking on the traveled portion of any highway so as to interfere with traffic on said highway.

§ 220-11 All-night parking during winter hours.

Parking is prohibited on the streets and/or highways in the Town of Hartford from 12:01 a.m. to 7:00 a.m. during the months of December, January, February, March and April, when such streets are properly marked indicating NO PARKING during the hours of 12:01 a.m. to 7:00 a.m., pursuant to 23 V.S.A. § 1008.

§ 220-12 **Handicapped parking.**

Two parking spaces on the easterly side of South Main Street, directly in front of the building known as the "Colodny Building" shall be reserved exclusively for handicap parking. These spaces will be prominently marked as handicap spaces by the Town of Hartford.

Article III
Specific Parking and Traffic Restrictions

§ 220-13 **Town of Hartford.**

A. Parking is prohibited at all times on the following streets or parts of streets in the Town of Hartford:

Name of Street	Side	Location
Fairview Terrace	South	From the intersection with Gates Street to a point 60 feet west of Forest Hills Avenue
Fairview Terrace	South	For a distance of 400 feet east of Hillcrest Terrace
Gate Street Hill	Both	From Church Street to Fairview Terrace
Public highway	North	Leading from the intersection of Church Street and Gates Street to Airport Road, including Gates Street, Fairview Terrace and continuing along Hyde Park Avenue to Airport Road

B. Ten-minute parking. No person, partnership or corporation shall park in the two parking spaces located on the westerly side of South Main Street in front of the U.S. Post Office in excess of 10 minutes.

§ 220-14 **Hartford Village.**

A. Parking is prohibited at all times on the following streets or parts of streets in the Hartford Village:

Name of Street	Side	Location
Main Street	North	First 30 feet just west of the intersection of Park Street and Main Street
Main Street	North	First 30 feet just easterly of the intersection of Park Street and Main Street
Main Street	North	First 50 feet just east of the intersection of Pleasant Street and Main Street
Main Street	North	From the intersection of Pleasant Street and North Main Street to the Congregational Church driveway
Main Street	South	First 100 feet just east of the intersection of Albert Drive and Main Street

Name of Street	Side	Location
Park Street	Both	Entire length
Pleasant Street	Both	Entire length

- B. Ten-minute parking. No person, partnership or corporation shall park in the single parking space located on the northerly side of Main Street five plus or minus feet east of the intersection of Pleasant Street and Main Street in Hartford Village for a period of time in excess of 10 minutes.

§ 220-15 **Village of Quechee.**

- A. Parking is prohibited at all times on the following streets or parts of streets in the Village of Quechee:

Name of Street	Side	Location
Main Street	South	On the southerly side of Main Street beginning from the north side of the covered bridge to the intersection of School Street and Main Street, a distance of 460 feet

- B. Ten-minute parking. Parking shall be limited to ten minutes per vehicle in the following areas in the Village of Quechee:

Name of Street	Side	Location
Main Street	North	Between High Street and School Street

§ 220-16 **White River Junction.**

- A. Parking is prohibited at all times on the following streets or parts of streets in the Village of White River Junction:

Name of Street	Side	Location
Bridge Street	Both	From North Street across the White River
Church Street	West	From North Main Street to Gates Street, except Sundays
Gates Street	North	From Church Street to Currier Street
North Main Street	South	From Church Street to Currier Street

- B. Two-hour parking.

- (1) All designated parking areas on the streets of the Village of White River Junction shall be limited to two-hour parking between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday or as otherwise posted.
- (2) Exceptions. All-day parking is allowed in the following Town-owned parking lots:
- (a) The South Main Street parking lot.

- (b) The Maple Street parking lot.
- C. Four-hour parking. Parking is limited to four hours along the fence separating the Village square parking area and the railroad track area, between Briggs Park and Vermont Salvage.
- D. One-way traffic. The traffic on the following sections of the Town highway system in the Town of Hartford, Village of White River Junction, shall be in the following directions only: on North Main Street from its intersection with Currier Street to its intersection with South Main Street in an easterly direction; thence on South Main Street to its intersection with Gates Street in a southerly direction; thence on Gates Street to its intersection with Currier Street in a westerly direction; and thence on Currier Street to its intersection with North Main Street in a northerly direction.

Article IV
Stop Intersections

§ 220-17 Authorization.

The Police Chief is hereby authorized to erect stop signs with the approval of the Board of Selectmen.

§ 220-18 Stop required.

When stop signs are erected as herein provided at or near the entrance to any intersection, every driver of a vehicle shall stop such vehicle at such sign or at a clearly marked stop line before entering the intersection except when directed to proceed by a police officer or traffic-control signals.

§ 220-19 Stop sign locations.

All vehicles shall stop at the following locations:

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
White River Junction		
Blake Drive	Jct.	North Hartland Road
Recycling Exit	Jct.	North Hartland Road
Rustic Road	Jct.	North Hartland Road
Neal Road	Jct.	North Hartland Road
Kline Drive	Jct.	North Hartland Road
Drew Road	Jct.	North Hartland Road
Remick Road	Jct.	North Hartland Road
Melisi Road	Jct.	North Hartland Road

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Wrights Reservoir Road	Jct.	North Hartland Road
V.A. Cutoff Road	Jct.	North Hartland Road
Ballardvale Drive	Jct.	North Hartland Road
Windsor Drive	Jct.	North Hartland Road
Beswick Drive	Jct.	Sykes Avenue
Dewitt Drive East	Jct.	Holiday Drive
Dewitt Drive West	Jct.	Holiday Drive
Farm Vu Drive	Jct.	Holiday Drive
Holiday Drive	Jct.	Sykes Mountain Avenue
Hyde Park	Jct.	Sykes Mountain Avenue
Upper Hyde Park	Jct.	Sykes Mountain Avenue
Bowling Lane	Jct.	Sykes Mountain Avenue
Lilly Pond Road	Jct.	Sykes Mountain Avenue
Acorn Street	Jct.	Sykes Mountain Avenue
Walsh Avenue	Jct.	Sykes Mountain Avenue
Sykes Mountain Avenue	Jct.	South Main Street
Airport Road	Jct.	U.S. Route 5
Beech Street	Jct.	Airport Road
Airport Road	Jct.	Lower Hyde Park
Talbert Street	Jct.	Lower Hyde Park
Templeton Avenue	Jct.	Charles Street

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Fairview Terrace	Jct.	Lower Hyde Park
Fairview Terrace	Jct.	Hickory Ridge
Third Avenue	Jct.	Lilly Pond Road
Birchwood Drive	Jct.	Lilly Pond Road
Lilly Pond Road	Jct.	Bullard Street
Forest Hills	Jct.	Fairview Terrace
Maplewood Terrace West	Jct.	U.S. Route 5
Church Street	Jct.	Gates Street
Church Street	Jct.	North Main Street
North Main Street	Jct.	Currier Street
Currier Street	Jct.	Bridge Street
Latham Works Lane	Jct.	Nutt Lane
Nutt Lane	Jct.	South Main Street
Currier Street Extension	Jct.	Gates Street
Mill Road	Jct.	Woodstock Road
V.A. Cutoff Road	Jct.	Woodstock Road
Smith Road	Jct.	Woodstock Road
Center of Town Road/East	Jct.	Woodstock Road
Costello Road	Jct.	Woodstock Road
Center of Town Road/West	Jct.	Woodstock Road
Old Kings Highway West	Jct.	Center Of Town Road

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Joe Reed Drive	Jct.	South Main Street
Joe Reed Drive	Jct.	Rail Road Row
Municipal Parking Lot	Jct.	Bridge Street
Municipal parking lot	Jct.	Maple Street
Reservoir Road	Jct.	Kings Highway West
Bliss Road	Jct.	Kings Highway West
Round House Road	Jct.	Mill Road
Mill Road	Jct.	V.A. Cut Off Road
Overlook Drive	Jct.	V.A. Cut Off Road
Old River Road	Jct.	V.A. Cut Off Road
Smith Road	Jct.	Old River Road
Old Quechee Road	Jct.	Costello Road
Woodstock Road	Jct.	V.A. Cut Off Road
Verna Court	Jct.	V.A. Cut Off Road
Allison Run	Jct.	V.A. Cut Off Road
Credit Court	Jct.	Maple Street
Barrell Street	Jct.	Maple Street
Cascadnac Avenue	Jct.	Maple Street
Union Street	Jct.	Maple Street
Prospect Street	Jct.	Maple Street
Hartford High School	Jct.	Highland Avenue

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Hebard Street	Jct.	Hartford Avenue
Worcester Avenue	Jct.	Hartford Avenue
Hanover Street Ext.	Jct.	Saunders Avenue
Hanover Street Ext.	Jct.	School Exit To Highland Avenue
High School Rotary	Jct.	High School Entrance Drive
Middle School Exit	Jct.	Highland Avenue
Hanover Street	Jct.	Saunders Avenue
Saunders Avenue	Jct.	Hartford Avenue
Pierce Street	Jct.	Hartford Avenue
Pierce Street	Jct.	Wilder Street
Goodreau Street	Jct.	Hartford Avenue
Devin Street	Jct.	Hartford Avenue
Hewitt Street	Jct.	Hartford Avenue
Bugbee Street	Jct.	Hartford Avenue
Abbott Street	Jct.	Lower Hyde Park
Abbott Street	Jct.	Fairview Terrace
Hillcrest Terrace	Jct.	Fairview Terrace
Wilder Village		
Manning Drive	Jct.	Hartford Avenue
Chandler Road	Jct.	Hartford Avenue
A Street	Jct.	Hartford Avenue

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
South Street	Jct.	Hartford Avenue
Horseshoe Avenue South	Jct.	Hartford Avenue
Horseshoe Avenue North	Jct.	Hartford Avenue
Ravenswood Terrace	Jct.	Hartford Avenue
Depot Street	Jct.	Hartford Avenue
Fern Street East	Jct.	Hartford Avenue
Fern Street West	Jct.	Hartford Avenue
Division Street East	Jct.	Hartford Avenue
Division Street West	Jct.	Hartford Avenue
Locust Street East	Jct.	Hartford Avenue
Locust Street West	Jct.	Hartford Avenue
Hawthorn Street	Jct.	Hartford Avenue
Gillette Street	Jct.	Hartford Avenue
Chestnut Street	Jct.	Hartford Avenue
Chandler Farms Road	Jct.	Hartford Avenue
Pleasant View Terrace	Jct.	Hartford Avenue
Candlelight Terrace	Jct.	Hartford Avenue
Christian Street	Jct.	Hartford Avenue
South Street (North)	Jct.	A Street
South Street (South)	Jct.	A Street
Frost Park	Jct.	A Street

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Walnut Street	Jct.	Chestnut Street
Chestnut Street	Jct.	Gillette Street
Norwich Avenue	Jct.	Gillette Street
Gillette Street East	Jct.	The Dry Bridge
Gillette Street West	Jct.	The Dry Bridge
Passumpsic Avenue South	Jct.	Gillette Street
Passumpsic Avenue North	Jct.	Gillette Street
Harvest Lane	Jct.	Christian Street
Brookside Drive	Jct.	Christian Street
Bugbee Street	Jct.	Christian Street
Brookside Drive	Jct.	Bugbee Street
Apple Lane	Jct.	Brookside Drive
Brookmead Circle	Jct.	Chandler Road
Stonecrest Avenue	Jct.	Chandler Road
Chandler Farms Road	Jct.	Chandler Road
Grovner Street	Jct.	Chandler Road
Albert Street	Jct.	Chandler Road
Ravenswood Terrace (North)	Jct.	Chandler Road
Ravenswood Terrace (South)	Jct.	Chandler Road
Perkins Place	Jct.	Colonial Drive
Kinsman Drive	Jct.	Colonial Drive

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Ridge View Road	Jct.	Chandler Road
Half Penny Lane	Jct.	Chandler Road
Woodhaven Condo Drive	Jct.	Christian Street
Billings Farm Road	Jct.	Christian Street
Jericho Street	Jct.	Christian Street
Olcott Drive	Jct.	Christian Street
Palmer Court	Jct.	Christian Street
Hemlock Ridge Drive	Jct.	Christian Street
Barrister Drive	Jct.	Hemlock Ridge Drive
Dothan Brook School South	Jct.	Christian Street
Dothan Brook School North	Jct.	Christian Street
Hartford Village		
Runnals Road	Jct.	Vermont Route 14
Byron Hill	Jct.	Vermont Route 14
Cope Lane	Jct.	Vermont Route 14
Jericho Road	Jct.	Vermont Route 14
Dothan Road	Jct.	Vermont Route 14
Elk Street	Jct.	Maple Street
Park Street	Jct.	Maple Street
Ferry Boat Crossing	Jct.	Maple Street
Christian Street	Jct.	Maple Street

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Elmwood Court	Jct.	Christian Street
Summer Street	Jct.	Christian Street
Orchard Hill	Jct.	Summer Street
Campbell Street	Jct.	Harry Gibbs Street
Harry Gibbs Street	Jct.	Christian Street
School Street	Jct.	Christian Street
Paula Street	Jct.	Christian Street
Truell Road	Jct.	Christian Street
Aldrich Lane	Jct.	Christian Street
Hartford Village Bridge	Jct.	Maple Street
Jericho Road	Jct.	Jericho Street
Dothan Road	Jct.	Jericho Street
Newton Lane	Jct.	Jericho Street
Wallace Road	Jct.	Jericho Street
Sugar Top Road	Jct.	Jericho Street
Quechee Village		
Wood Road	Jct.	Woodstock Road
Chester Arthur Road	Jct.	Woodstock Road
Lakeland Drive	Jct.	Woodstock Road
West Gilson Avenue	Jct.	Woodstock Road
River Street	Jct.	Woodstock Road

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Cross Street	Jct.	Woodstock Road
Waterman Hill	Jct.	Woodstock Road
Quechee Hartland Road	Jct.	Woodstock Road
Deweys Mill Road	Jct.	Woodstock Road
Hathaway Road	Jct.	Woodstock Road
Quechee Main Street	Jct.	Woodstock Road
Hard Road	Jct.	Quechee Main Street
Tichenor Road	Jct.	Quechee Main Street
Henri Hill Road	Jct.	Quechee Main Street
Deweys Mill Road	Jct.	Quechee Main Street
Waterman Hill	Jct.	Quechee Main Street
High Street	Jct.	Quechee Main Street
Bluff Road	Jct.	Quechee Main Street
Willard Road	Jct.	Quechee Main Street
Quechee Main Street East	Jct.	Old Quechee Road
Quechee Main Street West	Jct.	Old Quechee Road
Quechee Main Street	Jct.	Quechee/W. Hartford Road
Old Quechee Road	Jct.	Quechee Main Street
Wells Road	Jct.	Willard Road
Noyes Lane	Jct.	Red Barn Road
Noyes Lane	Jct.	Old Town Farm Road

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Red Barn Road	Jct.	Quechee Main Street
Wheelock Road	Jct.	Quechee Main Street
Hillside Road East	Jct.	Quechee Main Street
Coach Road	Jct.	Quechee Main Street
Hillside Road West	Jct.	Quechee Main Street
Murphy Road	Jct.	River Street
River Street	Jct.	Waterman Hill
Luce Meadow Road	Jct.	Quechee/Hartland Road
West Gilson Avenue	Jct.	Quechee/Hartland Road
East Gilson Avenue	Jct.	Quechee/Hartland Road
Marsh Family Road	Jct.	Quechee/Hartland Road
Sugar House Road	Jct.	Quechee/Hartland Road
Marsh Family Road	Jct.	West Gilson Avenue
Cross Street	Jct.	West Gilson Avenue
Cross Street	Jct.	Quechee/Hartland Road
Dody Road	Jct.	Morgan Road
Hard Road	Jct.	Jay Hill Road
Hard Road	Jct.	Morrill Bend
Dewey Family Road	Jct.	Old Quechee Road
Hard Road	Jct.	Old Quechee Road
Morgan Road North	Jct.	Old Quechee Road

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Morgan Road South	Jct.	Old Quechee Road
Noyes Lane	Jct.	Quechee/W. Hartford Road
Safford Road	Jct.	Quechee/W. Hartford Road
Joe Ranger Road	Jct.	Quechee/W. Hartford Road
Johnny Brook Road	Jct.	Quechee/W. Hartford Road
Clay Road	Jct.	Quechee/W. Hartford Road
Town Farm Road	Jct.	Quechee/W. Hartford Road
West Hartford Village		
Kenison Road	Jct.	Quechee/W. Hartford Road
Howard Road	Jct.	Quechee/W. Hartford Road
Clifford Road	Jct.	Quechee/W. Hartford Road
Old River Road	Jct.	Quechee/W. Hartford Road
Westfield Drive South	Jct.	Quechee/W. Hartford Road
Recreation Drive	Jct.	Westfield Drive
Westfield Drive North	Jct.	Quechee/W. Hartford Road
Handy Road	Jct.	Quechee/W. Hartford Road
Pomfret Road	Jct.	Quechee/W. Hartford Road
Quechee/W. Hartford Road	Jct.	Vermont Route 14
Tiger Town Road	Jct.	Vermont Route 14
Harper Savage Lane	Jct.	Vermont Route 14
Jericho Street West	Jct.	Vermont Route 14

Schedule 1

Town of Hartford

Stop Sign Locations

Name of Street	Jct.	Intersecting Street
Jericho Street East	Jct.	Vermont Route 14
Podunk Road	Jct.	Tiger Town Road
Wildlife Road	Jct.	Podunk Road
Wildlife Road	Jct.	Jericho Street

Article V

Immobilization of Parked Vehicles

§ 220-20 Immobilization of vehicle.

Any unattended motor vehicle found parked at any time upon any public highway or parking areas of the Town of Hartford, the owner of which has accumulated four or more unpaid parking tickets and has failed to respond may be immobilized by the Hartford Police Department in such a manner as to prevent its operation, providing notice that the vehicle in question is subject to immobilization is sent to the registered owner by first-class mail at least 15 days prior to immobilization. No such vehicle shall be immobilized by any means other than by the use of a device which will cause no damage to such vehicle unless the vehicle is moved while the device is in place. In addition to any outstanding fines, the owner of such immobilized vehicle shall be assessed a \$35 immobilization fee.

§ 220-21 Notice to owner.

- A. At the time of immobilization, the Hartford Police Department shall cause to be placed on such vehicle, in a conspicuous manner, notice that the vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.
- B. The owner of any vehicle that has accumulated four or more parking tickets, and has failed to respond, shall be notified by first-class mail that if all tickets are not paid within 15 days the vehicle will be immobilized if found in any Town parking area or on Town property and may face additional financial penalties.

§ 220-22 Release of vehicle.

The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to secure the release of the vehicle upon the payment to the Hartford Police Department of all outstanding fines, plus the immobilization fee of \$35.

§ 220-23 Failure to remove immobilized vehicle.

Any vehicle which is immobilized and is not removed from its public parking location after 24 hours shall be subject to towing by the Hartford Police Department. Any vehicle towed will be inventoried, and wrecker fees shall be the responsibility of the registered owner.

§ 220-24 Tampering with immobilization.

It shall be unlawful for any unauthorized person to remove or damage or attempt to remove or damage any immobilization device. The fine for such an offense shall be \$500, plus the cost of repairs or replacement of any damaged device.

§ 220-25 Post-immobilization hearings.

As to any vehicle immobilized pursuant to this article, a person who has a legal entitlement to possession of the vehicle shall be entitled to a post-immobilization administrative hearing to determine whether or not there is sufficient cause to immobilize the vehicle. In order to exercise that right, the person must, within 10 days after such person learns of the immobilization, serve written demand for a hearing upon the Hartford Police Department, 66 VA Cutoff Road, either in person or by first-class mail. Such demand shall state the name, address, and telephone number, if any, of the person making the demand and the vehicle registration number on the immobilized vehicle.

§ 220-26 Conduct of hearing.

- A. A hearing shall be conducted before a hearing officer within 48 hours of receipt of a written demand therefor for the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays and Town holidays shall be excluded from the calculation of the forty-eight-hour period. The sole issue before the hearing officer shall be whether or not there is sufficient cause to immobilize the vehicle in question.
- B. The hearing officer shall be the Town Manager or a Town grand juror designated by the Town Manager to act in his stead.
- C. "Sufficient cause to immobilize" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of the local ordinance to grant legal authority to immobilize the vehicle.
- D. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Hartford Police Department shall carry the burden of establishing that there is sufficient cause to immobilize the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing).

§ 220-27 Decision of hearing officer and its effect.

- A. The hearing officer's decision in no way affects any criminal proceedings in connection with the immobilization in question; any criminal charges involved in such proceedings may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner or his/her agent to request or attend a scheduled post-immobilization hearing shall be deemed to be a waiver of the right of such hearing.
- B. In the event that the hearing officer finds no sufficient cause, the hearing officer shall so inform the Hartford Police Department; the Hartford Police Department shall release the vehicle if it has not already done so, and no immobilization fee shall be charged.

§ 220-28 Grievance procedure.

If a citizen believes that he/she has unfairly received a parking violation ticket, he/she may appeal in writing to the Parking Enforcement Officer, supplying name, address, telephone number and appropriate times in which to be contacted, as well as an explanation of the appeal. If the citizen is not satisfied with the disposition rendered by the Parking Enforcement Officer, he/she may appeal in writing to the Chief of Police. The decision of the Chief of Police will be final.

§ 220-29 Fine for parking violations.

The penalty for all parking violations shall be \$7 for each offense if paid or postmarked within 72 hours of the violation. After 72 hours the fine shall be \$14.

Article VI Speed Limits

§ 220-30 **Town of Hartford.**

The maximum speed limit for motor vehicles in the Villages of the Town of Hartford shall be 25 miles per hour on all the streets within the Village, with the following exceptions:

- A. The maximum speed limit on North Main Street in White River Junction leading in a westerly direction from the intersection of Bridge Street shall be 25 miles per hour except where the speed limit is indicated otherwise on the signs posted on said street.
- B. The maximum speed limit on Maple Street from the New Hampshire state line to the intersection with Cascadnac Avenue shall be 30 miles per hour; beyond the intersection of Cascadnac Avenue to the Village of Hartford it shall be 35 miles per hour.
- C. On Hartford Avenue, Taft Avenue and Christian Street (all Route 5) the speed shall be as designated by the signs posted on said highways.
- D. On Maple Street (Route 14) the speed limit shall be as designated by the signs thereon.
- E. The maximum speed limit on Christian Street shall be 35 miles per hour or as otherwise posted.
- F. The maximum speed limit on the Quechee-Hartland Road is 25 miles per hour commencing at U.S. Route 4 and the Quechee-Hartland Road for a distance of 0.3 mile.

Article VII Traffic Lights

§ 220-31 **Colors and arrow indications.**

- A. Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this article, and no other meanings, and every driver of a vehicle or other conveyance shall comply therewith, except when otherwise directed by a police officer or by lawful regulating sign, signal or device.
- B. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection regardless of what indications may be given by traffic control signals.

§ 220-32 **Green.**

While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited. Drivers of vehicles making a right or left turn shall yield the right-of-way to pedestrians crossing with the flow of traffic.

§ 220-33 **Right, left and vertical green arrows.**

When a right green arrow is illuminated, drivers facing said signal may turn right. When a left green arrow is illuminated, drivers facing said signal may turn left. When a green arrow is exhibited together with a red or a yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right-of-way to vehicles and pedestrians proceeding from another direction on a green indication.

§ 220-34 **Yellow.**

While the yellow lens is illuminated, waiting drivers shall not proceed, and any driver approaching the intersection or a marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by such arrow.

§ 220-35 **Red.**

While the red lens is illuminated, drivers facing the signal shall stop outside of the intersection or at such point as may be clearly marked by a sign or line; provided, however, that there is a green arrow illuminated at the same time, drivers may enter the intersection to make the movement permitted by such arrow.

§ 220-36 **Red and yellow.**

While the red and yellow lenses are illuminated together, drivers shall not enter the intersection, and during such time the intersection shall be reserved for the exclusive use of pedestrians.

§ 220-37 **Flashing red.**

A flashing red lens shall indicate those intersections at which a driver is required by law to stop before entering.

§ 220-38 **Flashing yellow.**

A flashing yellow lens shall indicate the presence of a hazard, and drivers may proceed only with caution.

Article VIII Vehicles Hauling Waste Matter

§ 220-39 **Covering of contents required.**

Every commercial or industrial vehicle which shall be used for the conveyance of sand, gravel, ashes, cinders, loose paper, cartons, boxes, cases, slabs, stickings, construction waste, rubbish, or of any other substance or material, or any other article which may be blown or may fall therefrom, and traveling at a rate of speed in excess of 30 miles per hours or the lower posted speed limit, shall be entirely enclosed or have a tarpaulin or cover securely attached to such article and to be of sufficient size and form as shall entirely cover the contents of such vehicle and prevent such contents from being blown or falling therefrom, irrespective of whether such vehicle is licensed for the conveyance of such contents or not.

§ 220-40 **Violations and penalties.**

Any person who violates a provision of this Article **VIII** shall be punished as provided in § **220-44**.

Article IX Bicycles

§ 220-41 **Riding after dark.**

Bicycle riding after dark shall be prohibited on the streets of the Town of Hartford except when the bicycle is properly equipped with lights, reflectors and proper equipment designated by the Vermont Statutes.

§ 220-42 **More than one person riding.**

Not more than one person at a time shall ride on a bicycle on the streets of the Town unless said bicycle is properly constructed for such purposes.

Article X Fines and Penalties.

§ 220-43 **Review of fine structure.**

The Chief of Police shall periodically review the fine structure for violations of this chapter and make suggestions to the Selectboard which shall make all final decisions as to fines for violations.

§ 220-44 **Violations and penalties.**

Except as may be provided in 23 V.S.A. § 1 et seq., a person who violates this chapter shall be subject to the penalties provided in § **1-16** of the Code of the Town of Hartford. An enforcement action for violation of any parking regulations may be prosecuted as provided in 4 V.S.A. § 437(11).

Chapter 238

VENDORS, ITINERANT

[HISTORY: Adopted by the Selectboard of the Town of Hartford 7-9-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 110.

§ 238-1 Purpose. **[Amended 2-24-2008]**

The purpose of this chapter is to promote safety, convenience and order in all public places in the Town of Hartford and to prevent traffic congestion and unsafe traffic conditions on the highways, along the sidewalks and in all public areas, parks and recreational facilities of the Town. It is adopted under authority of 24 V.S.A. § 2291(9).

§ 238-2 Definitions. **[Amended 11-19-1991; 2-24-2008]**

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

ITINERANT VENDOR

Itinerant vendors, peddlers, door-to-door salesmen, and those selling goods, wares, merchandise or services who engage in a transient or temporary business, or who sell from an automobile, truck, wagon or other conveyance, except persons selling fruits, vegetables or other farm produce.

§ 238-3 License required.

It shall be unlawful for any itinerant vendor to sell or offer to sell, or dispose of any goods, wares, merchandise, food products or food services within the Town of Hartford without first obtaining a license therefor as provided in this chapter. Under the terms of said license an itinerant vendor may employ one assistant to aid the vendor in his or her sales activities.

§ 238-4 Application.

Any vendor desiring a license under this chapter shall acquire all licenses required by the State of Vermont or other ordinances of the Town of Hartford and make application on a form supplied by the Town Manager. Vendors desiring exemptions from the provisions of this chapter shall be required to file the application provided for hereinafter.

§ 238-5 Application contents.

Every application required under this chapter shall contain the following information:

- A. Name and permanent address of applicant and assistant (if any).
- B. Age, weight and height of the applicant and assistant (if any).
- C. Description and registration of vehicle to be used (if any).
- D. Type of merchandise to be sold or services to be provided.
- E. Sketch of area to be used, including parking.
- F. License term, seasonal or annual as defined in § 238-9.

- G. At least three business or character references.
- H. Whether the applicant has ever been convicted of a crime or violation of any ordinance. The applicant shall specify the nature and disposition of any such crime or ordinance violation.
- I. If not self-employed a letter from the individual, firm or corporation employing the applicant certifying that the applicant is authorized to act as the employer's representative.
- J. Written authorization from the landowner upon whose property the applicant proposes to conduct his or her business.
- K. Proof that the applicant and his or her employees have liability insurance coverage which monetary level shall be set by the Selectboard from time to time. **[Amended 11-19-1991]**
- L. Recent photo of the applicant and assistant (if any).
- M. Valid state license, if required.

§ 238-6 **Issuance of license.**

- A. Upon receipt of a fully completed license application, as defined in § **238-5**, the Town Manager shall request written recommendations from the Zoning Administrator, Chief of Police and Fire Chief. In the development of their recommendations the Zoning Administrator and the Chief of Police shall take into consideration the potential impact of the activities described in the application on motor vehicle safety, traffic congestion, pedestrian safety, parking availability demand, zoning rules and regulations, and other similar businesses. (See § **238-17**.)
- B. After review of said recommendations the Town Manager shall render a decision on an application by acting to:
 - (1) Approve the license.
 - (2) Approve the license with conditions.
 - (3) Deny the license request.
- C. A license request may be denied by the Town Manager if he or she determines that the issuance of such a license would conflict with the standards established in § **238-1** of this chapter.

§ 238-7 **License nontransferable.**

Each itinerant vendor who plans to engage in the sale of merchandise shall obtain a license. Licenses issued under this chapter shall not be transferable nor assignable to any other itinerant vendor.

§ 238-8 **Possession of license.**

During the conduct of business an itinerant vendor or assistant shall have in his or her possession the license granted under this chapter and produce said license upon the request of a police officer or any Town official.

§ 238-9 **Classes of license.**
[Amended 11-19-1991]

There shall be three classes of licenses:

- A. Seasonal, the term of which shall run for not more than three consecutive months.
- B. Annual, the term of which shall be over three consecutive months and not to exceed 12 consecutive months.

C. Short, the term of which shall run for three consecutive days.

§ 238-10 Fees.

A. The Selectboard may set the fee for the licenses. Said fee shall be paid in full at the time of application and shall not be prorated.

B. License fees shall be refunded to those applicants whose license application has been denied.

§ 238-11 Exemption.

[Amended 11-19-1991]

The following shall be exempt from the provisions of this chapter:

A. Sale and distribution of newspapers or magazines, or the soliciting of subscriptions for same.

B. The sale of produce, at the producer's premises, provided that such produce is actually grown by the seller or members of his immediate family, or by his employees. The burden of so proving shall be on the seller and not on the Town of Hartford.

C. Sales to or orders taken from manufacturers, merchants and dealers for the purpose of resale only.

D. Sidewalk sales by a merchant with an established nontemporary place of business, provided that said sidewalk sale does not occupy more than 1/2 of the width of the sidewalk and is confined to the area not exceeding the frontal width of said merchant's place of business.

E. The sale or auction of goods, wares or merchandise by the authorized representatives or agents of religious, charitable, educational service, or other nonprofit or tax exempt organization under the laws of the State of Vermont shall be exempt from the payment of any fee as required herein. Such organization shall submit in writing to the Town Manager the name and purpose of the cause for which such activity is sought, the name and address of the immediate director of such activity and the period that such act is to be carried on in the Town of Hartford. Excluding fees, such activities shall be subject to the provisions of this chapter. The Town Manager, however, may waive any and all provisions of the chapter as it pertains to such activities exempted under this subsection.

F. The sale or auction of used goods at a private residence by the owner, tenant, or agent thereof.

G. The soliciting, with or without display of samples, at a private residence for future delivery.

§ 238-12 Special events.

A. The Selectboard may issue special vendor's licenses to be used in conjunction with a special event. Such licenses shall be valid for no more than three consecutive days designated for the event by the Selectboard.

B. The fee for a special vendor's license shall be \$5 for each day for which it is valid; provided that any organizations in § 238-11 shall be exempt from the payment of any fee imposed hereunder.

§ 238-13 Signs.

Vendors shall be limited to the use of only one sign promoting his/her activities which sign cannot be in excess of 10 square feet in surface display area nor stand more than four feet above the ground level. For the purpose of this chapter banners, pennants, flags and other similar items shall be considered signs. No sign shall be affixed to public or private property without obtaining prior approval therefor from the owner of said property. No sign shall be placed in such a manner as to obstruct or interfere with traffic. The use of string lighting is prohibited without the prior written approval of the Town Manager.

§ 238-14 Cleanliness.

Licensees shall maintain the site which they utilize in a clean and neat state and are responsible for the

appropriate containment and disposal of all trash or garbage generated by their business or by patrons thereof.

§ 238-15 Loud noises and speaking devices.

No vendor shall shout, make and cry out, blow a horn, ring a bell or use any sound device, including any loudspeaking radio or sound system.

§ 238-16 Liability.

Certificate of liability insurance must be presented to the Town Manager at time of application for permit. Such certificate shall name the Town as an insured and shall be of sufficient and customary limits and coverage to hold the Town harmless from all liability, loss, damage and injury arising out of the activity for which the permit is issued.

§ 238-17 Nonexclusive location; distance from competitors.

No licensed vendor shall be entitled to any exclusive location nor shall goods be peddled within 100 feet of the entryway to any business location which sells or offers for sale goods, wares, merchandise, food, etc., of the same type and nature as being offered for sale by the vendor. The Town Manager, subject to written appeal to the Selectboard within one day of the Town Manager's determination, shall determine in appropriate cases whether such similar goods are being offered for sale. If an appeal to the Selectboard is taken, the determination of such Board will be final.

§ 238-18 Enforcement.

The Hartford Police Department shall be responsible for the enforcement of the provisions contained within this chapter.

§ 238-19 Violations and penalties.

Any person violating the provisions of this chapter shall be punished as provided in § 1-16 of the Town Code. Each day that such violation continues shall constitute a separate violation.

Attachments:

[238a Itinerant Vendors Sched of Fees](#)

Chapter 245

WATER

[HISTORY: Adopted by the Selectboard of the Town of Hartford 10-30-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 152.

Subdivision regulations — See Ch. 200.

Zoning — See Ch. 260.

§ 245-1 Contact information; inspectors and meter readers.

- A. Information concerning water services, rates, regulations or other matters can be obtained by calling the Public Works Office, Town of Hartford, Vermont, workdays at 295-3622. On weekends (Saturday, Sunday or holidays and during nonworking hours) emergencies should be reported to the police dispatch office.

- B. Inspectors and meter readers will carry appropriate identification and will show same upon request of the property owner or his/her authorized agent. Impostors should be reported at once by calling 295-3622.

§ 245-2 Status of rules and regulations.

- A. Rules and regulations. These rules, regulations and specifications and all subsequent changes, amendments and additions thereto shall constitute a part of the contract between all water customers (whether persons, corporations or property owners) and the Department. Every customer using the Department water supply shall be considered as having expressed consent to be bound by these rules and regulations.
- B. A copy of these rules and regulations shall be available to the public and can be obtained at the Town Manager's office by letter, telephone or in person. Persons should read these rules and regulations carefully, as failure to know the rules and regulations will not excuse anyone from the consequences of neglect of these rules and regulations.

§ 245-3 Definitions.

- A. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

ACT

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500 and Pub. L. 93-243).

BOARD OF WATER COMMISSIONERS

The Selectboard of the Town of Hartford, Vermont (hereinafter referred to as the "Board").

COMMERCIAL UNIT

Each individual factory, warehouse, store, shop, office, motel unit, hotel guest room, restaurant or other commercial establishment, whether or not individually metered. One property may contain several commercial units.

CUSTOMER

Any individual, firm, company, corporation, association, or group receiving or requesting water or sewer service from the Department.

DEPARTMENT

The Water Department of the Town of Hartford, Vermont acting through the Board, as appropriate.

EXTENSION OF EXISTING SERVICE

- (1) Any additional faucets, toilets, or other water using facilities (on a property already served by the Department, other than a residential use which does not increase the number of dwelling units) within the same commercial unit.
- (2) Any change of service from residential to commercial in an existing building or other change of use which the Board of Water Commissioners determines will result in greater usage of water.

NATURAL OUTLET

An outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

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.

RESIDENTIAL UNIT

A structure or part of a structure, whether or not individually metered, occupied or intended to be occupied by one family for residential purposes, containing full housekeeping facilities for the exclusive use of the occupants. Residential unit shall not include units rented, or intended to be rented, for a period of less than 30 days.

SECRETARY

The Secretary of the Agency of Environmental Conservation, State of Vermont.

SUPERINTENDENT

The Town Manager.

WATERCOURSE

A channel in which a flow of water occurs, either continuously or intermittently.

B. Word usage. Shall is mandatory; may is permissive.

§ 245-4 Purpose; effect of extensions on existing users.

- A. It is the purpose of this chapter, and the rules and regulations promulgated hereunder, to provide an orderly procedure for all applicants which will assure timely review and acceptance of properly constructed waterworks utility extensions and connections. It is adopted under the authority of 24 V.S.A. §§ 2291(6) and 3313.
- B. The existing users will continue to be responsible for the required system operation and maintenance including general purpose prioritized local capital improvements to the system. All other extensions, additions or proposed improvements that are required for or requested by new users will be the financial responsibility of those new users. After construction, testing and acceptance by the Department, these new extensions, additions, or proposed improvements shall become the property of the Town of Hartford.
- C. It is specifically the purpose of these procedures to assure that existing users do not sacrifice any standard of service for the benefit of new users connecting to the system. Any reductions in service created by expansion into new areas will be evaluated considering the total impact on the entire system. Where an impact causes any potential reduction in the standards of service to existing users, new users requesting connections will be required to complete such system improvements to eliminate any such impacts as a condition for obtaining a water connection permit.

§ 245-5 Public extensions.

Subject to the condition that the Town be supplied with proof of compliance with all applicable provisions of this chapter and any appendix to this chapter, all extensions, improvements or additions to the water system shall become the property of the Department. Private systems shall not be allowed connection to the Town water system. All design documents and construction procedures shall comply with the duly accepted Town standards as set forth in the rules and regulations of the Water Commissioner and in the standard specifications for each.

§ 245-6 Resident inspections.

- A. During construction, a resident inspector appointed by the Board under the sole supervision and direction of the Town may be required. All cost of resident inspection will be borne by the applicant. It will be the duty of the resident inspector to assure installation of all facilities in accordance with the approved plans and specifications for the project. Certification of project conformance by the resident inspector and the applicant's engineer will be required in order to obtain permission from the

Department to initiate water service for the project. Any divergence from the approved plans must be approved by the appropriate Board.

- B. Where required the Department will provide persons for conducting inspections. The developer or owner shall notify the Department at least 24 hours in advance of such required inspections.
- C. The developer will be responsible for direct costs of providing an inspector by the Department.

§ 245-7 **Application procedure.**

Applications will be presented to the Superintendent in a form that provides full information necessary for adequate review of the proposed project.

A. Preliminary application.

- (1) Because the water systems are limited by the capacity for service, the first step in obtaining an approval for a proposed project is to receive a capacity commitment from the Department. If there is no capacity commitment, an application for full approval will not be accepted until such time as the project is either reduced to meet capacity reserves or more capacity is constructed within the system.
- (2) A preliminary application must include information necessary for the Board of Water Commissioners to make a judgment on the capacity of the existing system to provide the capacity requirement of that project. Included will be location of the project, projected water demands, proposed sizes of lines and a general utility layout. A connection fee will accompany all preliminary applications. (See schedule of changes.) Though detailed plans are not required at this stage, information must be complete enough to enable the Board to make a decision. If capacity commitment is given, a detailed submission of plans will be required before approval for construction.
- (3) Water system capital facilities charges.
 - (a) Properties subject to water system capital facilities charges and effective dates.
 - [1] All structures not occupied before January 1, 1989, shall be subject to water system capital facilities charges except as provided under Subsection **A(3)(b)**. For determining date of occupancy for new structures, the date of the certificate of occupancy will govern.
 - [2] All structures that have experienced a change of use after January 1, 1989, that require additional demand for water and/or sewer services shall be subject to water system capital facilities charges except as provided under Subsection **A(3)(b)**. New connection and/or capacity charges will apply solely to the additional demand.
 - (b) Transition rule. To provide a fair transition from the existing to new charges, the following are exceptions to subject properties under Subsection **A(3)(a)**:
 - [1] All structures that have received approval for connection or additional demand as of January 1, 1989, will not be subject to water system capital facilities charges if they are connected and receive a certificate of occupancy before July 1, 1989.
 - [2] All occupied structures which have or receive a certificate of occupancy before January 1, 1989, will not be subject to water system capital facilities charges if they are connected by July 1, 1989.
 - (c) Water system capital facilities charges: [**Amended 7-14-1992**]
 - [1] Applicants intending to connect to the Town's water system shall pay an initial water system capital facilities charge in addition to all other fees and charges which are in effect. The water system capital facilities charge shall be computed at the rate of \$2 per gallon per day on the total gallonage

to be allocated.

- [a] Residential rates. Residential water and wastewater rates shall be based on a daily water usage for a home in Hartford at 169 gallons.
- [b] Commercial and industrial rates. Commercial and industrial water and wastewater users shall be assessed an initial impact fee equal to 40% of the "State Chart" gallonage figure. At the end of a three-year period, the commercial or industrial user's peak quarterly water use will be determined to adjust the impact fee assessment upward or downward to reflect the actual gallonage used.
- [2] The amended rates shall apply to all applications received on or after July 1, 1992.
- (d) Payment policy. The water system capital facilities charges shall be paid as follows:
 - [1] Ten percent upon application for gallonage requested to be reserved, on forms provided by the Town. This fee is nonrefundable unless the project is abandoned as a result of being denied necessary state or local permits.
 - [2] On or before two months from the date of said application, the applicant shall enter into a contract with the Town to reserve and purchase water capacity.
 - [3] If any state or local permits are required on a project for which a water system capital facilities charge has been assessed, an additional 40% of the fee shall be paid within 18 months from the date of the contract in Subsection **A(3)(d)[2]**, or the date of receipt of the last required permit, whichever first occurs. If such permit or permits are denied, or if the applicant abandons a project before the start of construction because of permit denial, or for any other reasons, the contract, if entered into, will be deemed null and void. Any payment made, except the 10% paid upon application (as per Subsection **A(3)(d)[1]**), shall be returned without interest, and reservation of gallonage shall be withdrawn. For the purpose of this policy, the applicant shall be deemed to have abandoned a project if he fails to enter into a contract within two months of the application and payment in Subsection **A(3)(d)[1]**, or when he fails to commence construction within 18 months from the date of the contract, or make the payment required in Subsection **A(3)(d)[4]**.
 - [4] The remaining 50% for each unit is due prior to receiving a zoning permit for construction for that unit.
 - [5] Projects may be phased by agreement between the Town and the applicant, or when required by the Town because of low or insufficient plant or system capacity. If a contract is made for one phase, allocation of gallonage therein provided shall be only for such phase, and the Town shall not thereby be deemed to have bound or committed itself, impliedly or otherwise, to enter into contracts for additional phases or to provide gallonage therefor, nor shall the consumer be deemed bound or committed to construct future phases. Such contract shall be binding only for the project therein described as if no other phases were intended, and the water system capital facilities charges shall be computed only for such phases. If a contract describes more than one phase of a total project, then the water system capital facilities charges shall be computed on the whole described project and shall be payable as provided here, except that the payment of 50% in Subsection **A(3)(d)[4]** shall be paid in proportion to such phases and prior to receiving zoning permits for construction of each phase, but no later than the termination date stated in the contract.
 - [6] Applicants who desire to construct residential buildings not located in, or part of planned development or for which no contract and/or permit is necessary or required, shall pay 10% of the water system capital facilities charges upon application (as per Subsection **A(3)(d)[1]**) and shall pay the remaining 90% prior to receiving a zoning permit for construction or within 18 months of application.
 - [7] The practice of the issuance of capacity letters, so-called, is hereby discontinued. Applicants who

hold such letters, whether or not they have entered into a contract with the Town, but who have not paid a water system capital facilities charge on the effective date of this policy, shall be given written notice thereof by the Town, and shall pay the applicable portion of any unpaid water system capital facilities charges herein provided within 60 days of the date of such notice or upon entering into a contract with the Town, whichever first occurs. The time limit provisions mentioned in Subsection **A(3)(d)[3]** shall also apply to all such applicants. Applicants who fail to pay may have existing contracts, if any, terminated and any gallonage actually allocated to them withdrawn.

- (e) Appeals: Appeals from the assessment of impact fees shall be made in writing within 30 days to the Selectboard. [**Added 7-14-1992**]
- (f) Expenditure of impact fee revenues: [**Added 7-14-1992**]
- [1] The Town shall provide an annual accounting for each impact fee showing the source, amount of each fee collected and project that was funded with the fee. The Town must spend the fee on the capital project, for which the fee was intended, within six years of when the fee was paid. If the Town fails to do this, the owner of the property at the expiration of the six-year period may apply for and receive a refund of his or her proportionate share of that fee during the year following the date on which the right to claim the refund began.
- [2] The property owner shall be entitled to interest from the date of payment(s) to the Town at a rate equal to the interest rate paid the Town while the funds were on deposit in the Town's impact fee account.

B. Full application.

- (1) A full application will be prepared by the applicant in compliance with the standard specifications of the Town of Hartford on forms provided by the Department. All plans are to be prepared in accordance with these design standards. Two sets of design plans and specifications will be submitted to the Board by the applicant. The Board will review all plans and specifications for conformance with its standards. This review will be made where applicable by the Town's duly appointed engineer. The Superintendent may take the following actions:
 - (a) Approval for construction.
 - (b) Conditional approval for construction.
 - (c) Request for additional information or review comments.
- (2) Acceptance of the application by the Superintendent obligates the applicant to pay the Department its established rates and charges and to comply with the rules and regulations. If the rendering of service requires a new service connection or other work on the premises, the occupant must present to the Department a permit in writing from the owner authorizing the utility to enter the premises to do the necessary work.
- (3) The Department reserves the right to assign size and location for the water service. Applications will be accepted subject to there being an existing main in a street or right-of-way abutting on the premises to be served, but acceptance shall in no way obligate the Department to extend its mains to service the premises, except as hereinafter provided.

§ 245-8 Procedure for initiation and extension of water service.

The Superintendent will consider acceptance of the utility project for initiation of water service only after all of the following conditions have been met, with appropriate documentation submitted to the Superintendent and found to be satisfactory by the Board:

- A. Certification of the Resident Inspector and project engineer of conformance with the standard**

specifications, rules and regulations and approved plans and specifications.

- B. Presentation of all deeds and right-of-way instruments for all new water mains.
- C. Presentation of as-built plans on reproducible Mylar, 24 inches by 36 inches, or such other size as may be required to enable recording of the Mylar in the records of the office of the Hartford Town Clerk, if required, showing ties to all fittings, valves, corporations, curb stops and boxes, and stubs.
- D. Statement of release of all liens from all subcontractors and suppliers.
- E. Certification to the leakage test, pressure test and chlorination procedures and results of successful bacteriological sampling. Temporary water shall be supplied by the Department only for these activities.

§ 245-9 Conformance with other regulations.

The proposed project may be required to obtain other permits. The securing of final approval of the project does not remove the responsibility of obtaining other permits, such as public building permits, zoning and planning permits, Act 250, or opening of street permits. The applicant is advised to seek advice in compliance with all permits.

§ 245-10 Compliance standards.

All applications will comply with the following:

- A. Rules, Regulations and Specifications of the Board of Water Commissioners.
- B. Water Service District Restrictions.
- C. American Water Works Association Standards, latest revision.
- D. Ten State Standards, 1987 or latest revision.
- E. Vermont Department of Health Public Water System Regulations.
- F. Vermont Standards for Water System Design and Construction.
- G. National Plumbing Code, 1968 or latest revision.

§ 245-11 Internal improvements.

- A. Whenever a proposed water main extension, improvement or addition to the utility causes any other portion of the system to be inadequate or places such impact on that existing portion of the system that it renders that portion of marginal serviceability, it shall be required that the proposed project include such improvements required for the existing system to eliminate such impacts.
- B. The internal improvements shall be made in conformance with the overall master plans of the Department and the Municipal Development Plan. The improvements will be determined by the Board in conformance with the master plan and after analysis of the total hydraulic effect on the system.

§ 245-12 Water District service areas.

- A. The Board of Water Commissioners has adopted a defined Water District. This district shall be defined by the map entitled "Water Service Areas" and recorded with the Town Clerk and attached hereto as part of these procedures (610 feet MSL grade line).
- B. It is the purpose of service district to confine the distribution area to elevations that can be effectively served by the existing supply system. It is further the purpose of the district to eliminate extensive expansion of the utility until such time as development within the district has been

undertaken. Current capacity of the utility recognizes that the existing serviced areas can utilize all of the current capacity when fully developed. It is the policy of the Board to phase needed improvements to the system to coincide with capital improvement revenues.

- C. Upon application to the Board approvals for extension may be granted provided that the Board determines the following:
- (1) The extension does not negatively affect any existing users; or
 - (2) The existing system can be modified to allow the extension without negative effect to existing users; or
 - (3) Adequate source, supply, storage, or distribution exists or can be reasonably modified to accommodate the extension without negative effects on the existing users.

§ 245-13 **Meters.**

- A. All water service by the Department shall be sold on the basis of meter measurements, or as otherwise provided for in its rate schedules, and the Department may install meters whenever deemed expedient. The customer may receive water through a meter upon written application to the utility. The size of the meter will, in all cases, be determined by the Department.
- B. All meters shall be set, as nearly as possible, at the point of entrance of the service pipe to the building, and the customer shall provide and maintain a clean, dry, warm and accessible place to service the meter. Meters, once set, may be moved in location at the request of the customer at his expense, and the work may be done only by an agent of the Department.
- C. For new installation of meters two inches and larger in nominal size, the piping arrangement shall be in accordance with the requirements of the Department.
- D. Remote reading registers acceptable to the Department may be utilized. If provided by the Department primarily to expedite its meter reading and billing procedures, the installation shall be at the Department's expense.
- E. When the customer fails or neglects to furnish a suitable location for a meter inside his building, or when for other reasons it is necessary or expedient to locate the meter outside the building, an underground vault acceptable to the Department shall be provided and maintained at the expense of the customer.
- F. Use of service pipe material which is deemed by the Department to be inferior shall constitute ground for requiring the use of a meter installation at an exterior location.
- G. Meter repairs and replacements necessitated by ordinary wear will be paid for by the Department. Those caused by freezing, hot water, or by other causes within the control of the customer will be charged to the customer, including the cost of removing and replacing the damaged meter.
- H. Meters will be carefully tested before installation. Thereafter, meters will be tested free of charge at the request of the customer, provided that such request is not made more frequently than once in 12 months.
- I. If tests are requested more than every 12 months, the Department may require the customer to make a deposit which will cover the reasonable cost of the test. If the meter is found to overregister more than 2%, the deposit will be refunded together with the percentage of error computed for the duration of the last billing period. If the meter is found to underregister more than 2%, the customer will be charged such percentage of error computed for the duration of the last billing period. If the meter registers with 2%, plus or minus, it will be deemed correct, and the deposit will be retained by the Department. The customer may be present when the Department conducts the test on his meter, or if

he desires, send an expert or other representative appointed by him. A written report giving the result of such test shall be made to the customer.

- J. Metering shall be required in all connections. Meters are to be obtained and installed by the owner in conformance with the Department standards. Once installed and approved by the Department, the meter will be solely the responsibility of the Department, and all maintenance and replacement will thereafter be borne by the Department. (See meter standard.)
- K. Every service must be provided with an operable stop-and-waste valve inside the building near the service entrance, easily accessible, and protected from freezing. All piping shall be so arranged as to prevent back-siphonage and to permit draining whenever necessary. Backflows will be required.

§ 245-14 Installation of service.

- A. The cost of installing and maintaining the pipe from the curb stop to the property shall be borne by the owner. This pipe may be installed by a private contractor, but the installation must comply with Department specifications and may not be covered until it is inspected and approved by the Department. No new installations may be made nor further connections made to existing installations unless approved by the Board.
- B. Existing connections to the municipal water system shall remain connected to the water system, unless express permission is granted by the Board for disconnection.
- C. The Department shall not be responsible for damage due to escaping water or arising from the use of water or from any damage arising from leaks in piping or equipment.
- D. All new construction shall use low-flow-type water fixtures as approved by the Department.

§ 245-15 Temporary service.

- A. Contractors, builders and property owners desiring temporary water service for construction purposes shall make application in writing to the Department and secure approval for this service. Temporary water services will be supplied, provided that it does not interfere with use of water for general purposes. The cost of temporary service and the cost of its removal shall be borne by the applicant. The estimated cost of temporary service shall be payable in advance by a deposit at the Department. Upon completion of the use of temporary service an accounting shall be made. If the amount of deposit does not cover the actual cost, the applicant will be billed the additional amount. If the deposit exceeds the actual cost, the applicant shall be refunded the difference.
- B. These charges are in addition to the charge for use of water which will be billed at the published rate.

§ 245-16 Summer service pipes and mains.

Summer service connections and mains are ones which, because of a lack of a sufficient cover or for other reasons, can supply premises for only a portion of the year. Water furnished through summer service pipes and mains will be furnished only from May 1 to October 1, except that the Department may render service before and after these dates if deemed advisable. Service furnished later than November 1 via a summer service or main shall be by written agreement between the Department and the customer.

§ 245-17 Seasonal customer.

A seasonal customer is one who regularly takes service for only a portion of the year from either a summer or year-round service. Except as provided below, a seasonal customer will be subject to the rules and charges of seasonal rates in effect. A customer regularly vacating his premises for three months or less may elect in writing to be classified as an annual customer subject to normal changes 12 months of the year notwithstanding any requested temporary suspension of service.

§ 245-18 Winter provisions.

The Department shall not be required to install any service lines or service connections during winter conditions, except by special arrangement, in which case the customer shall pay for the excess over

normal costs. In those cases where customer-owned service pipe or main is frozen, the thawing shall be done by the owner at the expense of the owner. If it is determined that the freezing is between the main and the curb stop, it shall be the responsibility of the Department to restore service. To avoid a recurrence, the Department may order an examination of the customer's service pipe or main and if the same is not a depth of 5 1/2 feet, as required, the Department reserves the right to require it to be so relocated before service is resumed.

§ 245-19 Abatement of charges in cases of vacancy of premises.

If premises are to be vacated for a period of 30 days or more, abatement of water charges may be had by notifying the Department in writing, in advance, the date such vacancy is to occur. The Department will then discontinue service at the shutoff or in case two or more occupancies are supplied by a single service, seals will be placed upon the stop-and-waste valve or fixtures of the vacant occupancy. A charge will be made for each resumption of service, and a charge will be made for each seal required. No abatement will be granted for flat hose charges, or to customers subject to seasonal rates, or to regular vacaters electing to pay for 12 months' service. Abatement will not be available for partial vacancy of multiple units served through a single meter with normal minimum charge for that size meter.

§ 245-20 Sprinkler systems.

- A. Application for new sprinkler systems must be made by the owner of the property or his authorized agent and will be subject to all provisions and specifications of the Department. The Fire Department is hereby made party to this review.
- B. The applicant must furnish a complete set of drawings showing the location of the premises to heads and other appurtenances. These plans will remain as property of the Department. The applicant further agrees to furnish the Department with drawings showing revisions to piping or appurtenances whenever any revisions are made.
- C. No private fire connection will be made on a water main of less than six inches in diameter. The Department expressly reserves the right to determine the necessity for the advisability of granting any application for special service, depending on the size of the street main, availability of pressure, and the nature and capacity of the fire protection equipment to be installed.
- D. Installation of the fire protection service shall be by, or under the direction of, the Department. All charges therefor are payable by the customer.
- E. All fire services shall be subject to periodic inspections by the Department. The owners of such systems will give the Department inspectors all reasonable facilities for making the inspection and any information concerning such system that they may require. Inspections will be made with as little inconvenience to the owner as possible.
- F. Sprinkler system connections shall be used for fire protection only. Using water from fire supply for other than fire protection purposes may result in prosecution for unauthorized use.
- G. Backflow devices or FM-rated meters are required.

§ 245-21 Fire hydrants.

- A. Hydrants are the property of the Department. All public fire hydrants and their connections are installed and maintained by the Department.
- B. No person or persons shall obstruct the access to any fire hydrant by replacing or permitting snow, debris or building material or other obstruction to remain on or about the hydrant which will in any manner interfere with its immediate use.
- C. Public fire hydrants are for the sole purpose of fire protection and, with exception of the Fire Department operating of the same for the legitimate purpose of extinguishing fires or conducting a bona fide drill or practice, no other use shall be made without consent of the Water Department.

§ 245-22 Liability of Department for damage in case of service interruption.

- A. The Department furnishes water, not pressure, and does not guarantee a continuous supply. No responsibility will be assumed for any damage to any apparatus in any house or building due to shutting off water or providing excess pressure without notice either for:
- (1) Repairs; or
 - (2) Pipeline breaks; or
 - (3) Necessary operations; or
 - (4) Malfunction of system facilities.
- B. No persons shall be entitled to damages, not to have any portion of a payment refunded for any stoppage occasioned by accident to any portions of the water works, nor for stoppage for purposes of additions or repairs, nor for nonuse occasioned by absence or any other reason, unless the interruption is in effect for a continuous period in excess of 10 days, in which case a proportional refund will be made.
- C. Notice of interruption of service is not required. While it is the intention to give notice, as far as possible, in advance of any work which must be done that will necessitate interruption of the supply, such notice is to be considered a courtesy only, and not a requirement on the part of the Department. In case of a break in a pipeline, water may be shut off without notice. Any announcement will be by general announcement in the local newspaper. Failure of tenant or property owner to receive notice of interruption of service shall entail no liability on the part of the Town of Hartford, the Department or its employees. Property owners should install range boilers, hot water tanks and all other equipment connected with the water supply system in such a manner that damage will not occur if the water is shut off without notice.
- D. The Department will attempt to maintain adequate system pressures and will not be required to render service where normal system pressures may be expected to fall below 35 pounds per square inch. Where a superintendent determines that the system pressures within the range provided are higher than the customer's plumbing or apparatus can endure, it shall be the responsibility of the customer to install a suitable pressure-reducing device. Pressure-reducing devices are recommended when the service pressure exceeds 45 psi. Pressure reduction devices are required when service pressure exceeds 60 psi.

§ 245-23 Unauthorized use of water.

- A. No person shall in any way or by any device obtain the use of water without authorization, including the operation of any valves by repairmen and plumbers or others for any purpose.
- B. No customer shall be allowed to furnish to other persons or property Department water nor to charge for such supply.
- C. Water shall not be allowed to run to waste through any faucets or fixtures to prevent freezing or kept running for any longer than necessary for its proper use. The Department is required to restrain and prevent any and all waste of water and to that end may, when necessary, turn off the water or take such other action as, in its judgment, appears proper. The Board of Water Commissioners shall have the authority to limit the use of water from time to time when conditions so warrant.
- D. The Department reserves the right, in periods of drought or emergency or when deemed essential to the protection of public health, safety, and welfare, to restrict, curtail, or prohibit the use of water for secondary purposes, such as sprinkling, car washing, or filling swimming pools, and shall have the right to fix the hours and periods when water may be used for such purposes.
- E. Inspectors of the Department or persons so authorized by the Department shall have free access at all

reasonable hours to all parts of every building for the purpose of inspection, removing or replacing meters, examining fixtures, and observing the manner in which water is used.

- F. After service has been shut off because of customer's failure to abide by any of these regulations, it shall not be turned on until a written request for service has been submitted to and approved by the Department.

§ 245-24 Developments.

- A. Any realtor, developer, contractor or builder or any person or group of persons who wish to supply a subdivision or development either within or outside the existing water service area shall make a written application to the Board as detailed under § **245-7**, Application procedure.
- B. All development, subdivision or multibuilding piping shall be built to the specifications of the Department, the Vermont Health Department, Vermont Department of Water Resources, Environmental Protection Agency and any other state or federal agencies having jurisdiction of same. The Department's engineer may review such designs as directed by the Department.
- C. Service boundaries shall be defined by the Department, and the furnishing of water shall be at the discretion of the Board of Water Commissioners and as further defined in the special district provisions herein.
- D. Developments and subdivisions to and within which water distribution mains, service piping and hydrants are constructed to specifications of the Department and agencies mentioned in the above subsection shall, upon the approval of the Board, be accepted as part of the Department's system from date of acceptance and thereafter. All provisions of § **245-8** must be met.
- E. The cost of extensions shall be borne by the customer to such extent as shall be determined by the Selectboard, and a contract shall be executed by the customer prior to the commencement of the extension or further installation.
- F. The Department shall at no time jeopardize its current customers by authorizing more new water services than it can supply.
- G. General.
 - (1) All work shall be in accordance with plans and specifications approved by the Board. These documents shall be in conformance with the standard specifications for waterworks.
 - (2) Fire protection shall be provided for all developments including any waterline extensions longer than 600 feet from existing hydrants owned by the Department. Flow requirements shall be in accordance with the master plan for the Department and with the Insurance Services Organization (ISO) criteria.

§ 245-25 Violations and penalties.

- A. Any person found to be violating any provision of this chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for shall be punished as provided in Chapter **1**, § **1-16**, for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such offense. The extent, loss or damage shall be taken to be the extent determined by a competent registered professional engineer particularly skilled in the operation and maintenance of wastewater collection and treatment works.

- D. In addition to invoking the penalties hereinabove provided and otherwise available, including all legal and equitable remedies, the Commissioners are authorized to order abatement of any violation and to provide in said order that failure to abate said violation shall require termination of all use and occupancy of any building not in compliance with this chapter. A property owner receiving a notice of abatement shall be entitled to a public hearing upon request prior to the commencement of any occupancy termination.

Attachments:

[245a Application Forms](#)

[245b Bills and Billing](#)

[245c Water Tech Specs](#)

[245d Standard Details](#)

Chapter 260

ZONING

[HISTORY: Adopted by the Selectboard of the Town of Hartford 3-1-1962 (interim), 1-27-1975 (final), as amended 12-8-1975, 5-16-1978, 7-21-1981, 4-20-1982, 7-3-1984, 3-23-1988, 8-23-1988, 8-22-1989, 8-9-1994, 6-27-1995, 7-15-1997, 1-28-1998, 4-24-2001, 1-29-2002, 4-9-2002, 9-17-2002, 5-27-2004, 10-5-2004, 11-29-2005, 4-4-2006, 4-18-2006, 1-23-2007, 10-14-2008. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Flood Hazard Area Regulations — See Ch. **58**.

Impact fees — See Ch. **90**.

Noise — See Ch. **110**.

Signs — See Ch. **160**.

Subdivision Regulations — See Ch. **200**.

Article I

Authorities and Authorizations

§ 260-1 **Enactment; authority; title.**

In accordance with the Vermont Planning and Development Act, hereinafter referred to as the "Act," 24 V.S.A. Chapter 117, §§ 4401 and 4402, there are hereby established Zoning Regulations for the Town of Hartford which are set forth in the text and map that constitute these regulations. These regulations shall be known and cited as the "Town of Hartford Zoning Regulations."

§ 260-2 **Intent.**

It is the intent of these Zoning Regulations to provide for orderly community growth and to further the purposes established in Section 4302 of the Act. No provision of these regulations may have the effect of excluding from the municipality housing to meet the needs of the population as determined in accordance with 24 V.S.A. § 4382(c) [24 V.S.A. § 4412(1)(A)].

§ 260-3 **Administrative Officer.**

- A. The Selectboard shall appoint an Administrative Officer from nominations submitted by the Planning Commission for a term of three years in accordance with the Act (24 V.S.A. § 4448). The Selectboard may remove an Administrative Officer for cause at any time after consultation with the Planning Commission.
- B. An Acting Administrative Officer may be appointed by the Selectboard, from nominations submitted by the Planning Commission, who shall have the same duties and responsibilities of the Administrative Officer in the Administrative Officer's absence. In the event an Acting Administrative Officer is appointed, the Selectboard shall establish clear policies regarding the authority of the Administrative Officer relative to the authority of the Acting Administrative Officer.
- C. The Administrative Officer shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.

§ 260-4 **Zoning permits.**

- A. No land development, as defined in § **260-59**, may be commenced without a permit therefor issued by the Administrative Officer. No zoning permit may be issued by the Administrative Officer except in conformance with these regulations and Flood Hazard Area Regulations, if applicable.
- B. Applications for zoning permits shall be made to the Administrative Officer on forms provided for that purpose within six months from the date of Planning Commission approval of the project. Failure to apply for a permit within the six-month period will render the Planning Commission approval invalid.
- C. Prior to the issuance of any zoning permit, the Administrative Officer shall first be satisfied that the subject of the application is in conformance with these regulations and Flood Hazard Area Regulations, if applicable, and shall be satisfied that all applicable impact fees and/or other charges imposed by the Town have been paid or that arrangements have been made to pay them at such future time as may be allowed under the respective Town ordinance. The Administrative Officer may request from an applicant any information necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan and any other approvals of the Planning Commission or the Board of Adjustment required by this regulation and § **58-4** of Chapter **58**, Flood Hazard Area Regulations, if applicable, have been properly obtained and are submitted in connection with the application. The Administrative Officer shall, within 10 working days of the submission of application, approvals by the Planning Commission or Zoning Board of Adjustment, if applicable, and receipt of all supplementary information requested, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating the reasons therefor. If the zoning permit is approved, all activities authorized by its issuance shall be started within six months and completed within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Any activities not completed within the above permit period shall be subject to any ordinance in effect at the time of reapplication. One six-month extension to both time periods may be granted by the Planning Commission. The start of activities, as referred to above, shall consist of excavation or nonreversible site preparation, such as the cutting of trees.
- D. In the issuance of zoning permits, the Administrative Officer shall comply with all the provisions of 24 V.S.A. § 4424, Shorelands; flood or hazard area; special or freestanding bylaws, and 24 V.S.A. § 4449, Zoning permit, certificate of occupancy, and municipal land use permit, if applicable, of the Act.
- E. The fee for a zoning permit shall be established by the Selectmen. Said fee shall accompany each application for a permit.
- F. No permit issued pursuant to this section shall take effect until the time for appeal as defined in 24

V.S.A. § 4465 has passed; or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the appropriate municipal panel is complete and the time for taking an appeal to the Environmental Court has passed without an appeal being taken. If an appeal is taken to the Environmental Court, the permit shall not take effect until adjudication by the Environmental Court.

- G. The zoning permit or a copy of the zoning permit as furnished by the Administrative Officer shall be posted by the applicant at the site for which the permit is issued so that it is conspicuous.
- H. An interested person may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the Secretary of the Zoning Board of Adjustment through the Town's Municipal Office. This notice of appeal must be filed within 15 calendar days of the date of the decision or act, and a copy of the notice of appeal shall be filed with the Administrative Officer. A notice of appeal shall be in writing, submitted on the form provided by the Town, and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.

§ 260-5 Certificates of occupancy.

- A. Following receipt of a zoning permit, it shall be unlawful to use or occupy or permit the use or occupancy of any land development, as defined in Article VI, until a certificate of occupancy is issued by the Administrative Officer stating that the proposed use of the structure or land conforms to the requirements of these regulations and Flood Hazard Area Regulations, if applicable. This shall not apply to zoning permits issued expressly for the subdividing of land.
- B. Applications for a certificate of occupancy shall be made to the Administrative Officer.
- C. Prior to the issuance of any certificate of occupancy, the Administrative Officer shall first determine that the proposed use of the structure or land conforms to the requirements of these regulations and Flood Damage Prevention Bylaw, if applicable.

§ 260-6 Violations and penalties.

Any violation of these regulations shall be subject to fines and enforcement as provided in §§ 4451 and 4452 of the Act.

§ 260-7 Public notice.

Any requirement of public notice pursuant to these regulations shall be given by the publication of the date, place and purpose of such hearing in a newspaper of general circulation in the Town of Hartford and the posting of such notice in one or more public places within the municipality not less than 15 days prior to the date of the public hearing. In every case in which public notice is required, such public notice shall include a brief summary of the purpose of the hearing.

§ 260-8 Amendments.

These regulations may be amended according to the requirements and procedures established in §§ 4441 and 4442 of the Act.

§ 260-9 Interpretation.

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except for § 4413 of the Act and where, in these regulations, specifically provided to the contrary, it is not intended by these regulations to repeal, annul or in any way impair any regulations or permits previously adopted or issued; provided, however, that where these regulations impose a greater restriction upon use of a structure or land than is required by any other statute, ordinance, rule, regulation, permit, easement or agreement, the provisions of these regulations shall control.

§ 260-10 **When effective.**

These amendments shall take effect in accordance with the voting and other procedures contained in § 4442 of the Act. On the day they are effective, they shall amend in its entirety the ordinance entitled "Town of Hartford, Vermont, Zoning Regulations," adopted March 1, 1962, and last amended April 18, 2006.

§ 260-11 **Severability.**

The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

Article II
Districts and District Regulations

§ 260-12 **Zoning maps and districts.**

A. The Zoning Maps officially entitled "Hartford, Vermont Zoning Districts Sheet 1 — Town wide"; and "Zoning Districts Hartford, Vermont Sheet 2 — WRJ, Wilder, and Hartford Village Detail," dated August 26, 1994, and subsequently amended. The Town of Hartford Zoning Maps show a division of the Town into the following districts:

I-C	Industrial-Commercial
I-C-2	Industrial-Commercial Two
HC	Highway Commercial
CB	Central Business
CB-2	Central Business Two
QG	Quechee Gorge
QII	Quechee Interstate Interchange
RC-2	Residential-Commercial Two
VB	Village Business
VR-C	Village Residential-Commercial
R-1	Residential One
R-1M	Residential One Multi-family
R-2	Residential Two
R-3	Residential Three
VR-1	Village Residential One
VR-2	Village Residential Two

RL-1	Rural Lands One
RL-3	Rural Lands Three
RL-5	Rural Lands Five
RL-10	Rural Lands Ten
FC	Forest Conservation
RLOD	Rural Lands Overlay District
AOD	Agricultural Overlay District
WCOD	Wildlife Connector Overlay District

- B. The Zoning Map entitled "White River Junction, Design Review District Boundary Map, First Floor Commercial Use Boundary Map" is hereby incorporated into these regulations as the official map to delineate the White River Junction Design Review District described in § **260-45** of these regulations, and the official map delineating the area in the Central Business District which is restricted to commercial uses only for the first floor street frontage portion of buildings, as described in § **260-20** of these regulations.

§ 260-13 Copies of Zoning Maps.

Regardless of the existence of other printed copies of the three Zoning Maps referenced in § **260-12**, which from time to time may be made or published, the official Zoning Maps, which shall be located in the office of the Town Clerk, shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town.

§ 260-14 District boundaries.

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of district boundaries. When the Administrative Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, the Officer shall refer the matter to the Planning Commission, which shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of these regulations.

§ 260-15 Permitted uses.

Permitted uses are those which may be approved by the Administrative Officer, providing the standards established by these regulations are met. Permits for permitted uses will be issued by the Administrative Officer. However, where a variance or other special action by the Zoning Board of Adjustment is required, or where approvals of a site development plan is required by the Planning Commission, the issuance of permits by the Administrative Officer must await and is contingent upon such approval.

§ 260-16 Conditional uses.

Conditional uses are those for which a permit may not be issued by the Administrative Officer until such use has been approved by the Zoning Board of Adjustment after public notice and hearing, as provided for in § 4414(3) of the Act. In addition, certain specified uses and structures which exceed the limits which would otherwise apply to them under these regulations may apply for approval as a conditional use. No clearing of land or construction of access roads shall occur in preparation for a conditional use until approval for such use has been granted by the Zoning Board of Adjustment.

- A. **Approval criteria.** In order for the permit to be granted, the applicant shall be required to present

evidence that the proposed use shall not result in an undue adverse effect on any of the following such that an impact cannot be reasonably mitigated:

(1) **Community facilities.**

(a) The capacity of planned or existing **community facilities**, including, but not limited to:

[1] Emergency services.

[2] Municipal water or sewer system.

[3] Recreational facilities.

[4] The school system.

[5] Solid waste disposal facilities.

(b) The Board may seek or require input from the Town Manager and other municipal officials regarding relevant facilities. The Board shall also take into account sections of the Municipal Plan and any duly adopted Capital Plan which specify anticipated growth, service standards, and facility construction plans.

(2) The **character** of the area, as defined by the objectives of the zoning district within which the project is located and specifically stated polices and standards of the municipal plan, including, but not limited to:

(a) Scenic or natural beauty, historic sites, or rare and irreplaceable natural areas.

(b) Compatibility with scale and design of structures existing in that area.

(3) The capacity of **roads and highways** in the vicinity to safely accommodate expected traffic flows. In making this determination, the Board may require submission of a traffic impact study made by a professional traffic engineer.

(4) Any Town of Hartford **bylaws** in effect.

(5) Utilization of **renewable energy resources**.

B. Approval conditions.

(1) In permitting a conditional use, the Zoning Board of Adjustment may impose conditions found necessary to meet the stated objectives of the zoning district and protect the best interests of the surrounding property, the neighborhood, or the Town as a whole. These conditions may include, but need not be limited to, the following:

(a) Increasing the required lot size or setback distance;

(b) Limiting the coverage or height of buildings;

(c) Controlling the location and number of vehicular access points;

(d) Increasing the number of off-street parking or loading spaces;

(e) Limiting the number, location and size of signs;

(f) Requiring landscaping and screening in certain areas;

- (g) Specifying a time limit for construction, alteration, or enlargement for a structure to house the proposed use;
- (h) When the project will cause the level of traffic service on a road or street to drop below a Level C (AASHTO Standards), requiring that the project make a contribution proportionate to the project's share of the excess traffic. Such contribution may include:
 - [1] Installation of acceleration or deceleration lanes on the street or highway adjacent to any driveway, frontage or service road;
 - [2] Improvements to access or other intersections affected.
- (i) The Zoning Board of Adjustment may require applications for Conditional Use Approval and/or Variances to have **professional site plans** prepared by Surveyors, Engineers or Architects licensed by the State of Vermont.
- (j) The Zoning Board of Adjustment may require the submission of a bond, escrow account, or other surety in a form acceptable to the Town to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.
- (2) The Board may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the Board may require for the benefit of the municipality a performance bond or other security 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 those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the Town. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements for a period of two years after completion. Any costs incurred by the Town related to the performance bond or other securities are the responsibility of the applicant and/or property owner.
- (3) The performance bond required by this subsection shall run for a term to be fixed by the Board, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality, and upon receipt of the proceeds of the bond, the Town shall install or maintain such improvements as are covered by the performance bond.

C. **Changes to an approved use.**

- (1) Any enlargement or alteration of a conditional use shall be reviewed as a conditional use by the Zoning Board of Adjustment to permit the specifying of new conditions. Exemptions: amendments to an approved conditional use which, in the opinion of the Chair or Vice Chair of the Zoning Board of Adjustment and Administrative Officer, are minor and have no adverse effect in terms of the approval criteria outlined in Subsection A. Changes which involve a variance will not be considered minor.
- (2) Except as otherwise provided in Article V, a change in use, expansion or contraction of land, area, or alteration of structures or uses which are designated as a conditional use within the district in which they are located and are existing therein prior to the effective date of these amendments shall conform to all regulations herein pertaining to conditional uses, and shall not be commenced unless and until a permit is issued by the Zoning Board of Adjustment for such change, expansion, construction or alteration under this section.

§ 260-17 **Accessory uses.**

Accessory uses are those uses which are not specifically listed for a zoning district in § 260-20 and are on the same lot with and of a nature which the Administrative Officer determines is incidental and subordinate to the principal use or structure. Appeals from the Administrative Officer's determination may be made to the Zoning Board of Adjustment.

A. Accessory uses shall not significantly alter:

- (1) The character of the area affected;
- (2) Traffic on roads and highways in the vicinity;
- (3) The principal use of the property.

B. If the principal use on a lot requires a conditional use permit, any accessory use shall also require a conditional use permit. If the principal use on the lot is a permitted use, the accessory use shall also be permitted.

§ 260-18 **Dwelling unit density.**

In every case, the Administrative Officer shall determine the maximum number of dwelling units permitted on any lot by dividing the lot size, provided by a survey (furnished by the owner and sealed by a Vermont registered land surveyor), by the minimum area per dwelling unit standards for the district in which the lot is located. In all cases such determination shall be rounded to the nearest whole number.

§ 260-19 **Classification of lots, source of water and sewage service.**

A. The tables set forth in § 260-20 make reference to the "class" of lot, a distinction which is based on the means by which a lot receives potable water and/or sewage disposal service. The classes are follows:

Lot Classification	Provision for Water and Sewage
1	Off-lot water supply <u>and</u> sewage disposal
2	Off-lot water supply <u>or</u> sewage disposal
3	On-lot water supply <u>and</u> sewage disposal

B. Generally, but not exclusively, off-lot water supply and sewage disposal service is provided through municipal facilities. On-lot water supply is usually from a well, spring, brook or other source on or near the lot. On-lot sewage disposal systems are usually an engineered septic tank and leach field arrangement on or near the lot.

§ 260-20 **District objectives and land use control.**

A. The tables in Attachments 1:1 through 22:1 establish the objectives of each of the districts hereby established and the provisions of these regulations that apply respectively in each district. Any use designated as a "Permitted Use" in the table relating to a particular district may be commenced in such district pursuant to § 260-15 of this regulation. Regulations establishing a classification of lots in certain districts for the purpose of establishing the minimum area per dwelling unit of such lots and the minimum lot size of such lots are set forth in the following tables.

B. In addition to those uses specifically listed in the tables, the following are also permitted in all districts:

- (1) Accessory use to any permitted or approved conditional use.

- (2) Planned development.
- (3) Home occupation.

EDITOR'S NOTE: THE TABLES OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT ARE INCLUDED AT THE END OF THIS CHAPTER AS ATTACHMENTS 1:1 THROUGH 22:1.

§ 260-21 **Overlay Districts.**

- A. **Purpose.** The Hartford Master Plan identifies many areas throughout the Town that encompass significant natural resources and have particular importance to the Town's rural character. These areas make Hartford a special place and represent the Town's heritage of working farms and forest lands as part of a sustainable, environmentally sound, local-resource-based economy. These areas include such features as prime and statewide agricultural soils, forests, wetlands, riparian areas, steep slopes, important wildlife habitat, scenic views, ridgelines and hillsides. Since they are located in multiple zoning districts, and the characteristics of these areas vary, special overlay zoning districts are established in sections of the Town to ensure sufficient protection of these important features. It is not the Town's intent to prevent development in the overlay districts, but rather to have appropriate placement of development to minimize impacts on these areas as much as possible.
- B. **General provisions for Rural Lands, Agricultural, and wildlife Connector Overlay Districts.**
 - (1) **Objective:** to promote the preservation of the rural character, sensitive features and natural resources, including prime agricultural soils, wetlands, steep slopes, important wildlife habitat, scenic views, ridgelines and hillsides, in the Rural Lands, Agricultural, and Wildlife Connector Overlay Districts.
 - (2) **Effect on existing regulations.** These overlay district standards are intended to supplement the development regulations and standards set forth in the underlying zoning districts, and shall not repeal or alter any existing ordinances, regulations, or bylaws of the Town of Hartford except as provided herein.
 - (3) **District boundaries.** These standards shall apply to all land within the Rural Lands Zoning Districts (RL-1, RL-3, RL-5, RL-10 and FC) referred to as the "Rural Lands Overlay District," and all lands within the Agricultural and Wildlife Connector Overlay Districts as identified in the most recently adopted Hartford Master Plan.
 - (4) **Supplemental development standards.**
 - (a) All development and subdivisions should be laid out so they integrate carefully into the natural resources while protecting and minimizing fragmentation of land, and adverse visual and environmental impacts on these natural resources. To achieve this, the following supplemental standards shall apply:
 - [1] Subdivisions creating two or more new lots will meet major subdivision requirements, including a detailed mapping of natural resources. Given the extent of sensitive natural resources, the Planning Commission may require a planned development for the site in accordance with § 260-47 of these regulations.
 - [2] Development envelopes and associated development shall be located down-slope of ridgelines and prominent hills in areas where ridgelines and hillsides are easily visible from existing roadways, and shall be considered relative to the availability of less visible locations on-site. Additional landscaping may be required to screen development to reduce visibility.
 - [3] When locating structures, roads, driveways, utility corridors and rights-of-way, one or more of the following should be employed:

- [a] Place improvements at the wooded edge and/or nearby developed areas. If not possible, place improvements in a manner that minimizes encroachment in wooded areas and open fields.
- [b] Follow existing contours, roads, tree lines, and stone walls.
- [c] Share roads, driveways, utility corridors and rights-of-way.
- [d] Place developments and subdivisions close to roads.
- [e] Follow established settlement patterns.
- [4] Locate development such that it will not conflict with existing agricultural uses in the area, and provide adequate buffers between potentially conflicting uses.
- [5] Create an efficient use of land that results in cluster development, small networks of utilities and roads, and large sections of unfragmented land.
- [6] Any other rules and regulations that the Planning Commission may prescribe to supplement these standards, provided these rules and regulations are not inconsistent with the Zoning Regulations.
- (b) In addition to the overlay district general provisions set forth in these regulations, the following additional provisions specific to the Agricultural and Wildlife Connector Overlay Districts shall be followed.

C. Agriculture Overlay District.

- (1) **Objective:** to promote the continuation of agriculture, retain the maximum possible amount of agricultural lands, which often provide important scenic views, protect historically viable farmland and prime and statewide agricultural soils, and preserve Hartford's rural character, scenic characteristics, including open lands, views, and working landscape qualities in accordance with the Hartford Master Plan.
- (2) **Supplemental development standards.** In addition to the general provisions for all overlay districts specified in Subsection **B** above, all development and subdivisions involving lands in an Agricultural Overlay District are subject to the following supplemental standards:
 - (a) Development envelopes shall be located at field edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land and impacts on existing farm operations.
 - (b) Buildings should be clustered to avoid the fragmentation of productive farmland/open land.

D. Wildlife Connector Overlay District.

- (1) **Objective:** to provide sufficient area for animals to move freely between conserved lands, undeveloped private lands, contiguous forest habitat, and other important habitat, land features, and natural communities within and beyond the boundaries of the Town in order to meet their necessary survival requirements.
- (2) **Supplemental development standards.** In addition to the general provisions for all overlay districts specified in Subsection **B** above, all development and subdivisions involving lands in a Wildlife Connector Overlay District are subject to the following supplemental standards:
 - (a) Development will be encouraged close to roads and/or developed areas to allow sufficient wildlife corridors through the area.

- (b) A buffer area of adequate size from the edge of development shall be established to ensure the protection of critical wildlife habitats and travel corridors.
- (c) Written review from the Vermont Department of Fish and Wildlife regarding the impact of the proposed development on the wildlife corridor and significant wildlife habitats when requested by the Planning Commission for site development plan and subdivision applications or by the Administrative Officer for zoning permits.

E. Application review procedures.

- (1) **Site development plan and subdivision applications.** As part of a site development plan or subdivision application, all commercial, industrial, multifamily residential development or subdivision applications in overlay districts are required to demonstrate how the proposed project adheres to the overlay districts standards addressed in Subsection **B** above. Wireless communication facilities in compliance with § **260-39** are exempt from meeting this requirement.
- (2) **Administrative review process.** Except for exemptions identified in Subsection **E(3)** below, residential uses, including new single-unit dwellings, and two-unit dwellings, residential additions, and accessory structures are required to submit an administrative application to the Administrative Officer indicating how the proposed project adheres to the overlay districts standards addressed in Subsection **B** above. If the Administrative Officer determines that the application adheres to the supplemental development standards as applicable in Subsections **B(4)**, **C(2)** and **D(2)**, the permit will be issued. However, if the Administrative Officer determines that the applicable development standards cannot be met, the application will be denied. The applicant may then submit a notice of appeal to the Zoning Board of Adjustment as described in § **260-4H** of these regulations.
- (3) **Exemptions.** The following uses are exempt from the administrative review process for overlay districts. However, building/zoning permitting requirements and all other zoning regulations apply.
 - (a) Agricultural buildings.
 - (b) Residential additions with a building footprint less than 500 square feet.
 - (c) Attached garages with a building footprint less than 500 square feet.
 - (d) Accessory structures, including pools and hot tubs, less than 250 square feet in area and less than 10 feet in height.
 - (e) Attached decks less than 500 square feet.

Article III General Provisions

§ 260-22 **Lots.**

- A. **Setbacks.** There shall be no structures erected within required setback areas. Every part of a required setback shall be open from grade level to the sky, unobstructed, except for:
 - (1) Projection of **sills, cornices, pilasters, steps, chimney and eaves** from a structure a maximum distance of two feet into the setback;
 - (2) Projection of **wheelchair access ramps** from a structure into the setback a maximum of half the setback width;
 - (3) **Fences** which comply with the limitations set forth in § **260-28** below;
 - (4) **Freestanding signs** which comply with the limitations set forth in the Hartford Sign Ordinance;

- (5) Aboveground **fuel storage tanks** which are fully screened from any public roadway or adjacent property.

B. Measurement of lots and setbacks.

- (1) On public rights-of-way 50 feet or more wide, the **front setback** shall be measured from the edge of the right-of-way. On public rights-of-way of less than 50 feet or of undetermined width, the front setback shall be measured from a line 25 feet away from the center line of the traveled portion of the roadway.

[\[Image\]](#)

- (2) Any **corner lot** shall need to meet front setbacks on any side adjoining a street or right-of-way and side setbacks for the remaining sides. For an odd-shaped lot, the Administrative Officer shall determine which setbacks apply on which sides.
- (3) For the purpose of determining setbacks, a **lot with access from a private right-of-way** will be considered to front on the lot line where the right-of-way gives access to the lot.
- (4) The **depth** of a lot shall be considered to be the distance between the midpoints of straight lines extending across the lot at the foremost and rearmost points of the side lot lines.
- (5) The **width** of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front setback.

[\[Image\]](#) [\[Image\]](#)

- (6) The Planning Commission shall determine the method of measurement for **odd-shaped lots** at the time subdivision approval is granted.
- C. Lots in two zoning districts.** Where a district boundary divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend 30 feet into the more restricted part, provided the lot has frontage on a street in the less restricted district. In Rural Lands Districts, this distance shall be 100 feet.
- D. Reduction in lot area.** No lot shall be so reduced in area that the area, setbacks, lot width, frontage, coverage or other requirements of these regulations shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.
- E. Double-counting not allowed.** Space required under these regulations to satisfy area, setback or landscaping requirements in relation to one structure shall not be counted as part of an area, setback or landscaping requirement for any other structure.
- F. Obstruction of vision.** On corner lots, there shall be no obstruction to vision between 30 inches and 10 feet above the ground in the area which lies within 25 feet of the point where the edges of the two traveled ways intersect.

[\[Image\]](#)

§ 260-23 **Structures.**

A. Height.

- (1) Except for farm structures and windmills with blades less than 20 feet in diameter and structures in

the CB-2 and I-C-2 Zoning Districts, structures shall not exceed a height of 40 feet. Building height shall be measured from the proposed finished grade at the front of the building to the highest point of the roof for flat or mansard roofs, or to the midpoint between the eaves and ridgeline for other roofs. Rooftop apparatus such as air-conditioning units, antennas and solar collectors shall be included in the measurement.

- (2) The Zoning Board of Adjustment may grant a conditional use permit for structures which exceed a height of 40 feet, providing such an increase will not be disruptive to its surroundings or create a hazard. In the CB-2 and I-C-2 Zoning Districts, structures up to 60 feet high do not require a conditional use permit, provided the structures meet fire safety requirements established by the Hartford Fire Department.
- B. **Principal structures on lots.** In Residential and Rural Lands Districts, there shall be only one principal structure on a lot unless otherwise approved under the planned development provision. In such districts, if there is a dwelling unit on a lot, the structure in which the dwelling unit is located shall be considered the principal structure.
- C. **Accessory structures on lots.** In Residential and Rural Lands Districts, the following limitations apply:
- (1) There shall be no more than three detached accessory structures on a lot;
 - (2) The combined area of all accessory structures on a lot shall not exceed the lesser of 3,000 square feet or 50% of the area remaining after excluding:
 - (a) Required setbacks; and
 - (b) The area occupied by the principal structure (see illustration).
- [\[Image\]](#)
- (3) These limitations do not apply to structures used for agricultural purposes in districts where agriculture is a permitted use.
- D. **Demolition, burning or abandonment of structures.** Not later than six months after a permanent or temporary building or structure has been damaged, destroyed, demolished or abandoned, all scrap, damaged or unsafe materials shall be removed from the site. Any excavation thus remaining shall be covered over or filled to the normal grade by the owner. An extension of time may be granted by the Zoning Board of Adjustment as a conditional use.

§ 260-24 **Access and parking.**

- A. **Required access to public roads or public waters.** No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way of record at least 50 feet wide. The Planning Commission may approve a reduction in width to a minimum of 20 feet, provided the drive serves four or fewer dwelling units and adequate safe access will exist with such reduced width.
- B. **Location of curb cuts in relation to intersections.** Except for driveways accessing one- and two-family dwellings, all curb cuts shall be located at least 100 feet from any intersecting public right-of-way on the same side of the street.
- C. **Off-street parking.** Off-street parking spaces shall be provided in accordance with the specifications of this section whenever any new use is established or existing use enlarged.

- (1) **Location.** Whenever possible, off-street parking shall be on the same lot as the use itself. If parking is to be provided on public or private land off-site, the following provisions apply:
 - (a) **Safety.** The passage between the parking lot and the building for which parking is being provided shall be safe and well lighted.
 - (b) **Maximum distance to off-site parking.** The distance between the pedestrian entrance to the parking lot and the nearest public entrance to the building shall be no more than 1,000 feet, except in the Downtown White River Junction Parking District.
 - (c) **Downtown White River Junction Parking District.** This area (as delineated on the Downtown White River Junction Parking District Map) is recognized as a high-density residential, retail and service center in the Town, with a walkable scale and access to public transit, on-street parking and municipal parking lots. Development projects within this district may use off-site parking anywhere within the district regardless of distance, providing it meets the requirements of Subsection C(1).
 - (d) **Lease or easement required.** If the parking is to be provided on private land owned by someone other than the applicant, the applicant shall submit evidence that a lease or easement for a period equal to the proposed use has been obtained and that it has been recorded in the Town Land Records.
 - (e) **Use of municipal parking.** If an applicant proposes that some or all of the parking requirement is to be met through the use of a municipal lot, the applicant may submit evidence that such use can be accommodated by existing facilities or propose a cost-sharing plan with a contribution to assist in the construction of additional facilities.
- (2) **Size of parking spaces.** With the exception of parallel parking, each space shall be configured so it can contain a rectangle 18 feet long and nine feet wide, exclusive of access drives or aisles. Parking spaces may be installed at an angle as long as the usable area of each space meets this requirement. Parallel parking space shall be a minimum of 22 feet long by eight feet wide, exclusive of access drives or aisles.
- (3) **Special needs parking.** Parking for the handicapped shall be provided in accordance with provisions of the Americans with Disabilities Act as amended at the time of application for site plan review.
- (4) **Minimum width of access drives and aisles.**
 - (a) The following dimensional requirements shall apply unless varied by the Planning Commission based on evidence supplied by a qualified transportation professional, specializing in the field of traffic analysis:
 - [1] Access drive at its intersection with a public street: 15 feet for one-way traffic, 26 feet for two-way traffic, and 12 feet per lane for three or more lanes. A minimum curb return radius of 20 feet shall be provided.
 - [2] Internal drive which does not directly access any parking spaces: 12 feet for one-way traffic and 24 feet for two-way traffic.
 - [3] Width of an aisle between parking spaces:

Type of Parking	Width of Aisle (feet)
90-degree, one-way	20

Width of Aisle

Type of Parking	(feet)
90-degree, two-way	24
60-degree, one-way	18
60-degree, two-way	24
45-degree, one-way	13
45-degree, two-way	24

- (b) **Large vehicle accommodation.** Lots to be used by larger vehicles shall meet dimensional requirements established during site development plan review.
- (c) **Large parking lots.** Except for automobile dealership display parking areas, parking lots with 100 or more parking spaces shall have an internal circulation road which meets the minimum design and construction standards of a public road. Only parallel parking shall be permitted on an internal circulation road.
- (5) **Drive-in/Drive-through businesses.** Drive-in food service, restaurants and banks with drive-in teller windows, and other drive-in businesses shall have a stacking lane for each window or remote customer service point able to accommodate a minimum of three vehicles to keep the line of waiting vehicles from extending into the public right-of-way or interfering with on-site parking and access.
- (6) **Stacked parking.** Each parking space shall have access to a driveway or street. However, the Planning Commission may permit stacked parking (one vehicle behind another) in order to meet the minimum parking requirements where unique circumstances exist on a lot if the users will be residents of a single dwelling unit, accessory apartment or duplex unit, or if there is a dedicated employee-only parking, signed as such.
- (7) **Safety, access and circulation.**
- (a) **Traffic flow and pedestrian safety.** Parking shall be designed to provide for maximum ease in traffic flow and pedestrian safety.
- (b) **Egress requirements.** Vehicles shall exit facing the street as close to a ninety-degree angle as possible, unless the Planning Commission finds that some other arrangement will meet the safety requirements of the site.
- (c) **Parking availability.** No parking space shall be used for any purpose that limits its availability for parking year-round. Spaces which will be blocked by winter snow piles or be unsafe due to snowfall from adjacent roofs may not be considered as part of the required spaces, nor may spaces being used for emergency access, loading or deliveries, dumpsters or storage of merchandise, unregistered vehicles or other materials.
- (d) **Surface materials and drainage.** Surfacing materials and drainage shall be adequate to withstand the traffic expected and ensure a dry surface during periods of expected use. When possible, water shall be retained on site and allowed to filter into the ground.
- (e) **Parking lot maintenance.** Parking areas shall be adequately drained, lighted, and kept free of snow and ice.

- (f) **Street and sidewalk improvements.** The Planning Commission may require, as a condition of granting approval to a site plan, such improvements to the street network or public sidewalks as may be required to provide safe and adequate access to the parking area.
- (8) **Visual considerations.**
- (a) **Parking in the front setback.**
- [1] **Single-family, accessory apartments and two-family units.** Parking may occupy up to 50% of the front lot line of the parcel without the approval of the Planning Commission. For corner lots, the front lot line shall be defined as the side with access to a public or private road.
- [2] **Other uses.** Parking areas shall be located behind the front building line of a structure unless approved by the Planning Commission.
- (b) **Landscaping.** The site shall be designed and landscaped to minimize negative visual impacts and maximize safety. Plantings may be required for this purpose, both within the lot and between it and any public road or adjacent property. Plants shall not be invasive to Vermont, shall be selected for their ability to survive under special conditions found in a parking lot, and shall be protected from damage by vehicles and maintenance equipment, including snow removal and storage.
- (c) **Defining parking area.** The outside edges of the parking lot shall be delineated by curbing, fencing, or other means that will confine vehicles to the areas intended for parking.
- (d) **Parking on lawns.** Parking shall not be allowed on lawns unless it is demonstrated that the use of such areas will be so infrequent that the grass will not be damaged.
- (e) **Parking buffers.** Where any nonresidential or mixed-use district abuts a residential district, the parking area shall be located at least 10 feet from the property line abutting the residential district, and the spaces shall be landscaped.
- (9) **Number of parking spaces required.**
- (a) Unless the number is varied by the Planning Commission in accordance with Subsections **C(9)(b)** through **(f)**, parking spaces shall be provided as follows:

Use	Number of Spaces
1- or 2-family dwelling	2 per unit
Multifamily dwelling	2 per unit
Accessory apartment	1 per unit
Dwelling in a mixed-use structure	1.5 per unit
Senior housing	1 per unit
Nursing home/assisted living	1 per 4 beds
Clinic, medical or dental	1 per 250 square feet
Lodging house	1 per resident

Use	Number of Spaces
Motel, hotel, inn	1 per unit, and 1 per employee on site at peak times
Restaurant, bar	1 per 3 seats, plus 1 for each employee on site at peak times
Kennel	1 per employee on site at peak times and 1 per 1,000 square feet
Day-care facility	1 per employee on site at peak times, plus 1 per 5 children.
Primary or middle school	1 per 4 seats in largest available assembly space or 2.5 per classroom, whichever is greater
High school	1 per 4 seats in largest available assembly space or 7 per classroom, whichever is greater
Theater or church	1 per 4 seats in main auditorium
Private club or lodge	1/4 the capacity of the building
Office or retail	1 per 300 square feet of gross leasable area
Funeral home	1 per 100 square feet of area open to the public
Warehouse/Industrial	1 per employee on site at peak times

- (b) **Rounding rule.** The number of required spaces shall be calculated to the nearest 0.1; totals shall be rounded to the nearest whole number when all items have been added.
- (c) **Other uses.** For uses not listed above, the Planning Commission shall decide the number of required parking spaces.
- (d) **Excess parking.** Parking shall not be constructed for any building or use in excess of the number specified above without the approval of the Planning Commission as specified in Subsection **C(9)(e)**.
- (e) **Modification of parking requirements.**
- [1] If, in site plan approval proceedings or at any time in the future after a duly warned hearing, the Planning Commission determines that unique usage or special conditions exist which warrant increasing or reducing the need for parking, it may require the provision of off-street parking spaces up to 50% more or less than the requirements in Subsection **C(9)(a)** above. In the Central Business District, the parking may be reduced beyond 50%. When approving an increase or reduction in any zoning district, the Planning Commission shall consider the following:
- [a] Is the site located on or within 1,000 feet of a transit route?
- [b] Are there shared parking facilities with abutting businesses which are sufficient to meet parking demand?

- [c] For mixed-use projects, do the proposed uses have staggered business hours with minimal overlap?
 - [d] Does the type of business proposed generate substantial pedestrian traffic and are adequate pedestrian facilities present?
 - [e] Does an employer-sponsored "transit pass" program, or vanpool, carpool or rideshare program exist or can one be established (as a condition of the approval) to substantially reduce the need for on-site parking?
 - [f] Is safe and adequate on-street parking available?
 - [g] Is parking in municipal parking lots available?
 - [h] Does the Institute of Traffic Engineers, American Planning Association or other professional source show parking demand requirements for the proposed use(s) that are different than the standards specified in these regulations?
 - [i] Is there other information that justifies a change in the parking requirements?
- [2] Any reduction in required parking shall apply to the uses specified by the Planning Commission at the time of application only. In so reducing the required number of spaces, the Planning Commission shall:
- [a] Specify some or all of the parking spaces as permanently reduced or as deferred parking [see Subsection **C(10)** following].
 - [b] Specify that no parking space designated for shared parking under the provisions of this subsection shall be assigned or reserved for a particular party or use unless expressly authorized by the Planning Commission.
 - [c] Document precisely the calculation procedure used in determining the required number of spaces. In no case shall the parking be reduced below 100% of the largest parking generator as determined under Subsection **C(9)(a)** above.
- (f) **Traffic study.** The Commission may require an applicant for site plan approval to submit a traffic study, at the applicant's expense, by a qualified transportation professional, specializing in the field of traffic analysis, of estimates of daily and peak-hour traffic generation.

(10) Deferred construction of parking spaces.

- (a) When the Planning Commission approves a reduction in parking as provided for in Subsection **C(9)(e)** above, it may defer the construction of the required parking spaces until such time as it determines, after a hearing, that the spaces are needed.
- (b) Space for deferred parking shall be labeled "Future Parking" on the site plan and landscaped until needed.
- (c) The Planning Commission may require a letter of credit or other financial security instrument adequate to ensure that parking spaces will be constructed when they are needed.

D. Off-street loading.

- (1) For every building erected, altered or extended for the purpose of business, trade or industry, there shall be off-street space for loading and unloading vehicles as follows:
 - (a) Wholesale, warehouse, freight and trucking terminals: one for every 7,500 square feet of floor area;

- (b) All other: one for every 10,000 square feet of floor area.
- (2) Off-street loading spaces shall be scaled to the size of delivery vehicles expected and configured to maximize convenience for pick-up and delivery of bulk items. They shall be located in such a way as to minimize interactions with private vehicles and pedestrians and maximize safety in entering the public way. Required off-street loading space is not to be included as off-street parking space.
- (3) When an existing use is changed or altered, the requirements of Subsection **D(1)** may be reduced by the Planning Commission if it finds there will be no traffic or safety hazard created.

§ 260-25 **Protection of surface waters.**

- A. **Purpose.** The purpose of this section is to protect water quality, reduce property loss, and preserve wildlife habitat by maintaining a riparian buffer (an undisturbed vegetated buffer) along surface waters. Riparian buffers provide many valuable functions, including filtering pollution and sediment from surface runoff, stabilizing streambanks to reduce erosion, regulating water temperatures vital for fish, and controlling floodwaters by limiting runoff and slowing water velocity.
- B. **Affected areas.** A riparian buffer shall be maintained for a minimum of 100 feet from the top of the bank of the Connecticut, Ottauquechee and White Rivers, or for a minimum of 30 feet from the edge of a stream or any other surface water identified on the most recent edition of the Hartford G.I.S. Natural Resources Map. The riparian buffer also includes the area between the river and the top of the bank. No development, excavation, filling, clearing or grading shall occur within the buffer without conditional use approval from the Zoning Board of Adjustment except as specified in Subsections **D** and **E**.
- C. **Surface water determination.** Surface water includes all rivers, streams, brooks, creeks, ponds, lakes, and reservoirs identified on the most recent edition of the Hartford G.I.S. Natural Resources Map. Surface water excludes any isolated ponds and permitted stormwater detention ponds. If the accuracy of the map is questioned, a site visit will be made to determine the specific location of the surface water, including the top of bank or edge of water.
- D. **Exemptions and buffer width reductions.**
 - (1) **Exemptions.**
 - (a) Structures, lawns, mowed or cut areas, gardens, agricultural lands, golf courses, parks, athletic turf fields and trails existing before the adoption of these regulations that occur within the riparian buffer are allowed to continue to be maintained, provided that they are maintained at least once every three years.
 - (b) Projects that have a Riparian Buffer Management Plan with the Agency of Natural Resources or Act 250 which was approved prior to the adoption of these regulations.
 - (c) Emergency repairs of damage caused by flooding or other natural disasters.
 - (2) **Buffer width reductions.**
 - (a) On existing lots of 1.00 acre or less, the buffer width requirement is reduced by 50% without the need of a conditional use permit.
 - (b) For home gardens, the buffer width requirement is reduced to 25 feet without the need for a conditional use permit. Gardens no longer being used must be allowed to return to a naturally vegetated condition.
- E. **Allowable uses and activities.** The following uses are allowed, provided that the least possible area of existing riparian vegetation is disturbed and disturbed riparian areas are replanted with a mixture

of native or noninvasive trees, shrubs, and grasses. Disturbed areas that will not be replanted for one week shall be temporarily mulched. Disturbed areas that will not be replanted within three weeks shall be temporarily seeded and mulched and stabilized by the use of other methods that may be needed to prevent erosion. Replanting must be completed within one year.

- (1) Tree pruning and selective tree removal, provided that it results in minimal breaks to the tree canopy.
- (2) Installation of fences and signs and incidental recreational items such as canoe racks, picnic tables, barbecue grills, trash receptacles and benches or similar minor items, provided that they are installed on a pervious surface.
- (3) Removal of nonnative nuisance species as defined as noxious weeds by the Vermont Department of Agriculture.
- (4) Archaeological investigations coordinated with the Vermont Agency of Natural Resources and the Vermont Division for Historic Preservation.
- (5) Removal of trees and shrubs to enhance views, provided the frontage area does not exceed a total of 25 linear feet along the shoreline; the stumps and root systems of removed vegetation remain intact in the ground wherever possible; and the area is replanted with native or noninvasive shrubs and grasses. This twenty-five-foot allowance includes any existing clearings. Additional surface water protection measures are required as stated in Subsection **F(1)(b)** and Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont (Section 1, #8; surface water and stream crossing protective strips; and Section 14, protective strips).
- (6) **Docks.** To minimize their impact, a dock on shoreline property must adhere to the following standards:
 - (a) The dock is mounted on piles or floats.
 - (b) The dock shall be built in a way that does not alter shoreline banks; for example, no excavation or grading of shoreline soils.
 - (c) The dock may be part of the twenty-five-foot frontage area that has been cleared for a view. Otherwise, buffer vegetation shall be left undisturbed beyond three feet of the sides of the dock so it results in minimal breaks to the tree canopy.
 - (d) The dock shall be limited in size to four feet by 24 feet and shall not exceed 20% of the width of the water body. If a larger dock is proposed, a conditional use permit application is required.
 - (e) If stairs to the dock are proposed for access, the stairs must be no wider than six feet and be constructed over the bank rather than by steps cut into the bank.
- (7) Private connections to Town water and sewer lines. This requires additional surface water protection measures listed in Subsection **F(1)(a)** and **(b)**.
- (8) Underground or overhead gas, telephone, electric, steam, water or sewer collection, distribution or transmission systems maintained by public utilities, municipal or other governmental agencies; includes equipment and accessories used by such systems but not buildings. This requires additional surface water protection measures listed in Subsection **F(1)(b)**, **(c)** and **(d)**.
- (9) Installation of driveway culverts to serve drainage ditches along Town highways; installation of other culverts serving driveways that cross surface waters as long as the finished grade does not exceed a height of six feet above the bottom of the culvert, the culvert shall be properly sized, and additional surface water protection measures listed in Subsection **F(1)(b)**, **(c)** and **(d)** are used.

- (10) Expansion of a legal noncomplying structure as permitted in § **260-55** of the Zoning Regulations. This requires additional surface water protection measures listed in Subsection **F(1)(b), (c)** and **(d)**.

F. Applications.

- (1) A conditional use permit is required for any activity in affected areas of Subsection **B** which is not exempt under Subsections **D** and **E**. Prior to granting conditional use permit approval, the Zoning Board of Adjustment shall assess whether the basic project purpose can be achieved by moving the proposed construction, excavation, filling or grading to a site outside of the buffer. If such a move is not possible, the proposed use must then be designed to minimize adverse impacts on existing riparian vegetation, water quality and the integrity of the buffer, provided that:
- (a) The least possible area of existing riparian vegetation is disturbed.
 - (b) Disturbed riparian areas are replanted with a mixture of native or noninvasive trees, shrubs, and grasses. Areas that will not be replanted for one week shall be temporarily mulched. Areas that will not be replanted within three weeks shall be temporarily seeded and mulched and stabilized by the use of other methods that may be needed to prevent erosion. Replanting must be completed within one year.
 - (c) Erosion and sediment control measures are followed as specified in the most current edition of the *Low Risk Site Handbook for Erosion Prevention and Sediment Control* published by the Vermont Department of Environmental Conservation.
 - (d) Tree and shrub removal results in minimal breaks to the canopy, the stumps and root systems of removed vegetation remain intact in the ground wherever possible; the area is replanted with native or noninvasive shrubs and grasses and the method used complies with the most current standards of *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*.
 - (e) Management and treatment of stormwater run-off from new development to achieve filtering of pollutants is provided.
- (2) **Application requirements.** Application for conditional use permit approval shall include specific information pertaining to the following factors and such other information as the Zoning Board of Adjustment may require:
- (a) Area of excavation, filling and/or grading and proximity to top of bank for a river and to the water's edge for any other surface water;
 - (b) Depth of excavation and proximity to top of bank for a river and to the water's edge for any other surface water;
 - (c) Amount of material to be excavated, filled or graded;
 - (d) Existing grade and proposed grade;
 - (e) Proximity to flood hazard zone, if any;
 - (f) Description of the practices that will be used to protect water quality of project-generated stormwater runoff based on guidance from the most current edition of the *Low Risk Site Handbook for Erosion Prevention and Sediment Control*;
 - (g) Erosion control plan; and
 - (h) Plan for rehabilitation of the site at the conclusion of operations, including grading, seeding, planting, fencing, installation of drainage system, or other measures.

§ 260-26 **Extraction of earth resources/filling of land.**

In all districts, the removal from a lot of more than 20 cubic yards per year of soil, sand, rock or gravel, the quarrying of stone, or the addition or on-site movement of more than 200 cubic yards per year of such materials shall require conditional use approval, except for (1) removal of material excavated for the foundation of a building for which a current zoning permit exists or (2) removal or filling in connection with a development for which site development plan approval has been granted. All excavation, filling and regrading shall conform to the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites* (1982 edition, as amended).

A. **Applications.** Application for conditional use approval shall include specific information pertaining to the following factors and such other information as the Zoning Board of Adjustment may require:

- (1) Depth of excavation and proximity to roads or adjacent properties;
- (2) Existing grade and proposed grade created by removal or addition of material;
- (3) Anticipated effect upon public health and safety;
- (4) Anticipated effect of noise, dust, or vibration on the use of adjacent properties;
- (5) Anticipated effect of traffic on residential areas, potential for excessive congestion or damage to public roads;
- (6) Measures for preventing erosion, controlling runoff, and conserving topsoil.

B. **Conditions of approval.** The Zoning Board of Adjustment, in granting its approval, may impose conditions with regard to the following:

- (1) Duration of time the operation will be permitted;
- (2) Plan for rehabilitation of the site at the conclusion of operations, including grading, seeding, planting, fencing, installation of drainage system and other measures;
- (3) Hours of operation, routes of transportation, and amount of material to be removed or added;
- (4) Plan for insuring public safety and protection of surrounding properties during operation.

C. The Board may require that a suitable bond or other security be provided adequate to assure compliance with its conditions, except that no bond shall be required for quarrying.

D. An existing extraction or filling operation may not be extended beyond the original lot unless the entire operation is reviewed and meets all requirements of these regulations.

§ 260-27 **Landscaping.**

A. **Open space requirements.** Except in the Central Business and Village Business Districts, no development shall take place which leaves less than 15% of the lot in open space. This requirement does not apply to single- and two-family residences.

B. **Plantings.** The following provisions shall apply to the planting element of all landscape plans submitted for site development plan approval:

- (1) Plant materials included in landscape plans may be trees, shrubs, lawns, flower gardens, ground covers, cropland, pasture, meadows, wetlands and forests.
- (2) Natural cover shall be retained on a site to the extent possible and reasonable. Site clearing shall be kept to the minimum required for the construction of buildings and improvements.

- (3) Plantings included in landscape plans receiving site development plan approval shall be maintained in a healthy, growing condition. Where forest, cropland and "natural" areas are included, provision shall be made for their ongoing maintenance.
- (4) The choice and placement of plantings in parking areas shall take into account the special hazards of salt, vehicles and maintenance equipment, and include provision for adequate and safe snow removal.
- (5) Any landscape plan submitted for site development plan approval shall show the locations and types of plants to be removed as well as the species, sizes, quantities and locations of all new plants to be installed. Additional information may be required by the Planning Commission under the provisions of § 260-45 below.

C. **Grading and drainage.** The following provisions shall apply to any changes which affect drainage of water to or from a property:

- (1) Any changes in grading shall be made so that runoff is directed to established drainage courses and will not cause ponding or flooding of other properties, or exceed the capacity of downstream drainage facilities.
- (2) When possible, drainage systems shall be designed so that water runoff existing prior to site development shall not be increased after development.
- (3) All changes in grade shall be controlled so as not to cause a nuisance or damage to other properties or erosion of topsoil.

§ 260-28 **Fences, hedges, and retaining walls.**

Fences and hedges shall comply with the following standards. No permit is required to install a fence or hedge except as specified under Subsection D below.

- A. All fences and hedges shall conform to the provision of 24 V.S.A. § 3817, which states that a person shall not erect or maintain an unnecessary fence or other structure for the purpose of annoying the owners of adjoining property by obstructing their view or depriving them of light or air.
- B. A fence or hedge may be erected on a boundary line if it can be erected and maintained from the property of the person erecting it.
- C. The maximum height of fences and hedges shall be 6.5 feet except as follows:
 - (1) Residential and R-C Districts within the front setback: 3.5 feet.
 - (2) Setback area separating residential and commercial uses: eight feet.
 - (3) Within I-C Districts: eight feet.
 - (4) Developments requiring conditional use and/or site plan approval: as approved by the Zoning Board of Adjustment and/or Planning Commission.
- D. In Commercial Districts, retaining walls over 42 inches in height shall require the issuance of a zoning permit and certification by a professional engineer on their design, structural stability, and construction. In Residential and Rural Districts, a permit shall be required for such walls only when the distance between the wall and any boundary or easement line is less than twice the height of the wall.

§ 260-29 **Agriculture.**

- A. In districts where agriculture is a permitted use, activities included in the Department of Agriculture

list of accepted agricultural practices shall not be restricted under these regulations.

- B. In Residential and Commercial Districts, the raising or harboring of livestock shall be prohibited on lots of less than one acre. On lots of one acre or more, approval may be granted as a conditional use, provided no objectionable odor, noise, nuisance, health or safety hazards are created. Common household pets are not meant to be restricted by this section.
- C. A zoning permit is not required for the construction of a structure meeting the definition of "farm structure" as defined in 24 V.S.A. § 4413(d)(1). However, a property owner shall notify the Zoning Administrative Officer of the intent to build a farm structure on the form provided by the Town. Property owners shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets.

§ 260-30 Forestry.

Growing and cutting trees is allowed in all districts without a permit so long as the following provision and those of § 206-31 below are met. Cutting in excess of these limits shall require a conditional use permit.

- A. Except when wooded land is being cleared for immediate conversion to another purpose, no cutting shall be permitted within 200 feet of any public road, public waterway, stream or brook which leaves the standing merchantable timber at less than 50% of that standing at the beginning of the first harvest after the effective date of these amendments.
- B. Whenever any logging, timber cutting, wood cutting or sawmill operation takes place, the person(s) responsible for such operation shall dispose of any slash and mill waste produced so that none shall remain:
 - (1) In any public water body, river, stream or brook;
 - (2) Within 25 feet of any land owned by another person;
 - (3) Within 50 feet of any public water body, roadway, river, stream or brook. When slash and mill waste is disposed of in an area more than 50 feet but less than 200 feet from a public roadway, no part of the waste shall extend more than four feet above the ground.

§ 260-31 Land use performance standards.

In accordance with Section 4414(5) of the Act, the following performance standards, together with all applicable state standards, must be met in all districts on a continuing basis. The Administrative Officer shall withhold a zoning permit or certificate of occupancy until satisfied that a proposed construction or use will comply with the following standards. If the Administrative Officer finds at any time that a use is exceeding or may exceed performance standards or will in any way create potentially hazardous conditions, the property owner may apply for conditional use approval.

- A. **Noise volume** shall be limited to 70 decibels or less at or beyond the property line. Noise levels or frequencies which are not customary in the district or neighborhood or which represent a repeated disturbance to others shall not be permitted.
- B. Earth moving and hauling, rock drilling or crushing, jack hammer and similar **excessively loud equipment** shall not be operated on Sundays or between the hours of 5:30 p.m. and 7:00 a.m. except in emergency situations.
- C. No use shall emit **dust, noxious odors** or odors which are considered offensive that are detectable beyond property lines. However, where agriculture is a permitted use, customary agricultural activities shall not be restricted under this subsection.
- D. No use shall, as part of normal operations, produce **vibrations** which are detectable without

instruments at the property line.

- E. **Illumination** from lighting fixtures or other light sources shall be shielded or of such low intensity as not to cause undue glare, reflected glare, sky glow, or a nuisance to traffic or abutting properties. Lights used to illuminate parking areas and drives shall be so arranged and designed as to deflect light downward and away from adjacent residential areas and public highways. Lights shall be of a "downshield luminaire" type where the light source is not visible from any public highway or from adjacent properties. Only fixtures which are shielded to not expose a light source, and which do not allow light to "flood" the property, are permitted to be attached to buildings. Searchlights are not permitted.
- F. Fire, explosive and similar **safety hazards** which would substantially increase the risk to an abutting property, or which would place an unreasonable burden on the Fire Department, shall be prohibited.
- G. No use shall result in **burying or seepage into the ground** of material which endangers the health, comfort, safety or welfare of any person, or which has a tendency to cause injury or damage to property, plants or animals. Commercial, industrial or institutional facilities having underground fuel storage shall maintain all tanks and related equipment with leak detection and spill control systems incorporating the best available safety practices and technology, consistent with government and industry standards.

§ 260-32 Home occupations.

Home occupations are permitted in all districts upon issuance of a zoning permit. A commercial activity will be considered a home occupation protected under Section 4412(4) of the Act if it meets the following criteria:

- A. The commercial activity is carried on by full time residents of the dwelling only. There shall be no outside employees.
- B. The commercial activity taking place at the property is carried on entirely within the dwelling. Materials relating to the business may be stored outside if they are properly screened. Detached accessory structures are not used in connection with the commercial activity. Services may be provided off site.
- C. Signs must conform to the Hartford Sign Ordinance.
- D. Traffic generated by the commercial activity does not exceed six vehicles a day, and delivery of products by vehicles other than automobiles does not exceed seven per week.
- E. No more than one vehicle bearing the name of the business is stored or parked where it is visible from the street or adjacent properties. One piece of heavy equipment/construction equipment under 30 feet in length may be stored or parked on site. Tow trucks under 30 feet in length are permitted, providing that the commercial activity is limited to dispatch of the tow truck from the residence and that the client's vehicle is not towed to the property where the home occupation is permitted.
- F. Parking meeting the requirements of § 260-24 is provided off-street with no more than two spaces in the front yard. For uses not included in § 260-24C(9)(a) of the Zoning Regulations, the Zoning Administrative Officer shall decide the number of parking spaces required.
- G. Retail sales are limited to products produced on site or accessory products.
- H. Permitted commercial activities include:
 - (1) Barber shop, beauty salon;
 - (2) Catering;

- (3) Computer consulting, design, programming and management;
- (4) Food processing;
- (5) Woodworking, furniture making/repair/caning;
- (6) Home crafts such as rug weaving;
- (7) Instruction in arts or recreational activities such as writing, painting, sculpting, music, dance, skating, and skiing;
- (8) Home office;
- (9) Photo studio;
- (10) Sewing/Tailoring/Upholstering;
- (11) Telephone answering and sales;
- (12) Tutoring.

I. Prohibited commercial activities include:

- (1) Contractor shops;
- (2) Contractor yards;
- (3) Repair, sales, inspecting and painting of vehicles, boats and trailers;
- (4) Retail except as allowed under Subsection **G**;
- (5) Vehicle service station;
- (6) Welding.

J. The Zoning Board of Adjustment shall decide if an application for a home occupation that is not specifically permitted under Subsection **H** or prohibited by Subsection **I** meets the intent of this section and § **260-16** of the Zoning Regulations.

§ 260-33 **Home businesses.**

Home businesses are conditional uses in all districts. A commercial activity or business carried out in the home or an accessory structure shall be considered a home business if the following requirements are met. Such activity must obtain a conditional use permit.

- A. The principal operator of the business or activity shall be a full time resident of the dwelling.
- B. No more than three employees (two in VBD, VRC and VR Districts) who are not full-time residents of the dwelling shall be employed in the business.
- C. The Zoning Board of Adjustment may limit the number of vehicles bearing the name of the business that may be stored or parked where they are visible from the street or adjacent properties. One piece of heavy equipment/construction equipment under 30 feet in length may be stored or parked on site. Tow trucks under 30 feet in length are permitted, providing that the commercial activity is limited to dispatch of the tow truck from the residence and that the client's vehicle is not towed to the property where the home business is permitted.

- D. Signs shall conform to the requirements of the Hartford Sign Ordinance.
- E. Subject to limitations set by the Board of Adjustment, products produced on site by the business may be displayed and sold from an accessory structure or at an outdoor stand. Materials relating to the business may be stored outside if they are properly screened.
- F. Retail sales are limited to products produced on site or accessory products.
- G. Parking meeting the requirements of § **260-24** is provided off street with no more than two spaces in the front yard. For uses not included in § **260-24C(9)(a)** of the Zoning Regulations, the Zoning Board of Adjustment shall decide the number of parking spaces required.
- H. The applicant must demonstrate that the volume of traffic generated by the commercial activity does not alter the essential character of the neighborhood or impair the use of other properties.
- I. Permitted commercial activities include:
 - (1) Barber shop, beauty salon;
 - (2) Catering;
 - (3) Computer consulting, design, programming and management;
 - (4) Food processing;
 - (5) Woodworking, furniture making/repair/caning;
 - (6) Home crafts such as rug weaving;
 - (7) Instruction in arts or recreational activities such as writing, painting, sculpting, music, dance, skating, and skiing;
 - (8) Home office;
 - (9) Photo studio;
 - (10) Sewing/Tailoring/Upholstering;
 - (11) Telephone answering and sales;
 - (12) Tutoring.
- J. Prohibited commercial activities include:
 - (1) Contractor shops;
 - (2) Contractor yards;
 - (3) Repair, sales, inspecting and painting of vehicles, boats and trailers;
 - (4) Retail except as allowed under Subsection **F**;
 - (5) Vehicle service station;
 - (6) Welding.

K. The Zoning Board of Adjustment shall decide if an application for a home business that is not specifically permitted under Subsection **I** or prohibited by Subsection **J** meets the intent of this section and § **260-16** of the Zoning Regulations.

§ 260-34 **Parking and storage of vehicles.**

- A. **Unregistered vehicles.** No more than one unregistered vehicle may be stored on a lot in Residential or Rural Districts unless it is inside a structure or fully screened from view from all adjacent properties and any other viewpoint within 800 feet of the storage area.
- B. **Vehicles for sale.** No more than two motor vehicles, including mobile homes, snowmobiles, boats, or trailers, may be displayed for sale on a lot at one time except when such use is permitted as a motor vehicle sales facility.
- C. **Large vehicles and construction equipment.** No vehicle larger than 30 feet may be stored on a lot in Residential or Rural Districts unless approved by the Zoning Board of Adjustment as a conditional use. This restriction does not apply to vehicles used for agricultural purposes in districts where agriculture is a permitted use.
- D. **Recreational vehicles.**
- (1) No more than two campers, boats, or other recreational vehicles over 20 feet long may be parked in Residential or Rural Lands Districts unless screened from all adjacent properties and any public roadway passing within 200 feet of the vehicle or boat.
 - (2) Except in permitted campgrounds, a recreational vehicle may not be used as sleeping quarters for more than 14 days per year.
- E. **Box trailers.** Box trailers may be parked in I-C or R-C Districts for up to 30 days by permit from the Zoning Administrator if the following conditions are met:
- (1) The use of trailers shall be accessory to the principal use of the lot.
 - (2) Trailers shall sit on inflated tires (except sea boxes and the like).
 - (3) The exterior of trailers shall be well maintained and free of rust.
 - (4) Trailers shall not be lighted.
 - (5) Trailers shall not be used to store hazardous and/or inflammable liquids, materials, products or wastes, including but not limited to petroleum.
 - (6) Box trailers shall not occupy required setbacks or parts of lots which provide required parking or which are necessary for traffic flow, safety or landscaping requirements.
 - (7) Trailers shall not be used for advertising purposes.
 - (8) No more than 10% of a lot may be occupied by trailers.
- F. **Vehicles used for storage.** The conversion of buses, motor vehicles, recreational vehicles and other motor vehicles for storage use or other temporary use is prohibited.
- G. **Vehicles used during construction.**
- (1) Upon approval of the Board of Adjustment, a mobile home or travel trailer may be located on the construction site of a new residence for a period not to exceed one year if, in the opinion of the Board, not to do so would cause a hardship.

- (2) Construction trailers may be used at construction sites for office and laboratory use on the condition that they are placed a minimum of 10 feet from any property line, are used for a project with a valid zoning permit and are removed before a certificate of occupancy is requested. No construction trailer may be placed in such a way that obstructs sight distance along the traveled way, at any intersection or driveway. Any construction trailer found to obstruct sight distance will be required to be relocated immediately.

§ 260-35 Temporary special sales on residential lots.

A permit shall not be required for temporary special sales of used property on residential lots (for example auctions, garage sales, lawn sales, bazaars, and flea markets) or products grown, gathered or made by the occupants if such sales meet the following restrictions:

- A. No auction shall occur more than two days at the same location per year.
- B. No temporary special sale shall occur for more than six days per year.
- C. Items for sale shall not be placed within the front setback.
- D. Sales exceeding these limits must apply for and receive a conditional use permit.

§ 260-36 Outdoor swimming pools.

Every outdoor swimming pool more than 24 inches deep which is constructed after the effective date of this amendment shall be completely enclosed by a wall and/or fence not less than four feet high measured on the outside of the enclosure.

- A. Railings and posts shall be constructed so as not to provide footholds for climbing over the fence from the outside.
- B. No openings, other than doors or gates, with dimensions greater than four inches shall be permitted.
- C. There shall be a maximum of two inches between the bottom of the fence and the ground below.
- D. Gates or doors through such enclosures shall be equipped with self closing and self-latching devices capable of remaining securely closed at all times when not in actual use; provided, however, that the door of any residence forming any part of the enclosure need not be so equipped. Any self-latching device accessible from the outside of the enclosure shall be at least 40 inches above the ground.
- E. A fence shall not be required for an above-ground pool with at least 48 inches between pool decking or pool top and adjoining grade, provided that the access ladder or steps shall be retracted or blocked when not intended for use.

§ 260-37 Mobile home parks.

Mobile home parks shall be constructed and operated in accordance with Title 10, Chapter 153, as follows. In addition to receiving approval from the Town Planning and Zoning Boards, mobile home parks are required to register with the Vermont Agency of Natural Resources.

- A. No mobile home or mobile home park shall be located within 100 feet of any stream, pond or lake.
- B. A minimum of 8,000 square feet of lot area shall be provided for each mobile home in each mobile home park, including at least 5,000 square feet for each mobile home site plus at least 3,000 square feet for each mobile home in common open space, exclusive of roads. Such open space shall be accessible to all residents of the mobile home park, and shall have a minimum dimension of 30 feet. These minimums shall be reduced by 5% of the total otherwise required for each of the facilities which are provided in the park:

- (1) Central recreational building.

- (2) Central laundry and drying facilities.
 - (3) Central television antenna system.
 - (4) Central maintenance shed.
 - (5) Underground utilities, including fuel storage.
- C. At least two trees of at least one-inch caliper shall be planted on each mobile home site. All trees required under this section shall be suitably maintained by the owner or lessee.
- D. At least one off-street parking space shall be provided for each mobile home, and at least one off-street parking space shall be provided for each two mobile homes for visitor parking. The space need not be paved. The space may be included in the minimum lot area requirement as specified in Subsection **B** above.
- E. All buildings which are not physically connected must be at least 15 feet apart, except as otherwise permitted under site development plan review.

§ 260-38 **Campgrounds, including travel trailer camps.**

- A. A campground shall have an area of not less than 10 acres.
- B. Each camping space shall be individually defined and shall have its own access drive and parking place.
- C. Spaces which are to be used by travel trailers or recreational vehicles must be at least 1,800 square feet in area and 30 feet wide and must have a compacted gravel surface at least 20 feet wide.
- D. No camping space shall be closer to a public street right-of-way than 80 feet, or closer to a property line than 50 feet.
- E. A landscaped strip of land at least 25 feet wide shall be maintained around the perimeter of the campground, except that the strip shall be 50 feet wide on any side which abuts a residential property.
- F. An adequate and safe water supply shall be provided.
- G. There shall be provision for solid waste disposal.

§ 260-39 **Wireless communication facilities.**

- A. **Purpose.** The purpose of this section shall be to:
 - (1) Facilitate the provision of wireless communication services to the residences and businesses of the Town of Hartford.
 - (2) Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of wireless communication facilities.
 - (3) Protect the historic, cultural, natural, and aesthetic resources of the Town of Hartford and property values therein.
 - (4) Minimize the adverse visual effects of wireless communication facilities through careful design and siting standards.
 - (5) Locate wireless communication facilities and/or antennas in a manner which promotes the general safety, health, welfare and quality of life of the residents of the Town of Hartford and those who

visit.

- (6) Encourage the use of alternative design tower structures, collocation (new antennas on existing facilities), camouflaged facilities, monopoles, stealth facilities and construction of facilities with the ability to locate three or more providers.
- B. Authority.** Pursuant to 24 V.S.A. § 4401 et seq. the Planning Commission and the Zoning Board of Adjustment of the Town of Hartford are authorized to review, approve, conditionally approve, and deny applications for wireless communications facilities, including sketch, preliminary and final plans, and installation. Pursuant to 24 V.S.A. § 4414, the Planning Commission and Zoning Board of Adjustment are authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof.
- C. Exemptions.**
- (1) The following wireless communication facilities are exempt from this section. If the facility exceeds 40 feet, a conditional use permit is required per § **260-23A**.
 - (a) Amateur radio tower.
 - (b) Citizens band radio.
 - (c) Receiving antenna.
 - (2) The following wireless communication facilities are exempt from this section, provided that the height of such facility does not exceed 40 feet:
 - (a) Police, fire, ambulance, and other emergency dispatch.
 - (b) Single-use local business radio dispatch.
 - (3) No other wireless communication facility shall be considered exempt from these regulations for any reason, whether or not said facility is proposed to share a facility or other structure with such exempt uses.
- D. Approval process.**
- (1) Wireless communication facilities may be permitted as conditional uses in all zoning districts. All proposed wireless communication facilities, except those identified under Subsection C, whether new (noncollocated) or collocated, must be reviewed by the Zoning Board of Adjustment as a conditional use under the requirements of this section and under the requirements of § **260-16** of the Hartford Zoning Regulations prior to the issuance of a zoning permit by the Administrative Officer.
 - (2) Wireless communication facilities require site development plan approval by the Planning Commission in accordance with § **260-45** of the Hartford Zoning Regulations and 24 V.S.A. § 4416. All proposed wireless communication facilities must be reviewed by the Planning Commission for site development plan approval under the requirements of this section and under the requirements of § **260-45** of the Hartford Zoning Regulations prior to the issuance of a zoning permit by the Administrative Officer.
 - (3) All wireless communication facilities are deemed to be a structure as the term "structure" is defined and used in the Hartford Zoning Regulations. Any activity with respect to wireless communication facilities that constitutes "land development" as this term is defined and used in the Hartford Zoning Regulations shall require a zoning permit in accordance the Hartford Zoning Regulations.
 - (4) A wireless communication facility shall not be considered an essential service as defined by the

Hartford Zoning Regulations. An applicant for a proposed facility must be a licensed wireless communication provider or must provide a copy of its executed contract to provide land or facilities to an existing provider to the Administrative Officer at the time that an application is submitted. A permit shall not be granted for a wireless communication facility to be built on speculation.

- (5) Conditional use permit applications for wireless communication facilities shall not be deemed complete until the application has been reviewed and deemed complete by the Zoning Board of Adjustment. Site development plan applications shall not be deemed complete and received until the application has been reviewed and deemed complete by the Planning Commission.
- E. **Review standards.** Prior to granting such approval, the Planning Commission and Zoning Board of Adjustment shall make affirmative findings for each of the following criteria in addition to the other applicable provisions set forth in this section (wireless communication facilities), § **260-16** (conditional uses), and § **260-45** (site development plan approval):
- (1) **Setbacks.** (Planning Commission). Wireless communication facilities shall comply with the setback provisions of the zoning district in which the facility is located.
 - (2) **Fall zones** (Planning Commission).
 - (a) **Fall zones for existing and new ground-mounted facilities.** To ensure public safety, the minimum distance of any ground-mounted wireless service facility to any property line, habitable dwelling, business, right-of-way, institutional or public building shall be no less than the height of the facility, including antennas or vertical appurtenances. This setback shall be referred to as a "fall zone." The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the site development plan review.
 - (b) **Fall zones for non-ground-mounted facilities.** In the event that an existing structure such as a building, barn silo, church steeple, or utility pole is proposed as a mounting for a wireless communication facility, a fall zone setback shall not be required.
 - (3) **Height limitations.** (Zoning Board of Adjustment).
 - (a) **Height limitations for ground-mounted facilities/towers.** In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for a wireless communication facility, antennas and facility-related fixtures in all districts shall not exceed 20 feet above the average height of the tree line within 150 feet of the base of the facility. Notwithstanding the above, an additional height not to exceed 20 feet may be approved upon a finding by the Zoning Board of Adjustment, as part of the conditional use review, that the additional height is necessary in order to provide adequate coverage, or to accomplish collocation as outlined in Subsection **E(11)**, and that the additional height will not have an adverse visual impact on the scenic character or appearance of the area as per Subsection **E(14)**.
 - (b) **Height increase for existing structures and buildings.** In the event that an existing structure (other than a wireless communication tower) is proposed as a mount for a wireless communication facility, the height of the structure shall not be increased by more than 15 feet above the highest point of a flat or mansard roof or 15 feet above the midpoint of other roofs unless the facility is completely camouflaged; for example, a facility within a flagpole, steeple or chimney. The increase in the height of the structure shall be in scale and proportionality to the structure as originally configured. A provider may locate a wireless communication facility on a building that is legally nonconforming with respect to height, provided that the provisions of this section are met.
 - (4) **Camouflaging facilities** (Zoning Board of Adjustment). New ground-mounted wireless communication facilities shall not be located within open areas or on or near the top of a ridge. To

the greatest extent feasible, all wireless communication facilities shall be designed to blend into the surrounding environment through the use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques.

- (a) **Camouflage for ground-mounted facilities/towers.** A buffer of dense tree growth that extends continuously for a minimum distance of 150 feet from the mount shall surround new ground-mounted wireless communication facilities. Such buffer shall screen views of the facility in all directions. The trees must be existing on the subject property, planted on site, or within a landscape easement on an adjoining site. The Planning Commission shall have the authority to decrease, relocate, or alter the required buffer based on site conditions and add other conditions to the permit regarding screening and landscaping. The vegetated buffer area shall be protected by a landscape easement or be within the area of the provider's lease. The easement or lease shall specify that the trees within the buffer shall be maintained and shall not be removed or trimmed, unless the trees are dead or dying and present a hazard to persons or property, or approval is granted by the Zoning Board of Adjustment.
- (b) **Camouflage for facilities on existing buildings or structures: roof mounts.** When a wireless communication facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.
- (c) **Camouflage for facilities on existing buildings or structures: side mounts.** Wireless communication facilities that are side-mounted shall be camouflaged.
- (d) **Camouflaging for equipment shelters.** Equipment shelters shall be camouflaged behind an effective year-round landscape buffer at the time of planting, equal to or greater than the height of the proposed building, and/or wooden fence as determined by the Planning Commission as part of site development plan review. If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be part of the original structure.
- (5) **Lighting** (Planning Commission).
 - (a) **Wireless communication facility lighting.** Wireless communication facilities shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular wireless communication facility because of its height. If any lighting is required solely because of the height of the facility, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in the FAA applications. Additionally, the Planning Commission, as part of site development plan review, may review the plan to determine if the lighting requirement can be eliminated by a reduced height or a change in location of the facility.
 - (b) **Ground lighting.** Emergency, safety or security ground lighting may be utilized when there are people at the site. All ground lighting shall be directed downward towards the facility, shielded and away from neighboring properties.
- (6) **Bulk, height, and glare** (Zoning Board of Adjustment). All wireless communication facilities shall be designed in such a manner as to minimize the visual impact of height, mass, and guy wire supports for the intended use. Materials utilized for the exterior of any structure shall be of a type, style, and location so as to minimize glare and not result in an adverse visual impact on any historic or scenic view, public vantage point or from abutting properties.
- (7) **Finish** (Zoning Board of Adjustment). New wireless communication facilities shall have a galvanized finish unless otherwise required. The Zoning Board of Adjustment, as part of conditional use review, may require the wireless communication facility to be painted or otherwise camouflaged

to minimize the adverse visual impact.

- (8) **Fencing** (Planning Commission). The area around the wireless communication facility and communications equipment shall be completely fenced and gated for security to a height of eight feet. Fencing shall be chosen so as to minimize visual impact and be consistent with its intended safety purpose.
- (9) **Signs** (Planning Commission). A sign no greater than six square feet stating the name of the facility's owner and a twenty-four-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, "No Trespassing" or other warning signs and the federal wireless communication facility registration plate, where applicable, may be posted on the fence or as required to meet federal requirements. No commercial signs or lettering shall be placed on the tower or facility. This provision supersedes the Hartford Sign Ordinance.
- (10) **Noise** (Planning Commission). The Planning Commission may impose conditions to minimize the effect of noise from the operation of machinery or equipment upon adjacent properties and to ensure the standards of § **260-31A**.
- (11) **Collocation** (Zoning Board of Adjustment).
 - (a) New wireless communication facilities shall be designed structurally, electrically and in all respects to accommodate both the applicant's antenna, additional antennas, and the rearrangement of antennas when the overall permitted height allows. The owner of an approved facility shall allow other providers to collocate on the facility subject to reasonable terms and conditions. Notwithstanding, there shall be no affirmative obligation on the owner to increase the height or width of the facility in order to accommodate the equipment or facilities of another user.
 - (b) The applicant must demonstrate to the satisfaction of the Zoning Board of Adjustment that the new wireless communication facility cannot be accommodated on an existing or approved facility or structure due to one of the following reasons:
 - [1] **Structural or spatial capacity.** The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved facility, as documented by a structural engineer licensed to practice in the State of Vermont. Additionally, the existing or approved wireless communication facility cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
 - [2] **Radio frequency interference.** The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create radio frequency interference (RFI) in violation of federal standards or requirements as documented by a qualified radio frequency engineer.
 - [3] **Radio frequency radiation.** The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create radio frequency radiation (RFR) in violation of federal standards or requirements without unreasonable modification or mitigation measures as documented by a qualified radio frequency engineer.
 - [4] **Existing facilities.** Existing wireless communication facilities cannot accommodate, or be reasonably modified to accommodate, the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified radio frequency engineer.
 - [5] **Aesthetics.** Aesthetic reasons make it unreasonable to locate the planned equipment upon an existing or approved wireless communication facility.

- [6] **Coverage.** There are no existing or approved wireless communication facilities in the area in which coverage is sought.
- [7] **Other.** Other specific unforeseen reasons make it unreasonable to locate the planned equipment upon an existing or approved wireless communication facility.
- (12) **Access roads** (Planning Commission). If available, existing entrances and driveways shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual and environmental impact. To the extent practicable, new access roads shall follow the contour of the land and be located within existing forest or forest fringe areas and not in open fields.
- (13) **Aboveground utilities** (Zoning Board of Adjustment). Utility or service lines shall be designed and located so as to minimize or prevent disruption to the scenic character of the area.
- (14) **Determination of visual impact** (Zoning Board of Adjustment). Upon review of the applicant's visual analysis, supporting materials, testimony from the parties, and inspections from the designated vantage points, the Zoning Board of Adjustment shall determine that the proposed facility does not have an adverse visual impact on the scenic or natural beauty of the land proposed to be developed (including scenic areas as identified in the Hartford Master Plan). The Zoning Board of Adjustment shall consider, among other things, the following:
- (a) The amount of time and time of year during which the proposed facility will be viewed by the traveling public on a public highway, public trail, or public water body;
 - (b) The frequency of the view of the proposed facility by the traveling public;
 - (c) The degree to which the view of the proposed facility is screened by existing vegetation, the topography of the land, and existing structures;
 - (d) Background features in the line of sight to the proposed facility that obscure the facility or make it more conspicuous from all angles of view;
 - (e) The distance of the wireless communication facility from key vantage points and the proportion of the facility which will be visible above the skyline or treeline;
 - (f) The number of members of the traveling public or residents of Hartford and neighboring towns who will be affected by the alteration of the scenic character of the area;
 - (g) The sensitivity or unique value of the particular view affected by the proposed facility; and
 - (h) Significant disruption of a view that provides context to an historic or scenic resource, including the Appalachian Trail.
- (15) **Noncomplying wireless communication facility** (Zoning Board of Adjustment). Any changes to a noncomplying wireless communication facility must be in conformity with these regulations unless a variance from these regulations is obtained from the Zoning Board of Adjustment.
- F. **Conditions.** The Planning Commission and Zoning Board of Adjustment shall have the authority to impose conditions consistent with the purpose of § 260-16B, this section and § 260-45B in approving a proposed plan for the development of a wireless communication facility. It shall be the obligation of the permittees and subsequent assigns to remain in compliance with all conditions.
- G. **Application requirements.** In addition to the site development plan application requirements of § 260-45B, an application shall include the following supplemental information:
- (1) The names and addresses of the neighboring Planning Commission and the Regional Planning

Commission if the proposed facility might be visible from parcels in a neighboring community.

- (2) The address of the regional Appalachian Trail Conference office if the proposed facility is located within one mile of the Appalachian Trail or if the facility might be visible from the Appalachian Trail within Hartford or surrounding towns.
- (3) The name(s) and address(es), fax/telephone numbers and e-mail address(es) of the persons to be contacted who are authorized to act in the event of an emergency regarding the structure or safety of the facility.
- (4) A vicinity map on the most recent United States Geological Survey Quadrangle map, showing the area within a three-mile radius of the proposed facility site, including the location of the facility and which indicates the property lines of the proposed facility parcel and all easements or rights-of-way needed for access from a public right-of-way to the facility.
- (5) A site plan of the entire development indicating all proposed improvements, including landscaping, utility lines, guy wires, screening and roads. The site plan shall be at a scale no smaller than one inch equals 50 feet.
- (6) Elevations showing all facades and indicating all exterior materials and colors of the tower, buildings and associated facilities.
- (7) In the case of a ground-mounted facility, the approximate average height of the existing vegetation within 150 feet of the base of the facility.
- (8) A report prepared by qualified radio frequency engineer and a licensed structural engineer that:
 - (a) Describes the height, design, and elevation of the proposed facility.
 - (b) Documents the height above grade for all proposed mounting positions for antennas to be collocated on a wireless communications facility and the minimum separation distances between antennas.
 - (c) Describes the facility's proposed capacity, including the number, height, and type(s) of antennas that the applicant expects the facility to accommodate.
 - (d) Describes potential changes and cost to those existing facilities or sites in their current state that would enable them to provide adequate coverage, and provides a map that describes coverage of the existing and proposed facilities.
 - (e) Describes existing coverage. In the case of a new wireless communication facility proposal, the applicant shall demonstrate to the satisfaction of the Zoning Board of Adjustment that the new wireless communication facility cannot be accommodated on an existing or approved facility or structure within a five-mile radius of the proposed site. The documentation shall include, for each facility site or proposed site within such radius, the exact location, ground elevation, height of tower or structure, and sufficient additional data to allow the independent reviewer to verify that other locations will not be suitable.
 - (f) Describes the output frequency, number of channels, sector orientation and power output per channel, as appropriate for each proposed antenna.
 - (g) Includes a written explanation for use of the proposed facility, including reasons for seeking capacity in excess of immediate needs, if applicable, as well as plans for additional development and coverage within Hartford.
 - (h) Demonstrates that the tower and related equipment are structurally able.

- (i) Demonstrates the wireless communication facility's compliance with the zoning district setback and the fall zone setback for the facility and support structures.
- (j) Provides assurance that at the proposed site, the applicant will establish and maintain compliance with all FCC rules and regulations particularly with respect to radio frequency radiation (RFR). The Town may hire independent engineers to perform evaluations of compliance with FCC regulations, standards and requirements on an annual basis at unannounced times.
- (k) Includes other information required by the Planning Commission or Zoning Board of Adjustment that is necessary to evaluate the request.
- (l) For structural engineers, include an engineer's stamp and registration number; for radio frequency engineers, provide a list of credentials.
- (9) A letter of intent committing the facility owner and his or her successors to permit shared use of the facility if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of these regulations.
- (10) For a wireless communication facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure (to be provided to the Administrative Officer at the time an application is submitted).
- (11) To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete environmental assessment (EA) draft or final report describing the probable impacts of the proposed facility.
- (12) Construction sequence and time schedule for completion of each phase of the entire project.
- (13) Information detailing the contents of the equipment shelters servicing the proposed wireless communication facility. The information shall include the type and quantity of oil, gasoline, batteries, propane, natural gas, or any other fuel stored within the shelter. Information shall be submitted which demonstrates that any hazardous materials stored on site shall be housed to minimize the potential for any adverse impact an abutting property.
- (14) Computer-generated photo simulations of the proposed facility showing the facility from all public rights-of-way from which it may be visible. Each photo shall be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos shall show the color of the facility and the method of screening.
- (15) Balloon test. The applicant shall fly or raise a five-foot-diameter balloon (painted black or dark blue) at the maximum height of the proposed facility at a location within 50 horizontal feet of the center of the proposed facility. The applicant shall provide at least seven days' written notice to the Administrative Officer of the date and time of the test. The sole purpose of this test is to identify the location and height of the proposed facility and not its visual impact.
- (16) A written visual analysis with supporting illustrations demonstrating the visual impact of the proposed facility, including photographs of the balloon test and elevation views of the facility from each of the five vantage points previously designated by the Administrative Officer.
- (17) A plan for removal and restoration of the site following abandonment of the facility.
- (18) A landscape easement on an adjoining site, if this is needed to satisfy the requirements of camouflaging ground-mounted facilities as provided in Subsection **E(4)(a)**.
- (19) Any additional information requested by the Planning Commission or the Zoning Board of

Adjustment.

- H. **Provision for independent consultants.** Pursuant to 24 V.S.A. § 4440(d), the Town will employ or contract with consultants (whose services shall be paid for by the applicant) to undertake additional studies or review of application materials to assist the Planning Commission and/or Zoning Board of Adjustment in the technical review of applications. Any or all final reports or documents prepared by the consultant shall be made available to the applicant and other parties to the proceeding.
- I. **Amendments.** An amendment to a prior approved wireless communications facility may be considered by the Planning Commission and Zoning Board of Adjustment and shall require site development plan and conditional use approval when any of the following are proposed:
- (1) An increase in the number of facilities permitted on the site;
 - (2) Addition of any external equipment or additional height not approved in the original application.
- J. **Maintenance.** The owner of the facility shall maintain the wireless communication facility in good condition at all times. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.
- K. **Radio frequency radiation monitoring.** Upon receiving a zoning permit, the permittee shall annually demonstrate compliance with all FCC standards and requirements regarding radio frequency radiation (RFR) and provide the basis for representations to the Administrative Officer. A survey by another permittee on the same site, since it will demonstrate compliance of all emitters, may be submitted, provided there is annual demonstration of site compliance.
- L. **Temporary wireless communication facilities.** Any wireless communications facility designed for temporary use is subject to the following:
- (1) A temporary facility for special events is permitted no longer than five days' use during a special event. A special events permit is required from the Selectboard.
 - (2) Due to damage or destruction of a permitted wireless communication facility, a temporary facility is permitted no longer than 30 days. A temporary use permit is required from the Administrative Officer.
 - (3) The maximum height of a temporary facility is 40 feet.
 - (4) A temporary facility must comply with all applicable portions of these regulations.
- M. **Notification of abandonment or discontinuance.** At such time that an owner of the wireless communication facility plans to abandon or discontinue operation of said wireless communication facility, such owner shall notify the Town of Hartford's Administrative Officer by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that an owner fails to give such notice, the facility shall be considered abandoned upon discontinuation of operations for a continuous period of 180 days.
- N. **Removal.** Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the wireless communication facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
- (1) Removal of antennas, facility mount, equipment shelters and security barriers from the subject property.
 - (2) Proper disposal of the waste materials from the site in accordance with local, state and federal solid

waste disposal regulations.

- (3) Restoring the location of the facility in accordance with the approved restoration plan.
- O. **Security for removal.** Prior to issuance of a zoning permit, the applicant shall provide a performance bond or similar form of surety acceptable to the Hartford Selectboard to cover the full costs for removal (as described in Subsection N) and disposal of abandoned wireless communication facilities. The amount of the security shall be based upon the removal costs, plus a fifteen-percent contingency, and updated on an annual basis. A cost estimate shall be provided by the applicant and certified by a civil engineer licensed in Vermont.
- P. **Failure to remove.** If the owner of the facility does not remove the facility (as described in Subsection N), then the Selectboard may, after holding a public hearing, with notice to the owner and abutters, consider issuing a declaration of abandonment. The owner of the wireless communication facility shall dismantle and remove the facility within 90 days of receipt of a declaration of abandonment. If the abandoned facility is not removed at the end of this ninety-day period, the Town may execute the security to pay for this action.
- Q. **Wireless communication facilities insurance.** The facility owner shall maintain a liability policy on all wireless communication facilities naming the Town of Hartford as the beneficiary. The amount of the policy shall be \$2,000,000 in 2001 dollars, to be adjusted annually according to the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all urban consumers, all items, northeast, seasonally adjusted.
- R. **Consistency with federal law.** These regulations have been drafted to be consistent with Section 704 of the 1996 Telecommunications Act. Accordingly, the regulations shall not prohibit or have the effect of prohibiting the provision of personal wireless communications services; shall not unreasonably discriminate among providers of functionally equivalent services; and shall not regulate personal wireless services based on the environmental effects of radio frequency emissions to the extent that these facilities comply with the Federal Communications Commission regulations concerning such emissions.

§ 260-40 **Adult-oriented businesses.**

- A. **Purpose and intent.** The purpose of this section is to establish reasonable and uniform regulations for adult-oriented businesses, which, unless closely regulated, tend to have adverse secondary impacts on the community. The regulations are intended to protect the health, safety and welfare of the citizens of the Town of Hartford, and to prevent the deleterious siting of and/or concentration of adult-oriented businesses within the Town. The regulations are intended to maintain separation between incompatible land uses, while protecting land uses such as residences, places of worship, schools, parks and day-care facilities from adverse impacts commonly associated with adult-oriented businesses. It is not the intent of this section to limit the content of, or restrict or deny adult access to, sexually oriented books, films or other materials protected by the First Amendment, or to deny access by distributors of such materials to their markets, neither does this section condone or legitimize the distribution of obscene material.
- B. **Types of adult-oriented businesses.** For the purpose of these regulations, the following three categories of adult-oriented businesses shall only be allowed within the I-C (Industrial-Commercial) Zoning District pursuant to the issuance of a zoning permit and subject to receiving site development plan approval by the Planning Commission in accordance with § 260-45 and the following regulations.
 - (1) **Adult retail**, defined as an establishment that rents and/or sells media or other goods and meets any one of the following:
 - (a) Ten percent or more of the public floor area is devoted to adult media; or

- (b) Five percent or more of the public floor area is devoted to the display of sexually oriented toys or novelties; or
 - (c) It advertises itself out in any forum as: "XXX," "adult," "sex," or otherwise as a sexually oriented adult business other than an adult retail store, adult cabaret or adult motion-picture theater.
- (2) **Adult cabaret**, defined as an establishment which features dancing or other live entertainment which constitutes the primary live entertainment, as determined from a pattern of advertisement and frequency of performances, and is distinguished or characterized by an emphasis on the exhibition of specific sexual activities and/or specified anatomical areas for observation of patrons.
 - (3) **Adult theater**, defined as an establishment emphasizing or predominately showing sexually oriented movies.

C. **Standards.** In addition to all other applicable standards set forth in these regulations, adult-oriented businesses shall meet the following standards:

- (1) **Setbacks.** An adult-oriented business shall meet the following setback standards in addition to the standard setbacks of the I-C Zoning District. The distance shall be measured in a straight line from the property line of any listed use to the closest exterior wall of the adult-oriented business.
 - (a) An adult-oriented business shall be located a minimum of 500 feet from any other adult-oriented business already in existence.
 - (b) An adult-oriented business shall be located a minimum of 1,000 feet from any existing place of worship, school, day-care facility, library, and/or park within the Town of Hartford or adjacent municipality.
 - (c) An adult-oriented business shall be located a minimum of 500 feet from any residential zoning district.
- (2) **Screening.** Sexually oriented toys or novelties, adult media, or live performances shall not be displayed or be visible from the exterior of the establishment. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view from the exterior of the establishment for each door as an entrance/exit to the adult-oriented business.
- (3) **Signs.** Signs shall meet the standards set forth in the Hartford Sign Ordinance. In addition, no sign visible from the exterior of the establishment for an adult-oriented business shall include any image or depiction of, linguistic reference to, nudity, specified anatomical areas, specified sexual activity, or any device or paraphernalia designed for use in connection with specified sexual activity. Also, the building entrance to an adult-oriented business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.
- (4) **Noise.** No lascivious sounds associated with sexual conduct shall be audible outside the building or portion of the building in which the adult-oriented business is conducted.

§ 260-41 **Accessory dwelling units.**

An accessory dwelling unit that is located within a single-family dwelling or in an existing accessory structure that is on the same lot as a single-family dwelling shall be a permitted use. However, conditional use approval is required if the creation of the accessory dwelling unit involves one or more of the following:

- A. A new accessory structure;
- B. An increase in the height or floor area of the existing dwelling; or

C. An increase in the dimensions of the parking areas.

§ 260-42 **Group homes and residential care homes.**

In zoning districts where residential uses are allowed, group homes and residential care homes shall constitute a permitted single-family residential use of the property, except that no such home shall be permitted if it is located within 1,000 feet of another such home.

§ 260-43 **Home child care.**

Home child care serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. Home child care serving no more than six full-time children and four part-time children, as defined in these regulations, requires site development plan approval. Home child care serving more than six full-time and four part-time children, as defined in these regulations, requires site development plan approval and conditional use approval.

§ 260-44 **Home adult care.**

Home adult care serving six or fewer adults shall be considered to constitute a permitted single-family residential use of property. Home adult care serving no more than six full-time adults and four part-time adults, as defined in these regulations, requires site development plan approval. Home adult care serving more than six full-time and four part-time adults, as defined in these regulations, requires site development plan approval and conditional use approval.

Article IV Special Provisions

§ 260-45 **Site development plan approval.**

In accordance with Section 4416 of the Act, no zoning permit shall be issued by the Administrative Officer for any use or structure until the Planning Commission grants site development plan approval. In reviewing site plans, the Planning Commission may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, and the protection of renewable energy resources. The Planning Commission shall act to approve or disapprove any such site plan within 60 days of its initial review. Failure to act within such period shall be deemed approval. The clearing of vegetation and/or construction of driveways and roads in preparation for a use requiring site development plan approval shall not occur before site development plan approval has been granted.

A. **Exemptions.**

- (1) Exempted from this requirement are one- and two-family dwellings and their related structures, home occupations, agriculture and forestry uses, and essential services. Also exempted are amendments to uses or structures which, in the opinion of the Zoning Administrator and Planning Commission Chairperson, are minor and have no adverse effect in terms of the objectives stated below in Subsection C. All such amendments shall be reported to the Planning Commission.
- (2) Changes which involve curb cuts, internal or external circulation patterns and pedestrian circulation and changes which would require a variance will not be considered minor and **are not** exempt from this requirement.

B. **Applications.**

- (1) The owner shall submit two copies of a site development plan drawing showing at a minimum the name and address of the owner of record, names of adjoining property owners, parcel size and location, access road(s), existing and proposed structures, existing and proposed drainage and grading, landscape features significant for the development (water, vegetation), the name and address of the person or firm preparing the drawing, scale of map, North arrow, and date.
- (2) If any of the following are preexisting on the site or will be included in the development of the site,

they shall be drawn to scale on the plan: internal streets, driveways and walks, utility easements and rights-of-way, parking and loading areas, aboveground equipment such as propane tanks, utility lines, transformers and switches, outside storage areas, sewage disposal areas, plantings, exterior lighting and signs. The Planning Commission may require such plan to be prepared by a professional architect, landscape architect, engineer, or surveyor. Building information, including elevations and floor plans, may also be required.

- (3) In addition, some or all of the following may be required by the Planning Commission:
- (a) Site location map of the proposed development.
 - (b) Building information, including elevations and floor plans.
 - (c) A survey of the property or a portion of the property prepared by a licensed engineer and/or land surveyor showing boundaries, contours, vegetation and natural features, structures, access points, utility easements and rights-of-way.
 - (d) Information regarding and deed restrictions on file in the Town land records.
 - (e) Stormwater drainage plan, including site grading, prepared by a licensed engineer.
 - (f) Plan for emergency vehicle access.
 - (g) Detailed specifications of existing and proposed plantings and other landscape elements such as benches and walkways.
 - (h) Timetable for completion of improvements. For phased developments, construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
 - (i) Cost estimate of all project construction and landscape materials to be installed.
 - (j) Estimate of daily and peak-hour traffic generation and/or a traffic impact study.
 - (k) Any other information or data that the Planning Commission may reasonably require.
- C. **Review standards.** The Planning Commission shall conform to the requirements of Section 4416 of the Act before acting upon any application. The Planning Commission shall consider and may impose conditions in relation to the following objectives:
- (1) Maximum safety of **traffic circulation between the site and the street network** and integration with the overall traffic pattern, including provisions for auxiliary roadways connecting with adjacent properties where appropriate. Included in this evaluation shall be the location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets, sight distances, lighting, location of sidewalks and other walkways, and the overall relationship of the proposed development with existing traffic conditions in the area. All modes of transportation shall be taken into account, including pedestrian, bicycle, handicapped, delivery and emergency vehicles and public transportation.
 - (2) Adequacy of **on site circulation, parking, and loading facilities**, with particular attention to safety. Included in this evaluation shall be traffic movement patterns, drive and aisle widths, directional signs, location of loading docks and parking areas, number and size of parking spaces, and provision for lighting, drainage, snow removal and access for emergency vehicles and public transportation.
 - (3) Adequacy of **landscaping, screening, and setbacks** in achieving maximum compatibility with and protection of adjacent properties by screening from them any glare produced by interior or exterior

lights and unsightly areas such as storage areas, and parking lots; assurance that landscape materials will not interfere with visibility or safety and that they are of a type that can survive and be maintained as proposed.

- (4) Adequacy of **provision for safety and convenience of pedestrians, bicyclists, and handicapped persons**. Included in this evaluation shall be lighting of walks and entrances, design and placement of walks and crosswalks, pick-up points for public transportation and provision of bicycle racks.
 - (5) **Protection of renewable energy resources**, including a finding that the proposed development does not adversely affect the ability of adjacent properties to use this form of energy.
 - (6) **Compliance with other provisions of these regulations** including § 260-27, Landscaping, and § 260-31, Land use performance standards.
 - (7) **Other** factors that are directly related to the above aspects of site plan review.
- D. The Commission may require the submission of a bond, escrow account, or other surety in a form acceptable to the Town to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.
- (1) The Commission may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the Commission may require for the benefit of the municipality a performance bond or other security 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 those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the Town. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements for a period of two years after completion. Any costs incurred by the Town related to the performance bond or other securities are the responsibility of the applicant and/or property owner.
 - (2) The performance bond required by this subsection shall run for a term to be fixed by the Commission, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the Town shall install or maintain such improvements as are covered by the performance bond.

§ 260-46 **Design review districts.**

As provided for in Section 4414(1)(E) of the Act, provision is hereby made for establishment of design review districts for any area containing structures of historical, architectural or cultural merit, as well as areas with striking vistas, agricultural settlement patterns or other significant landscape features. Within this designated district, all structures that are erected, reconstructed, altered, restored, moved, or demolished, or land development that is commenced must be in compliance with the design review sections detailed in these regulations. A Design Review Committee (DRC) may be appointed by the Selectboard in accordance with Section 4433 of the Act to advise the Planning Commission.

A. **Downtown White River Junction Design Review District.**

- (1) **Purpose.** The purpose of this district is to recognize that White River Junction's natural beauty and visual and historic character represent an important asset to the Town, and contribute substantially to White River Junction's economic base. In order to protect and enhance these attributes, the district is

established to ensure that development considers the existing architecture, site layout, streetscape design, and sign placement and design. This design review is not intended to require property owners to solely rehabilitate or replicate. Although reuse of existing buildings is encouraged wherever possible, new construction is appropriate when designed with sensitivity to the historic character and design features in the district. Specific recommendations for development and redevelopment of the district are made in the *White River Junction Design Plan* (2001) and *White River Junction Design Guidelines* (2001), which are incorporated into the Zoning Regulations by reference.

- (2) **Goals.** The design goals of the Downtown White River Junction Design Review District are as follows:
 - (a) To maintain a vibrant downtown, economically, functionally and culturally.
 - (b) To preserve and conserve the historic qualities of the downtown and retain a sense of place.
 - (c) To ensure architectural and site enhancements and/or new development projects preserve and/or enhance the historic qualities of downtown.
 - (d) To acknowledge and preserve the integrity of the built form of the downtown, including landmarks, buildings and streetscape patterns.
 - (e) To support public and private sector design and development that is compatible with the qualities of the downtown streetscape, townscape and historic architecture.
 - (f) To educate the public on the value of preserving and enhancing the downtown and the historic district.
 - (g) To create suitable places for pedestrians.
 - (h) To accommodate parking with the least impact and encourage shared parking where appropriate.
- (3) **District boundaries.** The Downtown White River Junction Design Review District shall consist of all lands designated on the White River Junction Design Review District Boundary Map referenced in § **260-12** of these Zoning Regulations.
- (4) **Uses.** All uses that are currently permitted or conditionally permitted in the underlying zoning district remain the same. All dimensional requirements from the underlying zoning district, unless otherwise stated in the White River Junction Design Guidelines, remain the same.
- (5) **Design review approval.** Except as hereafter provided, no person shall do or cause to be done any of the following acts with respect to any building located within the Downtown White River Junction Design Review District without first obtaining design review approval from the DRC, and design review approval from the Planning Commission. If, after review by the DRC, the Committee determines that the changes are minor and have no adverse effect related to the goals identified in Subsection **A(2)**, the DRC may recommend to the Planning Commission that the proposed change be approved administratively in accordance with Subsection **A(6)**.
 - (a) New construction, including, but not limited to, a building, wall, fence, or other streetscape or site development activities on private and public land, including in the right-of-way.
 - (b) Addition, alteration or restoration of the exterior of a building, including windows, doorways, porches, roofing, siding and other materials when different from those existing.
 - (c) Alteration of the roof line of a building, excluding chimney alterations.
 - (d) Moving of a building from its present location to another.

- (e) The demolition of a building [see Subsection A(12)].
- (6) **Administrative design review approval.**
 - (a) If, in the opinion of the Zoning Administrator and the Planning Commission Chairperson with input from the DRC Chairperson, the following items are determined to be minor and have no adverse effect related to the goals identified in Subsection A(2), administrative design review approval may be granted. Such improvements may include:
 - [1] Landscaping upgrades consistent with the guidelines;
 - [2] Routine maintenance or repair of any structure, as long as the maintenance or repair does not result in any change of design, type of material, or appearance of the structure or its appurtenances;
 - [3] Simple utility adjustments or upgrades, such as replacement of a transformer, new power poles or satellite dish;
 - [4] Installation of permanent signs; or
 - [5] Installation of exterior lighting.
 - (b) Otherwise, design review approval by the Planning Commission is required.
- (7) **Exempt development.** The following activities are exempt from design review approval requirements:
 - (a) Routine site maintenance and repair;
 - (b) A change in use or occupancy;
 - (c) Exterior changes that cannot be seen from any public area;
 - (d) Interior changes;
 - (e) The refacing of an existing sign; or
 - (f) Painting (using the same color or changing to a different color).
- (8) **Review procedures.** For application deadlines, the applicant shall consult the Hartford Planning Commission and Zoning Board of Adjustment adopted schedule. Once an application for design review approval is received by the Administrative Officer and determined to be complete, the following procedures shall be followed:
 - (a) The DRC shall meet to review the application within 10 days of the application submittal deadline. Said meeting may be continued upon mutual consent by the DRC and applicant.
 - (b) The DRC shall forward a written recommendation of the application to the Planning Commission prior to the next scheduled Planning Commission public hearing.
 - (c) The Planning Commission shall review the DRC recommendation on the proposal at a public hearing and render a decision on the application within 45 days after the adjournment of the public hearing.
- (9) **Application requirements.** In addition to the submittal requirements of § 260-45, any application for construction, reconstruction, alteration, or demolition of any building in the Downtown White River Junction Design Review District shall include the following:

- (a) Narrative describing the project;
 - (b) Description of materials to be used on the exterior of the building;
 - (c) Proposed architectural elevations (prepared by an architect registered in the State of Vermont) showing door and window types, shutters and other exterior details;
 - (d) Color photographs of the subject building;
 - (e) Color photographs of existing buildings on adjacent or nearby properties to illustrate the existing streetscape;
 - (f) Site plan; and
 - (g) Any additional information which may be requested by the DRC or the Planning Commission as necessary for a clear understanding of the proposal, including scale models or other three-dimensional analyses.
- (10) **Diversity of design.** These regulations recognize the value of diversity in design solutions based on a wide variety of architectural styles and design philosophies, without imposing a particular aesthetic value or prohibiting the introduction of new forms into the built environment, provided these are consistent with the intent of this district.
- (11) **Design criteria.** In making a determination on an application, the Design Review Committee and Planning Commission shall give consideration to the *White River Junction Design Plan* and *White River Junction Design Guidelines* and the following criteria:
- (a) The way in which the project preserves and/or enhances the integrity of the historic architecture of the downtown and the specific buildings.
 - (b) The way in which the project uses historically appropriate or compatible materials where possible in rehabilitation and new construction projects.
 - (c) The way in which the project respects existing setbacks, scale and massing when developing a new building or addition.
 - (d) The way in which the project employs appropriate lighting patterns and levels that reflect use, safety and security.
 - (e) The way in which the project implements streetscape elements on a building-by-building basis.
 - (f) The way in which the project preserves the landscape, including existing terrain, trees and vegetation to the extent feasible.
 - (g) The way in which the project promotes accessibility and rear access from parking areas to commercial buildings.
 - (h) The way in which the project provides efficient and effective vehicular and pedestrian circulation.
 - (i) The way in which the details being proposed for the building, including window, door, and trim, are compatible with the existing and adjacent buildings' historic and design qualities.
- (12) **Demolition of historic buildings within the design review district.**
- (a) All requests for the demolition of a building listed as a contributing property on the National Register of Historic Places within the Downtown White River Junction Design Review District shall

be submitted to the Administrative Officer.

- [1] The DRC shall meet to review the request within 10 days of the application submittal deadline. Said meeting may be continued upon mutual consent by the DRC and applicant.
 - [2] The DRC shall forward a written recommendation of the application to the Planning Commission prior to the next scheduled Planning Commission public hearing.
 - [3] The Planning Commission shall review the DRC recommendation on the proposal at a public hearing and render a decision on the application within 45 days after the adjournment of the public hearing.
- (b) The applicant shall provide evidence at the time of the demolition request that one of the following conditions has been met:
- [1] Retention of the building is not feasible because it is structurally unsound as determined by a structural engineer licensed in the State of Vermont; or
 - [2] Rehabilitation of the building, or portion thereof, would cause undue financial hardship. The applicant must provide clear and convincing evidence that any reasonable return cannot be obtained from the building without approval of the request for demolition.
- (c) If the request for demolition is approved by the Planning Commission, the applicant shall provide an opportunity to the Historic Preservation Commission to conduct photo documentation of the interior of the building no less than 15 days prior to the scheduled demolition.
- (d) If a building has been damaged by flood, fire, wind or other act of nature in excess of 70% of its fair market value prior to damage as determined by a State of Vermont certified or licensed real estate appraiser, permission for demolition may be granted by the Administrative Officer without prior review by the DRC or the Planning Commission.

§ 260-47 Planned development.

In accordance with Section 4417 of the Act, the Planning Commission may vary certain regulations in order to encourage new communities, innovation in design and layout, more efficient use of land and to preserve the natural and scenic qualities of the open land in Town. Approval for a planned development may be granted by the Planning Commission with the approval of a subdivision plat. Approval of a planned development includes approval of a major subdivision.

- A. Proposals for planned development shall be submitted to the Planning Commission. The material accompanying the proposal shall contain the following:
- (1) The required site plan shall show all buildings, parking areas and landscaping at a scale sufficient to permit the study of all elements of the plan. All utilities shall also be shown and described. Typical elevations and floor plans of all buildings may also be required. In addition, the site plans shall show the adjacent building outlines and other outstanding features within 200 feet. Amendments to approved site plans which, in the opinion of the Zoning Administrator and Planning Commission Chairperson, are minor and have no adverse effect in terms of the objectives stated in Subsection **A(2)** may be approved administratively upon filing of the appropriate applications.
 - (2) A narrative master plan, the Official Development Plan, which shall state the objective, uses (permitted and/or conditional as appropriate), area and dimension standards, phasing, and any other land use standards appropriate to the planned development and necessary to meet the objectives and intent of the Hartford Master Plan, Zoning Regulations, and the planned development.
- B. The purpose (conditions) of a planned development shall be to encourage a development which will result in:

- (1) A choice in the types of environment and living units (where applicable) available to the public, and quality in land uses so that development will be a permanent and long-term asset to the Town.
 - (2) Open space and recreation areas if dwelling units are a part of the development.
 - (3) A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.
 - (4) An efficient use of land resulting in small networks of utilities and streets.
 - (5) An environment in harmony with surrounding development.
 - (6) A more desirable environment than would be possible through the strict application of other sections of these regulations.
- C. Density may vary within the development. The Planning Commission may permit an additional number of dwelling units in an area designated for residential use so long as the total number of such dwelling units shall not exceed 125% of the permitted number of units based on a calculation in conformance with strict application of the zone district standards for area per family contained in the table of Article **II** for the district in which the land is situated. This density bonus shall never be automatic, but shall be based on a review by the Planning Commission that concludes that the developer's plan includes design, innovative features, or facilities that satisfy the purposes listed in Subsection **B** above.
- D. The predominant use or impact of the land use shall not differ substantially from the uses permitted in the district in which the plan is located. In a planned development, dwelling units may be multifamily. In a planned development in a residential district, commercial educational and public facilities may be allowed which are designed to serve the development and the area around the development.
- E. Minimum area and dimension requirements may be waived; however, these will be evaluated by the Planning Commission on their individual merit. Any changes which are granted shall be noted on the plat.
- F. A planned development shall comply with the following standards:
- (1) Off-lot water and sewer may be required for over six dwelling units.
 - (2) At least 50% of the development shall be in open space for public and/or common usage. The regulations for control and maintenance of this open space shall be approved by the Planning Commission. This may be waived by the Planning Commission for commercial and industrial planned developments, providing adequate screening and landscaping are provided.
 - (3) The municipality may, at any time, accept the dedication of land or any interest in land for public use and maintenance. The Planning Commission may require that the applicant or landowner provide for and establish an organization or trust for the ownership and maintenance of any common facilities or open space, and that this organization or trust shall not be dissolved or revoked nor shall it dispose of any common open space, by sale or otherwise, except to an organization or trust conceived and established to own and maintain the common open space, without first offering to dedicate the same to the municipality or other governmental agency to maintain those common facilities or that open space.
- G. The Planning Commission may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in these Zoning Regulations for planned developments, provided the rules and regulations are not inconsistent with the Zoning Regulations. The Planning Commission shall hold a public hearing after public notice as required by Section 4464 of the Act

prior to the establishment of any supplementary rules and regulations for planned developments.

§ 260-48 Limitations on review authority.

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- A. State- or community-owned and -operated institutions and facilities.
- B. Public and private schools and other educational institutions certified by the State Department of Education.
- C. Churches and other places of worship, convents, and parish houses.
- D. Public and private hospitals.
- E. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
- F. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

§ 260-49 Variances.

The Zoning Board of Adjustment shall hear and decide requests for variances as required by § 4469(a) of 24 V.S.A. Chapter 117. In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Board may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision:

- A. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
- B. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- C. The unnecessary hardship has not been created by the appellant;
- D. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
- E. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

§ 260-50 Planning Commission and Zoning Board of Adjustment review process.

The annual list of application deadlines and public hearings for the Planning Commission and Zoning Board of Adjustment shall be available in December of each year. The schedule may be amended by the Planning Commission or Zoning Board of Adjustment as necessary. Regular meetings may be cancelled at any time by the Chair of the respective Commission/Board. To the extent possible, applications requiring review by the Planning Commission and Zoning Board of Adjustment shall be scheduled to be heard during the same application cycle. The Planning Commission and Zoning Board of Adjustment

shall adopt procedures for submission and review of said applications. The Planning Commission and Zoning Board of Adjustment must issue a written decision within 45 days of the closing of the public hearing. Failure to issue a decision within this period shall be deemed approval and shall be effective on the 46th day.

§ 260-51 **Independent technical review.**

The Planning Commission/Zoning Board of Adjustment/Administrative Officer may obtain an independent technical review of an application at the applicant's expense in accordance with adopted policies/procedures. (The Hartford Selectboard adopted a policy on March 28, 2006, outlining procedures and standards for assessment of technical review costs on zoning applicants.)

§ 260-52 **Setback waivers.**

- A. **Purpose.** The intent of this section is to provide flexibility in setback requirements for the placement of primary and accessory structures in all zoning districts while maintaining the character of the area.
- B. **Allowable waivers.** One of the following conditions must exist in order for a waiver to be considered, providing that a minimum setback of five feet is maintained. Waivers do not apply to setbacks from surface waters, which must meet provisions set forth in § **260-25** of these regulations and the Hartford Flood Hazard Area Regulations. Such waivers may be granted for new and complying existing structures by the Zoning Board of Adjustment following a public hearing.
- (1) When the reduction is no greater than the front or side setbacks for existing structures on adjacent lots on the same street frontage.
 - (2) For greater fire safety as recommended by the Hartford Fire Department.
 - (3) For greater preservation of open land/agricultural land or scenic vistas.
 - (4) For greater preservation of other natural resources, such as, but not limited to, surface waters, wetlands or steep slopes.
 - (5) For increased energy conservation and renewable energy structures.
 - (6) The waiver, if authorized, will represent the minimum necessary to achieve the stated purpose of this section.
- C. **Application procedures.** Applications shall be submitted to the Zoning Board of Adjustment for review and consideration at a public hearing in accordance with Section 4414(3) of the Act and the Town's application procedures and schedule.
- D. **Approval criteria.** The Zoning Board of Adjustment shall determine that, in issuing the setback waiver, the proposed development will:
- (1) Be compatible with the scale and design of structures and overall existing development pattern of the surrounding area.
 - (2) Not impair reasonable or appropriate use of adjoining properties.
 - (3) Not result in greater impacts on natural resources.
 - (4) Not impair sight distances on public or private roads.
- E. **Conditions of approval.** In permitting a waiver, the Board may require certain conditions to meet the stated objectives of the zoning district, reduce or eliminate impacts, or protect the interests of the surrounding properties, neighborhood or Town as a whole. These conditions may include, but need not be limited to, the following:

- (1) Limit the size of the structure;
- (2) Require landscaping and screening;
- (3) Reduce the encroachment into the setback;
- (4) Control the location and number of vehicular access points; or
- (5) Require applications to have professional site plans prepared by a surveyor, engineer or architect licensed by the State of Vermont.

Article V Nonconforming Uses, Structures, and Lots

§ 260-53 **Applicability; word usage.**

The following provisions shall apply to all uses, structures, and lots lawfully existing on March 1, 1962, which do not conform to the requirements set forth in these regulations, and to all uses, structures, and lots established after March 1, 1962, that, although conforming to the Zoning Regulations at the time of their establishment, no longer conform by reason of amendments to the regulations. (The words "use" and "structure" in this article shall refer to both the principal and accessory uses and structures on a lot.)

§ 260-54 **Nonconforming uses.**

- A. **Continuation of a nonconforming use.** Any nonconforming use may be continued indefinitely, but may not be changed, resumed after discontinuance, or expanded except as provided below.
- B. **Change of a nonconforming use.** Any nonconforming use may be changed to another nonconforming use, providing that the new nonconforming use, in the opinion of the Zoning Board, does not increase the adverse effect on the surrounding area. Conditional use approval and site development plan approval shall also be required.
- C. **Resumption of a nonconforming use.** A nonconforming use which has been discontinued will be governed by the following regulations:
 - (1) A nonconforming use which has been discontinued for a period of up to 180 days may be resumed without Zoning Board or Planning Commission approval.
 - (2) A nonconforming use which has been discontinued for a period of 181 days or longer shall not be resumed unless a permit for extension has been obtained from the Administrative Officer prior to the expiration of the first 180 days. The first permit for extension shall be effective for one year from the date of issue, and up to three six-month renewals may be issued so long as application for each renewal is made prior to the expiration of the prior renewal. The maximum time from date of discontinuance of the nonconforming use to expiration of all extensions shall be three years.
 - (3) A nonconforming use which has been discontinued for a period of between 181 days and three years may be resumed only if the permits required in Subsection **C(2)** have been obtained and the Zoning Board finds that the resumed nonconforming use will not adversely affect the surrounding area. Conditional use approval and site development plan approval shall also be required.
 - (4) A nonconforming use which has been discontinued for three years or more, or for which the permits required under Subsection **C(2)** have been allowed to expire, shall not be resumed, nor shall it be replaced with another nonconforming use.
 - (5) A nonconforming use which has been changed to a conforming use shall not be resumed.
 - (6) The intent to resume a nonconforming use shall not confer the right to do so.

- (7) A nonconforming use shall be considered discontinued if substantial operation of the nonconforming use of the lot or structures on the lot has not occurred for a continuous period of time. In considering whether or not a nonconforming use has been discontinued, the Zoning Board shall make findings about some or all of the following factors:
- (a) Whether physical changes have been made on the lot or to a structure or sign on the lot.
 - (b) Whether machinery and equipment customarily used to perform the nonconforming use have been removed from the lot.
 - (c) Whether there has been a change of customary business practices.
 - (d) Whether revenues have been received and expenses incurred during the period of discontinuance and, if so, to what extent and for what use.
 - (e) Whether a lease (or a sale) of the lot for a use different from the nonconforming use has occurred.
 - (f) Whether licenses or other permits necessary to perform the nonconforming use have been renewed and whether insurance coverage has been renewed.
 - (g) Whether any performance of the nonconforming use that has occurred has been merely of a token extent.
 - (h) Whether there has been a decrease or termination in the use of utilities, such as water, wastewater, telephone, heating fuel, solid waste disposal, and electrical usage.
 - (i) Whether the nonconforming use, if formerly "open to the public," has continued to be "open to the public."
 - (j) Whether the lot, and structures, machinery, and equipment on the lot have received normal maintenance.
 - (k) Whether there has been a decrease in traffic to and from the lot.
 - (l) Whether the personnel who perform the use have been present on the lot.
 - (m) Whether what may appear to be discontinuance is in fact a shutdown for repairs or renovations.
 - (n) Whether discontinuance is the result of an inability to locate a tenant to continue the nonconforming use in spite of a diligent search to find such a tenant.
- D. **Expansion of a nonconforming use.** The Zoning Board may allow the expansion of any nonconforming use on a lot or within a structure on a lot up to 20% greater than its existing size at the time it became a nonconforming use, provided that such expansion does not adversely affect the surrounding area. Conditional use approval and site development plan approval shall also be required. Single- and two-family dwellings which are nonconforming uses may expand without Planning Commission or Zoning Board Approval.

§ 260-55 **Noncomplying structures.**

- A. **Continuation of a noncomplying structure.** Any noncomplying structure may be continued indefinitely, but may not be expanded, or repaired or reconstructed after destruction or damage, except as provided below.
- B. **Expansion of a noncomplying structure.**
 - (1) A noncomplying structure may be expanded only in conformity with the dimensional requirements

of the Zoning Regulations unless a variance or setback waiver from those dimensional requirements is obtained from the Zoning Board of Adjustment. A variance or setback waiver may be granted in accordance with § 260-49 or 260-52.

- (2) Single- and two-family dwellings and their accessory structures which already exist within the setback area for a lot may be expanded without the necessity for a variance or setback waiver, providing:
 - (a) The expansion comes no closer to the lot line than the existing structure;
 - (b) The height of the addition does not exceed the maximum height normally allowed; and
 - (c) The length of the side of the structure extending into the setback shall not exceed 20% of the original length of the noncomplying structure. This expansion shall only be allowed once without a variance or setback waiver.
- C. **Repair or reconstruction of a noncomplying structure.** A noncomplying structure which has been destroyed or damaged by a fire, explosion or other catastrophe may be repaired or reconstructed within the same footprint, but only if such repair or reconstruction is commenced within two years and completed within three years of such destruction or damage.
- D. **Normal maintenance and repair of a noncomplying structure.** Nothing in this section shall be deemed to prevent the structural alteration or repair, the substantial rehabilitation or remodeling, or the normal maintenance of a noncomplying structure, provided that such action does not have the effect of increasing the degree of noncompliance.

§ 260-56 **Adverse effect.**

In considering whether or not a change, resumption, or expansion of a nonconforming use will adversely affect the surrounding area, the Zoning Board shall make findings about some or all of the following factors:

- A. The history of use of the lot.
- B. The size and location of adjoining and neighboring lots.
- C. The uses made, or which have received zoning permits to be made, of adjoining lots and the impact of the proposal on those uses.
- D. The location of existing and proposed structures on the lot and the relation of those structures to those on adjoining lots and to the dimensional requirements of the Zoning Regulations.
- E. The objective of the zoning district in which the lot and adjoining lots are located as defined in § 260-20 of the Zoning Regulations.
- F. The suitability of the proposed expanded use to the character of the neighborhood.
- G. Whether an increase in business hours or a change in hours from daytime to nighttime will result and the effect of such an increase or change on adjoining uses and the neighborhood.
- H. Whether the proposed use will result in an increase in noise, fumes, dust, or odors.
- I. Whether greater volumes of vehicular traffic will be generated and what impact this greater volume of traffic will have on the use of adjoining lots, on the neighborhood, and on pedestrian and vehicular safety.
- J. Whether there will be an increase in the number of employees.

- K. Whether there will be an increase in outdoor activity or outdoor storage.
- L. Whether there is adequate off-street parking as required by the Zoning Regulations.
- M. Whether there will be an increase in storm drainage and lighting on adjoining lots and in the neighborhood.
- N. Whether there will be screening or landscaping to lessen any adverse effects on adjoining lots and the neighborhood.
- O. Whether there is an increase in the visibility of the use from adjoining lots and from public ways.
- P. Whether the proposed use is providing a service to the neighborhood.
- Q. Whether there is an increase in safety risk to the neighborhood.
- R. Whether there is a change from seasonal to year-round use.

§ 260-57 Nonconforming lots.

In zoning districts where the minimum lot size is greater than 1/8 acre, existing small lots may be developed if they are at least 1/8 of an acre in area with a width or depth of at least 40 feet. In zoning districts where the minimum lot size is less than 1/8 acre, existing small lots may be developed upon the granting of conditional use approval.

Article VI Definitions

§ 260-58 Word usage.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used or occupied" include the words "intended, designed, or arranged to be used or occupied."

§ 260-59 Terms defined.

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

ACCESSORY DWELLING UNIT

An efficiency or one-bedroom apartment, located within or appurtenant to a single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- A. The owner of the single-family dwelling occupies either the primary dwelling or accessory dwelling.
- B. The property has sufficient wastewater capacity.
- C. The unit does not exceed 30% of the total habitable floor area of the single-family dwelling.
- D. Applicable setback, coverage, and parking requirements specified in these regulations are met.

ACCESSORY PRODUCT

A product that is incidental and subordinate to the overall service performed by the commercial activity, i.e. the sale of shampoo at a barber shop or beauty salon.

ACCESS RAMP

A structure built on the outside of a building to allow direct entry to the building by persons in wheelchairs.

ACCESSORY USE OR STRUCTURE

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADEQUATE CAPACITY (provider's capacity for wireless telephony)

When the grade of service ("GOS") is p.05 or better for median teletraffic levels offered during the typical busy hour, as assessed by direct measurement of the facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, adequate capacity for this regulation shall apply only to the capacity of the radio components. When determined prior to the installation of the personal wireless services facility in question, adequate capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.

ADEQUATE COVERAGE

A provider's coverage for wireless telephony is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that most of the time transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive-bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be a signal strength of at least -90 dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

ADULT CABARET

An adult-oriented business establishment that regularly features dancing or other live entertainment which emphasizes the exhibition of specified sexual activities and/or specified anatomical areas for the observation of patrons (see "adult oriented business," "specified anatomical areas," "specified sexual activities").

ADULT MEDIA

Magazines, books, videotapes, movies, slides, cd-roms, or other devices used to record computer images, or other media that are distinguished or characterized by the emphasis on matter depicting, describing or relating to specified anatomical areas and/or specified sexual activities.

ADULT-ORIENTED BUSINESS

An establishment catering to patrons 18 years of age or older, which devotes a substantial portion of its business activity, as determined under § 260-40B, to sexually oriented materials or entertainment (see "adult cabaret," "adult retail," "adult theater").

ADULT RETAIL

An adult-oriented business establishment that devotes a substantial portion of its business, as defined herein, to the sale and/or rental of adult media, and/or sexually oriented toys and novelties, in accordance with the requirements of these regulations (see "adult media," "adult-oriented business").

ADULT THEATER

An adult-oriented business establishment in an enclosed building which presents motion pictures,

films, videotapes, cable television, or any other such visual media, of which a substantial portion of the total presentation time is devoted to the showing of visual, sexually oriented adult media depicting, describing or relating to specified anatomical areas and/or specified sexual activities for observation by patrons (see "adult media," "adult-oriented business," "specified anatomical areas," "specified sexual activities").

AFFILIATED OWNERSHIP

Ownership in the same name, or, if ownership is in different names, control of the different ownership entities resides with the same individual(s) or entity(s). For example, ownership in the name of John Smith, an individual, is affiliated with ownership in the name of John Smith, Inc. (a corporation) where John Smith is the majority shareholder of the corporation. It is also affiliated with ownership in the name of John and Mary Smith, husband and wife.

AFFORDABLE HOUSING

Any housing which falls within one of the following:

- A. Housing that is owned by its inhabitants, whose gross annual household income does not exceed 80% of the county median income, or 80% of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30% of the household's gross annual income.
- B. Housing that is rented by its inhabitants, whose gross annual household income does not exceed 80% of the county median income, or 80% of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30% of the household's gross annual income.

AFFORDABLE HOUSING DEVELOPMENT

Any housing development of which at least 20% of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws (statutory definition).

AGRICULTURE

Use of land for growing crops and raising or keeping livestock, including cattle, horses, sheep, hogs, goats and poultry.

ALTERNATIVE DESIGN TOWER STRUCTURE

Artificial trees, clock towers, bell steeples, light poles, silos and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also "stealth facility").

AMATEUR RADIO TOWER

A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

ANTENNA

A device for transmitting and/or receiving electromagnetic waves, which is attached to a wireless communication facility or other structure.

ASSISTED-LIVING FACILITY

Residences for the elderly and/or disabled persons that provide rooms, meals, personal care, and health-related care to individuals who require assistance but not at the level provided by a hospital or nursing care facility.

BAKERY

The manufacturing and production of all bakery products. It must include a retail area for sales and may include wholesale sales. The size of the bakery, excluding retail space, may not be larger than 2,500 square feet of space.

BANK

The land area immediately adjacent to the bed of the stream, river or other body of water that defines the channel sides and contains stream flow within the channel.

BANKING/FINANCIAL INSTITUTION

Any financial institution involved in the direct deposit or withdrawal of funds or a structure which houses facilities to deposit or withdraw funds electronically.

BAR

An establishment, or portion thereof, subject to Vermont Liquor Control Regulations, and primarily devoted to the serving and on-site consumption of alcoholic beverages, and where the service of food is only incidental to the consumption of such beverages (alcoholic beverage sales are greater 50% of the gross sales of food and beverages of the establishment); includes micro-brewery.

BED-AND-BREAKFAST

A dwelling in which rooms are rented on a daily basis to transients. It is distinguished from an inn, motel or hotel in that the owner lives on the property or adjacent property and the use does not change the residential character of the neighborhood. If food service is intended for those other than guests staying overnight, then a conditional use permit is required.

BEST MANAGEMENT PRACTICES

Conservation practices or management measures that control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxins, sediment and runoff.

BUFFER

Any space between adjoining land uses, or between a land use and a natural feature, that is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

BUILDING

Any structure for the shelter, support or enclosure of persons, animals or property of any kind, but excludes bus shelters and street furniture with approval of VTrans or the Hartford Department of Public Works.

BUILDING FRONT LINE

The line parallel to the front lot line transecting the point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

[\[Image\]](#)

CAMOUFLAGED

Wireless communication facilities that are disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

CAMPGROUND

Land used or intended to be used for temporary occupancy by two or more tents, trailers, or other movable dwellings.

CEMETERY

Land used or dedicated to the burial of the dead, which may include columbariums and mausoleums, and maintenance facilities, but specifically excludes crematoriums. An individual or family burial plot on private land, registered with the Hartford Town Clerk in accordance with state law, is exempted from this definition. This includes pet cemeteries.

CHANNEL

The segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

COLLOCATION

Locating the wireless communications equipment of more than one provider on a single structure.

COMMERCIAL ACTIVITY/USE

An occupation, employment or enterprise that is operated for profit or as a nonprofit by the owner, lessee or licensee.

COMMERCIAL DISTRICT

Any area zoned Industrial-Commercial, Highway Commercial, Quechee Gorge, Quechee Interstate Interchange, Central Business, Residential-Commercial Two, Village Business or Village Residential-Commercial.

COMMUNICATION TOWER

A guyed, monopole, or self-supporting wireless communication facility, constructed as a freestanding structure or in association with a building, other permanent structure, or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

CONSTRUCTION TRAILER, OFFICE

A trailer or other structure used as a temporary office in conjunction with a permitted construction project.

CONTRACTOR'S SHOP

Any building used for storage of materials and equipment used in a contracting business, such as plumbing, electrical work, landscaping or appliance repair. Some activities of the business may be carried out in the shop. No outside storage, manufacturing, motor vehicle repairs, or regular retail sales or services are included in this definition.

CONTRACTOR'S YARD

Any area of land and/or buildings used by any type of building trade or construction contracting

business for outdoor storage of equipment or materials.

CREMATORY

An establishment where human or animal remains are burned in a furnace. All crematoriums shall follow State of Vermont protocol, licensing and all other applicable regulations.

CURB CUT

The area of land adjacent to a public or private right-of-way used regularly for vehicular access; the intersection of a driveway access and the right-of-way.

DAY-CARE FACILITY

Use of land and structures, or parts thereof, to care for adults or children during daytime or nighttime hours, but not around the clock. (See "home child care" and "home adult care".)

dBm

Unit of measure of the power level of a signal expressed in decibels above one milliwatt.

DWELLING UNIT

One room, or rooms, connected together, constituting a separate, independent housekeeping establishment, physically separated from any other rooms or dwelling units which may be in the same structure, and containing facilities for its own independent living, including sleeping, food preparation and sanitation.

DWELLING, MULTIUNIT

A building containing three or more individual dwelling units.

DWELLING UNIT, SINGLE

A structure consisting of a single dwelling unit and a single dwelling unit only. To be considered a single-family dwelling in terms of use, the structure must be occupied by one of the following:

- A. A single-family unit;
- B. A group comprised of unrelated persons, each of whom are residing at a dwelling as defined in 42 U.S.C. § 3602(b) and each of whom qualify as being handicapped as defined in 42 U.S.C. § 3602(h) and each of whom is otherwise entitled to the protections of 42 U.S.C. § 3604(f).

DWELLING UNIT, TWO

A structure containing two individual dwelling units.

EQUIPMENT SHELTER

A structure located at a base station designed principally to enclose equipment used in connection with wireless communication facility transmissions.

ESSENTIAL SERVICES

Underground or overhead gas, telephone, electric, steam, water or sewer collection, distribution or transmission systems maintained by public utilities or municipal or other governmental agencies; includes equipment and accessory structures used by such systems but not buildings for human occupancy; also includes roads and public rights-of-way.

FAA

The Federal Aviation Administration.

FALL ZONE

The distance of any ground-mounted wireless service facility to any property line, dwelling, or similar, including antennas or other vertical appurtenances.

FAMILY/HOUSEHOLD

Any number of individuals related by blood, marriage, civil union or adoption, occupying a dwelling unit as a single housekeeping unit; a group of not more than five persons keeping house together, but not necessarily related by blood or marriage.

FARMSTAND

A commercial enterprise offering for sale to the public minimally processed agricultural products such as fresh produce, Christmas trees, honey, maple syrup, fresh eggs and minor related products accessory to agriculture, such as pots, mulch, soil, hand and garden tools; also may include the sale of trees, shrubs, flowers and other vegetation. Agricultural products shall occupy at least 75% of the indoor and outdoor selling area. The sale of any product produced solely from the on-site farm is not regulated.

FARM STRUCTURE

A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in Section 6001(22) of Title 10 of the Act, but excludes a dwelling for human habitation.

FCC

The Federal Communications Commission.

FLOOR AREA, RESIDENTIAL

The sum of the gross horizontal areas of all floors of a building from the exterior face of the exterior walls, but excluding any area where the floor-to-ceiling height is less than six feet.

FLOOR AREA RATIO (FAR), RESIDENTIAL

The gross floor area of all buildings and structures on a lot designated for residential use, divided by the total lot.

FOOD ASSEMBLY/CATERING

Any facility which prepares food for delivery and consumption off the premises. This does not include food processing. See "manufacturing" or "light manufacturing."

FORESTRY

The growing, cutting, or harvesting of forest products for commercial use.

FUNERAL HOME

An establishment for the preparation and/or display of the deceased and associated memorial services prior to burial or cremation; does not include a crematory.

GARAGE SALE

See "temporary special sale."

GARDEN CENTER

A business dedicated to the sale of garden-related products and landscaping, i.e., hand tools, shrubbery, ornamental outdoor items, annual/perennial/vegetable plants, seeds (excluding grains), fresh cut flowers. Products may be sold in and outside the retail structure. Also includes the growing of trees, shrubs, flowers and other vegetation. Excluded are all gas-/electric-powered tools and equipment.

GROSS LEASABLE AREA

The total floor area to be made available for lease, including basements, hallways, rest rooms, closets, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

GROUND-MOUNTED

Mounted on the ground.

GROUP HOME

Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

GUYED WIRELESS COMMUNICATION FACILITY

A lattice wireless communication facility that is secured to the ground or other surface by diagonal cables for lateral support.

HEAVY EQUIPMENT/CONSTRUCTION EQUIPMENT

Equipment including, but not limited to, bulldozers, backhoes, excavators, bucket loaders, and dump trucks.

HOME ADULT CARE

A residence that is used to provide care on a regular basis in the caregiver's own residence for not more than 10 adults at any one time. Of this number, up to six adults may be provided care on a full-time basis and the remainder on a part-time basis. Care of an adult on a part-time basis shall mean care for not more than four hours a day.

HOME BUSINESS

Use of a dwelling and/or land and accessory structures by a full- or part-time resident of that dwelling for a business or commercial occupation that is secondary to the residential use and which does not substantially change the residential character of the neighborhood (see § 260-33).

HOME CHILD CARE

A residence that is used to provide care on a regular basis in the caregiver's own residence for not more than 10 children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. Care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

- A. These part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and

- B. During the school summer vacation, up to 12 children may be cared for, provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age seven and older) and who reside in the residence of the caregiver. [See state statutes, 33 V.S.A. § 4902(3)].

HOME OCCUPATION

Use of a minor portion of a dwelling by a full- or part-time resident for an occupation which is customary in residential areas and which does not change the residential character of the neighborhood.

HOME OFFICE

Use of a minor portion of a dwelling for an office of a practitioner of a recognized profession and which does not change the residential character of the neighborhood.

HOSPITAL/MEDICAL CENTER

An institution authorized by the state to provide primary and emergency health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, or other physical or mental conditions; including as an integral part of the institution related facilities such as laboratories, outpatient facilities, training facilities, medical offices, central service facilities, and staff residences. It may include the retail sale of pharmaceuticals and medical supplies as an accessory use; does not include a medical clinic, convalescent or nursing homes, community houses, or other similar facilities.

HOTEL/MOTEL/INN

A structure or structures or portion thereof offering transient lodging accommodations on a daily rate. If the hotel/motel/inn is used by the same occupant for more than 90 days in any period of 365 days, its use is defined as an extended-stay hotel/motel/inn and must be permitted as such. See also "bed-and-breakfast" and "lodging house."

HOTEL/MOTEL/INN, EXTENDED-STAY

A structure, structures or portion thereof, intended, used or designed to be used for extended transient lodging on a weekly or monthly basis and which contains in-room facilities for food preparation.

INTERESTED PERSONS/PARTIES

An interested person/party is defined as:

- A. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- B. The Town of Hartford or any adjoining municipality.
- C. A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of that municipality.
- D. Any 10 voters or property owners within the municipality who, by signed petition to the Zoning Board of Adjustment, allege that any relief requested by a person under this section, if granted, will

not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality. This petition must designate one person to serve as the representative of the petitioners related to the appeal.

- E. Any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

ISOLATED POND

A pond external to stream channels which does not discharge directly into any other surface water.

JUNKYARD

Land or building used for the collecting, storage, or sale of wastepaper, glass, rags, scrap metal or other discarded material, or for the collecting, wrecking, dismantling, storage, salvaging or sale of machinery parts or vehicles not in running condition.

KENNEL

A lot, premises, use, or structure where domesticated animals are housed, groomed, bred, boarded, trained or sold; also includes an animal shelter; may include a dwelling unit associated with the operation of the kennel.

LAND DEVELOPMENT

The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land (statutory definition).

LANDSCAPING

All outdoor elements of a developed lot or developed portion of a lot, including, but not limited to, natural features, plantings, ponds and pools, grading and drainage, signs, lighting, walkways, playgrounds and crosswalks.

LIGHT MANUFACTURING/INDUSTRY

Any manufacturing of an inoffensive nature that does not cause negative impacts such as fumes, smoke, noise. Specifically excluded, without limiting the definition, are foundries or other similar operations that handle molten metal and metal forming operations that utilize presses to stamp, punch, or otherwise shape metal or bars. The intent is to allow for light industrial uses that are appropriate in a downtown area or in a mixed-use residential/professional/industrial district, and which have few, if any, impacts related to the manufacturing process itself and/or affiliated impacts such as traffic or large or frequent truck deliveries.

LIGHT MANUFACTURING/RETAIL SALES

A light manufacturing establishment which includes retail space related to manufactured items. The establishment must include retail and may be open to the public for tour-oriented observation of manufacturing process.

LODGING HOUSE

A single-family dwelling in which six or more unrelated adults live as permanent, seasonal, or occasional residents. The occupants may live as a single housekeeping unit, or the dwelling may be primarily occupied by one person with sleeping rooms rented to additional people (includes boarding house, rooming house, dormitory, and private recreational lodge).

LOT

A parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or other means of access approved by the Planning Commission and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these regulations.

LOT OF RECORD

A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

MANUFACTURING/INDUSTRY

The processing, treatment and/or conversion of raw, semi-finished or finished materials into a different form or state, including the physical assembly from standardized parts, that is a distinct or finished product that differs from its individual components; also includes the storage and distribution of bulk products. This definition does not include the processing of agricultural goods raised on the premises, which falls under the definition of agriculture.

MEDICAL CLINIC

A building or part thereof, greater than 2,500 square feet, used for medical, dental, surgical, or therapeutic treatment of patients on an outpatient basis. This excludes hospitals/medical centers.

MIXED-USE BUILDING

A building with street-level commercial space in combination with dwelling units and/or space occupied or designed to be occupied by other uses which are permitted or conditional uses in the district.

MIXED-USE DISTRICT

Any area that is zoned to allow residential and commercial uses which are permitted or conditional. Includes Central Business (CB), Quechee Gorge (QG), Quechee Interstate Interchange (QII), Residential-Commercial Two (RC-2), Village Residential-Commercial (VR-2), and Village Business (VB) Zoning Districts.

MOBILE HOME

A prefabricated dwelling unit which is designed for long-term and continuous residential occupancy that is designed to be moved on wheels. The term does not include a recreational vehicle.

MOBILE HOME PARK

Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. "Mobile home park" does not mean any parcel of land under the ownership of an agricultural employer who may provide up to

four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes [10 V.S.A. § 6201(2) (statutory definition)].

MONOPOLE

A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below-grade foundations.

MOTEL

See "hotel."

MOTOR VEHICLE/CAR WASH

A building or premises or portion thereof used for washing motor vehicles, by automatic device or self-service.

MOTOR VEHICLE FUELING FACILITY

Any area of land, including structures thereon, that is used for the supply of gasoline, or oil or other fuel for the propulsion of motor vehicles, or facilities used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles as an accessory use to the fueling facility and may include retail. A motor vehicle fueling facility is not a sales or major repair agency for autos, trucks or trailers.

MOTOR VEHICLE REPAIR FACILITY

An establishment for the repair of new and used motor vehicles, trailers, motor homes, and boats. Motor vehicle repair facilities may include body shops.

MOTOR VEHICLE SALES FACILITY

An establishment for the display and sale of new and/or used motor vehicles, trailers, motor homes, and boats.

MOUNT

The structure or surface upon which antennas are mounted, including the following types of mounts (see "ground-mounted," "roof-mounted," "side-mounted" and "structure-mounted").

MUSEUM

A building open to the public for the display of exhibits and/or hands-on activities related to culture, nature and/or history.

NONCONFORMING LOT OR PARCEL

A lot or parcel that does not conform to the present bylaws covering dimensional requirements but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer. (statutory definition)

NONCONFORMING STRUCTURE

A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer (statutory definition).

NONCONFORMING USE

Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Administrative Officer (statutory definition).

NURSING CARE FACILITY

A place licensed by the State of Vermont, other than a hospital, that maintains and operates facilities and provides in-patient nursing care to those suffering from illness, disease, injury, or deformity and who require nursing care; also includes assisted-living facilities.

OFFICE

A structure used primarily for administrative and/or professional services or activities.

OFF-LOT WATER AND SEWER

Centralized services which provide water to and process sewage from 10 or more independent users.

ON-LOT WATER AND SEWER

Water which comes from a source on the lot where it is used or from a nearby source serving fewer than 10 users; sewage treatment which takes place on the lot where the sewage is generated or on a lot which serves fewer than 10 users.

OPEN-AIR MARKET

Any seasonal retail business where goods are sold outdoors or under an open structure. Items sold may include vegetables, prepared food, new and used household goods, personal effects, art work, handicrafts, or antiques, in small quantities on a temporary or limited basis. This use includes flea markets and farmer's markets. Spaces or booths may be rented or leased to individuals for the sale of products.

OPEN SPACE

Those areas within a lot or parcel of land that are not paved, roofed or occupied by structures and are equally accessible to all users of the property or development. Examples of outdoor areas that will not be considered open space are private yards, streets and drives, parking lots, tennis courts, swimming pools, and paved pedestrian malls. Meadowlands, woodlands and other natural areas, playgrounds, courtyards, golf courses, and recreation fields will be considered open space.

PARKING FACILITY

A lot and/or garage used for the temporary storage of motor vehicles, and as the principal use of the property.

PASSENGER TERMINAL

Any structure or transit facility that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. The transport of goods is allowed as an accessory use.

PERFORMING ARTS FACILITY

A facility or site used for the viewing of dramatic or musical productions, performing arts or motion pictures.

PERMIT (wireless communication facility only)

Embodies the rights and obligations extended by the municipality to an operator to own, construct,

maintain, and operate its facility within the boundaries of the municipality.

PERMITTED USE

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PLACE OF WORSHIP

A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose; includes a synagogue, temple, mosque, or other such place for worship and religious activities (statutory definition).

PLANNED UNIT DEVELOPMENT

One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity, transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards (statutory definition).

PRINCIPAL BUILDING

A structure or a group of structures in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE

The main use of land or structures, as distinguished from a secondary or accessory use.

PRINTING/PUBLISHING

A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. Retail copy businesses are not included in this definition. See "retail."

PROVIDER

An entity authorized and/or regulated by the FCC to provide wireless communications services to individuals or institutions.

PUBLIC ASSEMBLY FACILITY

Any structure or area where large numbers of individuals collect to participate in or observe programs, including performing arts facilities; includes "library."

PUBLIC FACILITY

A structure and/or land used by agencies and departments of local, county, state and federal government; includes an office, library, post office, courthouse, correctional institution, fire, police or ambulance station, garage, warehouse, transfer station, or recycling facility. This use may include public assembly as an accessory use. It does not include a school or recreational facility (see definitions).

PUBLIC INFORMATION FACILITY

A structure principally used to provide tourism information and services to the public.

PUBLIC ROAD

A public road or right-of-way owned by the Town or state and meeting State Standards Class 1, 2, 3 or 4.

RADIOFREQUENCY (RF) ENGINEER

An engineer specializing in electrical or microwave engineering, especially the study of radio frequency.

RECEIVING ANTENNA

An antenna used exclusively for receiving signals for television and radio broadcast.

RECREATIONAL FACILITY

A public or private structure or outdoor facility designed for recreational activities, including bowling alleys, skating rinks, health clubs, pool halls, video arcades, dance halls, ballrooms, swimming pools, racket courts, and the like and land developed and equipped for such activities as hiking, skiing, skating, picnicking, swimming, playing baseball, volleyball, basketball, and golf.

RECREATIONAL VEHICLE

Any vehicle having all the following characteristics: (1) used or constructed to permit its use as a conveyance on the public streets and highways; (2) used or constructed to permit its use as a dwelling or sleeping place for one or more persons; and (3) not capable of readily being connected to a community sewer and water service; includes tent trailers, truck campers, and vehicles converted to sleeping facilities; does not include mobile homes.

RESEARCH/TESTING LAB

A facility for scientific and/or academic research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESIDENTIAL CARE HOME

- A. A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to three or more residents unrelated to the home operator. If there are fewer than three residents, then the home shall be treated as a single-family dwelling. If there nine or more residents, then the home shall be treated as a multifamily dwelling.
- B. Residential care homes shall be divided into two groups, depending upon the level of care they provide, as follows:
 - (1) Level III, which provides personal care, defined as assistance with meals, dressing, movement, bathing, grooming, or other personal needs, or general supervision of physical or mental well-being, including nursing overview and medication management as defined by the licensing agency by rule, but not full-time nursing care; and
 - (2) Level IV, which provides personal care, as described in Subsection B(1), or general supervision of the physical or mental well-being of residents, including medication management as defined by the licensing agency by rule, but not other nursing care.

RESIDENTIAL DISTRICT

Any area zoned Residential One (R-1), Residential Two (R-2), Residential Three (R-3), Village Residential One (VR-1) or Village Residential Two (VR-2); does not include RC-2 or any RL Districts.

RESIDENTIAL LOT

A lot on which there is a single-unit, two-unit or multiunit dwelling, lodging house or bed-and-breakfast.

RESTAURANT

A commercial establishment where the primary activity is preparing and serving food to the public, and which supplies indoor or outdoor seating for customers. Without seating, the establishment is treated as retail space.

RETAIL

Structure or use of a lot in which goods, services or merchandise is sold or leased to the public; does not include establishments better described by other terms under these definitions, such as a warehouse, motor vehicle sales facility, motor vehicle fueling facility, farmstand or restaurant; includes wholesale establishments.

RFR (RADIOFREQUENCY RADIATION)

The emissions from wireless communication facilities.

RFI (RADIOFREQUENCY INTERFERENCE)

The emissions from wireless communication facilities which can affect the normal operation of electronic devices, generally in a harmful way.

RIPARIAN BUFFER

A vegetated area, including trees, shrubs and herbaceous vegetation, which exists or is established to protect surface waters.

ROOF-MOUNTED

Mounted on the roof of the building.

RURAL LANDS DISTRICT

Any area zoned RL-1, RL-3, RL-5, RL-10, and FC.

SCENIC VIEW

A wide-angle or panoramic field of sight that may include natural and/or man-made structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far-away object, such as a mountain, or a nearby object, such as an historic building.

SCHOOL

A public or private establishment used for education or instruction. Such instruction may be in any branch of knowledge and may include business schools, trade schools, vocational schools drivers' education, and schools of dance, gymnastics, martial arts, and similar pursuits.

SCREENING

Permanently installed material, including fences, walls, plants or berms, which shields, conceals or hides something on one site from view from outside the site.

SETBACK

Space required adjacent to the lot boundary which may not be occupied with a building or structure.

[\[Image\]](#)

SEXUALLY ORIENTED TOYS OR NOVELTIES

Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

SIDE-MOUNTED

Mounted on the side of the building.

SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Human genitals in a state of sexual stimulation or arousal, or acts of human masturbation, sexual intercourse, sodomy, or fondling, or other erotic touching of human genitals, pubic region, buttock, or female breast.

STRUCTURE-MOUNTED

Mounted on a structure other than a building.

STEALTH FACILITY

Any communications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles, and structures designed to resemble natural features such as trees or rock outcroppings. (See also "alternative design tower structure.")

STORAGE FACILITY, MINI-/SELF-

A structure containing separate, individual and private storage spaces of varying sizes leased or rented for varying periods of time.

STREET (OR ROAD) FRONTAGE

Lot lines which abut a public street or road.

STRUCTURALLY ABLE

The determination that a tower or structure is capable of carrying the load imposed by the proposed equipment under all reasonable predictable conditions as determined by a professional structural engineering analysis.

STRUCTURE

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, swimming pools, freestanding signs, satellite dishes, commercial aboveground fuel tanks, but excludes bus shelters and street furniture with approval of VTrans or the Hartford Department of Public Works.

SURFACE WATER

Includes all rivers, streams, brooks, creeks, ponds, lakes, and reservoirs, identified on the most recent edition of the Hartford G.I.S. Natural Resources Map. It excludes isolated ponds and permitted stormwater detention ponds.

SWIMMING POOL

A structure intended for bathing, swimming or diving, made of concrete, masonry, metal, vinyl or other impervious material, provided with a recirculating or controlled water supply.

TEMPORARY SPECIAL SALE (GARAGE SALE, TAG SALE, YARD SALE, RUMMAGE SALE)

Sale of personal property that has been previously used; also includes sale by a nonprofit organization of previously used or handcrafted items donated for the sale.

TEMPORARY WIRELESS COMMUNICATION FACILITY

Any tower, pole, antenna, etc., designed for use while a permitted permanent wireless facility is under construction or repair, or for a special event or conference.

TOP OF BANK

At the point of the average annual high water mark as delineated by the area where woody vegetation starts growing.

TOWER

A vertical structure for an antenna(s) that provides wireless communication services.

TRAILER/BOX TRAILER

A structure standing on wheels, designed to be towed or hauled by another vehicle, and used for carrying materials and/or storage of goods, or objects.

TRAILER PARK OR CAMP

See "campground."

TRANSPORTATION TERMINAL

A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck or other modes of transportation. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

TREE CANOPY

Refers to the layer of leaves, branches and stems of trees that covers the ground when viewed from above.

VANTAGE POINT

A point located on a public roadway, waterway or path from which a proposed wireless communication facility will be visible.

VETERINARY CLINIC

A building or part thereof used for the care, diagnosis, treatment and temporary boarding of animals. Boarding of animals is only allowed within an enclosed building with the operation of a veterinary clinic; may include a dwelling unit associated with the operation of a veterinary clinic; also see "kennel."

WAREHOUSE

A building used primarily for the storage of goods and materials; does not include retail outlets.

WIRELESS COMMUNICATION FACILITY

A tower, pole, antenna, guy wire, or related fixture intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic-spectrum-based transmissions/reception regulated by the FCC; the construction or improvement of a road, trail, building, or structure incidental to a communication facility. This definition does not include amateur radio facilities.

YARD, FRONT

Space between the front lot line and the front line of a building extended to the side lot lines of the lot. The front lot line is that boundary which abuts a street or, in the case of lots which do not abut a street, is that boundary which abuts the right of way used for access. On lots which have frontage on more than one street, the front yard shall extend along the entire length of boundary which abuts such streets. See "building front line."

Attachments:

[260a Summary](#)

[260b I-C District](#)

[260c I-C-2 District](#)

[260d HC District](#)

[260e CB District](#)

[260f CB2 District](#)

[260g QG District](#)

[260h QII District](#)

[260i RC2 District](#)

[260j VB District](#)

[260k VRC District](#)

[260l R-1 District](#)

[260m R-1M District](#)

[260n R-2 District](#)

[260o R-3 District](#)

[260p VR1 District](#)

[260q VR2 District](#)

[260r RL1 District](#)

[260s RL3 District](#)

[260t RL5 District](#)

[260u RL10 District](#)

[260v FC District](#)

[260 Zoning Map 1](#)

PART II: ADMINISTRATIVE RULES AND REGULATIONS

Chapter 350 PERSONNEL POLICIES

[HISTORY: Adopted by the Selectboard of the Town of Hartford 7-5-2005. Amendments noted where applicable.]

Article I General Provisions

§ 350-1 Vision and mission statements.

- A. Our vision. Our vision is to make the Town of Hartford one of the most appealing, livable and well managed communities in Vermont through a commitment to positive, respectful and open communication resulting in healthy and vibrant residential neighborhoods, positive rural character and a diverse economic environment.
- B. Our mission. It will be the mission of the Town and its staff to provide the citizens of Hartford with comprehensive, state-of-the-art municipal services of the highest quality and value. This will be accomplished in a safe, efficient/cost effective and timely manner through well-qualified, well-trained staff working in an atmosphere of mutual courtesy, integrity and respect.

§ 350-2 Purpose and authority.

- A. It is the intent of the Selectboard and the Office of Town Manager pursuant to provisions of Vermont State statutes (24 V.S.A. §§ 1121 and 1122), to establish uniform personnel policies, the purpose of which is to inform employees of the terms and conditions of their employment with the Town. Employees are encouraged to ask their supervisor, department head or the Town Manager/Selectboard about any policies/procedures or rules that appear unclear.
- B. It is the Town's intent that through this document, the Town shall provide for the equitable treatment of all of its employees. Nothing herein should be interpreted as being an offer or an enforceable obligation on the part of the Town of Hartford nor does this document constitute a contract of employment in whole or in part.
- C. The Town reserves the right to add, amend or delete any benefits or policy stated herein at any time, except as otherwise committed to by formal contract agreements. The details of any benefit or program referenced herein may be subject to the terms and conditions required by outside service providers, etc. Each employee should take time to review the details, terms and/or conditions that pertain to these benefits or programs contained herein. Please contact the Town Manager's Office for detailed information about these policies/benefits/programs.

§ 350-3 Administration.

These rules and regulations shall be administered by the Town Manager or his/her authorized representative(s). Amendments to these personnel rules shall be by resolution of the Selectboard.

§ 350-4 Employees covered.

- A. The rules and regulations contained herein shall apply to all persons employed in service to the Town of Hartford, including but not limited to temporary, part-time and full-time employees, including probationary employees.
- B. With the exception of certain policies related to workplace conduct and confidentiality (for example, and not by way or limitation, §§ 305-10, 350-11, 350-27, 350-28, 350-30, 350-31, 350-32, 350-33, 350-36, 350-37, 350-38, 350-39, 350-40, 350-43, 350-45), these policies shall not apply to contractors, their employees, members of appointed/elected boards and commissions, bona fide volunteers, elected officials or such other employees as may be specifically exempted in writing by the Town.
- C. Except as otherwise noted above/herein or superseded by specific contractual employment or collective bargaining agreements, these policies shall constitute the minimum requirements governing the employment of all employees.

§ 350-5 Adoption and modification.

- A. The adoption of these policies by the Town supersedes any and all previous personnel policies and/or practices utilized by the Town of Hartford to date. These policies cannot be amended verbally, nor is any employee or officer of the Town authorized to alter these policies or practices except as otherwise provided for herein.
- B. These policies are subject to amendment from time to time by resolution of the Selectboard. The adoption and modification procedures are as follows:
 - (1) A complete copy of these General Personnel Policies will be provided to each employee at the time of full- or part-time employment.
 - (2) Personnel policy amendments shall be introduced to/by the Selectboard during regularly scheduled and duly noticed public sessions of the Board.
 - (3) In the event that the Selectboard accepts the proposed amendment for further consideration, the proposed amendment shall, at the direction of the Board, be posted in a conspicuous place central to each department for a period of not less than 10 days not including the day of posting or the day of the next proposed hearing on the proposed amendment.
 - (4) The Selectboard at a duly warned regular meeting intended for this purpose will take any testimony concerning the proposed amendment. Thereafter, the Board may proceed with adoption of the proposed amendment during that or subsequent duly warned public meetings of the Board. Amendments shall take place upon passage unless otherwise designated by the Selectboard.
 - (5) A copy of adopted policy amendments shall be distributed to each employee upon passage for inclusion in his/her personal copy of the Employee Handbook - General Personnel Policies.

§ 350-6 Limitation.

This manual and the provisions contained herein do not constitute a contract of employment in whole or in part. The Town of Hartford reserves the right to add, amend or delete any benefits or policy stated herein at any time, except as otherwise committed to by formal contractual agreements. Said alterations shall be done in accordance with § 350-5 entitled "Adoption and modification."

§ 350-7 Availability.

- A. Due to the nature of service to the Town, it is sometimes necessary to contact employees on short

notice. Therefore, when appropriate, employees shall be required to provide their home phone number to their supervisors and the Town's Personnel Department.

- B. An inability to abide by this requirement should be discussed with the employee's supervisor/department head so as to determine whether or not accommodation can be made in the particular circumstances.

Article II Recruitment and Hiring

§ 350-8 Intent.

The following article is intended to express the Town's policies, principles and practices as they relate to the identification, recruitment, evaluation and employment of candidates for employment with the Town of Hartford.

§ 350-9 Definitions.

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

DEPARTMENT HEAD

An individual who by statute or grant of authority by the Town Manager is responsible for the overall operation of a department of the Town of Hartford. This individual may promulgate and adopt, subject to approval by the Town Manager, specific rules and regulations for the operation of his/her department in addition to the minimums set forth in this document, and who has the authority to plan and direct the activities of his/her staff on a day-to-day basis, who is responsible for the oversight and prudent expenditure of departmental budgets, to incur expenses on behalf of their department in furtherance of the department's authorized and funded objectives, and who will have the authority to recommend the hiring, discipline or termination of employees under their charge to the Town Manager.

EMPLOYING/HIRING AUTHORITY

Unless otherwise specifically noted in this policy or by statute, the Town Manager shall be considered the hiring authority for the Town of Hartford.

EXEMPT EMPLOYEES

An FLSA phrase referring to employees classified using FLSA standards as "exempt" or as falling into any of the following categories: 1) executive, administrative, professional and some seasonal recreation employees; 2) elected officials, their appointed personal staff, policy-making appointees, legal advisors and legislative employees. All of these categories are considered exempt from the provisions of the FLSA with regard to overtime.

HOURLY EMPLOYEES

Employees whose compensation is determined on an hourly rate for a specified or fixed number of hours worked per week in accordance with FLSA standards. Generally speaking, "hourly" employees are further defined as "nonexempt" under the FLSA.

JOB DESCRIPTION

A written summary of the duties and responsibilities assigned to a position [includes a job classification and designation under the Fair Labor Standards Act (FLSA), i.e., exempt, nonexempt, etc.].

NONEMPLOYEES

An FLSA phrase which refers to individuals not considered employees under the FLSA. These include volunteers, independent contractors and certain trainees.

NONEXEMPT EMPLOYEES

All remaining categories of employees not included in the categories above and are thus not exempted from the provisions of the FLSA.

PROBATIONARY PERIOD

It is the policy of the Town that each new employee will have a period of adjustment and be provided an assessment of the quality of the employee's work product. The probationary period shall be for 12 months following the initial date of hire. The probationary period for internal transfers or promotions shall be for a period of six months.

SALARIED EMPLOYEES

This refers to employees whose compensation is determined on an annual basis without a conversion to an hourly rate or number of hours worked per week in accordance with FLSA standards. Generally speaking, salaried employees are further defined as "exempt" under the FLSA.

SUPERVISOR

The individual responsible for directing or coordinating the daily activities of other employees.

WORK DAY or HOURS WORKED

Hours worked shall for the purposes of this document be defined as those hours spent in any activity controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer or his/her business. In certain limited circumstances, an emergency appointment may be requested by a department head. Upon written authorization from the Town Manager, the appointment of employees on a temporary basis may be made to prevent the stoppage of public business or serious inconvenience to the public, for a period not to exceed 30 days. Such employees shall not be eligible for benefits.

WORKWEEK

Seven consecutive twenty-four-hour work periods beginning with Sunday and running through Saturday. The workweek shall be calculated by including all time during which an employee is required to be on the employer's premises, on duty or at a prescribed work place. This definition may be further defined by the collective bargaining agreements and/or the FLSA for such activities as police and fire services.

§ 350-10 Equal employment opportunity.

- A. It is the policy of the Town of Hartford to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, marital status, national origin, ancestry, place of birth, age, sexual orientation, disability, HIV status or veteran status, and to base all employment decisions so as to further this principle of equal employment opportunity. To this end, the Town of Hartford will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin, ancestry, place of birth, age, sexual orientation, disability, HIV status or veteran status and will ensure that applicants are employed and employees are treated during their employment without regard to these characteristics.
- B. The Town of Hartford affirms that the above policy reflects the attitude of the Town toward the principle of equal employment opportunity, and that it is the obligation of each officer, supervisor and employee to conduct himself/herself in conformity with these principles at all times. All employment activities, including but not limited to hiring, promotion, demotion, transfer, recruitment, advertising, discipline, layoff, termination, compensation and training, shall be conducted without regard to race, color, religion, sex, marital status, national origin, ancestry, place of birth, age, sexual orientation, disability, HIV status or veteran status.

- C. Nothing in the Town's equal employment opportunity policy is intended to prevent the Town from reasonably regulating nepotism for reasons of supervision, safety, security, or morale. Generally, employee's relatives will be eligible for employment with the Town as long as no conflicts in supervision, safety, security, morale or potential conflicts of interest exist.
- D. In accordance with the Town of Hartford equal employment opportunity and nondiscrimination policy, the Town Manager has been designated Overseer of Civil Rights for the Town of Hartford. Anyone with inquiries or grievances concerning compliance with the policy can contact the Overseer of Civil Rights at Town of Hartford, 171 Bridge Street, White River Junction, Vermont, 05001 or by calling 802-295-9353.

§ 350-11 Employment records.

A complete record of an employee's employment with the Town shall be maintained by the Personnel Department. Files shall contain all pertinent information relating to employment with the Town. An employee's file is confidential and may be reviewed only by the employee, the employee's supervisor, the Town Manager, the Town's Attorney, or by order of a Court or a state or federal agency entitled by law to such review or in accordance with the procedures set forth in 12 V.S.A. § 1691(a).

- A. Departmental records. A department head may maintain limited files of current activities or actions of the department's employees. These files may contain information regarding leaves, commendations, and disciplinary actions. Unless otherwise provided in these policies and rules, information in departmental files may not be retained for more than 12 months. After 12 months, any information remaining in departmental files must be sent to the Personnel Department for inclusion in the employee's permanent file.
- B. Medical and alcohol/drug testing records. Any employee medical or alcohol/drug testing records shall be kept in a separate, confidential file, accessible to only the employee, the employees supervisor, the Town Manager or the Town Attorney. Files of this nature shall be kept only in the Personnel Department. Any additional release of these records may only be made with the employee's written consent, or by order of a court or state or federal agency entitled by law to such review or in accordance with the procedures set forth in 12 V.S.A. § 1691(a).

§ 350-12 References.

- A. The Town will provide references for former employees as follows: verification of prior employment with the dates of employment, ending wage/salary level. Requests for further information will be directed to the Personnel Department.
- B. Upon termination, employees may authorize, in writing, the Town to provide additional information pertaining to their employment and performance with the Town. An authorization form for this purpose will be made available to the employee during the exit interview or through its Personnel Office.
- C. Further communications of this nature outside of the context of this section are unauthorized.

§ 350-13 False statements.

The Town of Hartford expects and requires applicants and employees to provide complete and accurate information regarding their previous employment, schooling, and qualifications, and other information necessary to fully evaluate their current or past employment with the Town. Providing false or misleading statements shall constitute grounds for nonhiring or for immediate dismissal.

§ 350-14 Appointment at will.

All Town of Hartford employees are "at will" (except those employees whose employment relationship with the Town of Hartford is covered by a specific statute or contract that provides otherwise). This means that employment with the Town of Hartford is not for any definite period or succession of periods, and may be terminated either by the employee or by the Town at any time for any nondiscriminatory reason without notice, except as provided by this manual. Wages or salary and any accrued unused

vacation allowable under these rules and regulations shall be due to the employee only to the day and hour of termination.

§ 350-15 Proof of citizenship.

All existing and prospective Town employees must provide the Personnel Department with proof of citizenship or legal immigration status in conformance with federal law. Failure to provide such proof shall result in nonhiring or immediate dismissal.

§ 350-16 Recruitment.

- A. When open recruitment for a position is determined to be in the best interest of the Town, the Town shall recruit qualified applicants in a manner consistent with its commitment to equal employment opportunities.
- B. Announcements of vacancies for nonexempt positions with the Town of Hartford which are not being filled through internal promotion or reinstatement shall be advertised in local and other appropriate newspapers and publications for a minimum of one day. The vacancy shall also be posted in a conspicuous area central to each Department within the Town.
- C. The posting of vacancies to be filled shall specify the title of the position, the department, the beginning or anticipated salary range, the nature of the work to be performed, the desired or required qualifications, closing date for applications and any other relevant information. Positions will be posted and applications accepted for a minimum of 10 days prior to being closed and/or filled.
- D. Qualified applicants residing in and around the Town of Hartford will be encouraged to apply for vacancies within the Town. Applications for positions may be solicited from persons outside the community when necessary.
- E. Applications for positions shall be on forms approved by the Town of Hartford or as otherwise designated in the job announcement.
- F. No offers of appointment, employment, compensation or benefits are to be made without the express written authorization of the Town Manager.

§ 350-17 Selection.

- A. All appointments to positions in the service of the Town of Hartford shall be made on the basis of merit and fitness as determined by open and competitive examinations which may include written, oral and physical agility where applicable to perform essential functions of the jobs to be performed.
- B. Education, experience, aptitude, knowledge, skills, character, physical fitness (where necessary for the essential functions of the position), personality, and all other qualifications deemed necessary for the satisfactory performance of the duties of the position to be filled shall be considered with weights assigned to each factor as may be deemed proper by the Town Manager or his authorized representative or such advisory examining committee as may be appointed.
- C. As part of the preemployment procedure, persons interested in employment with the Town of Hartford shall be required to complete proscribed applications for each vacancy. Applications at a minimum shall outline their qualifications for the desired position, formal education, training, work history and work-related references. Applicants with disabilities may request reasonable accommodations to assist them in the application and interview processes.
- D. All appointments to positions in service to the Town shall be made on the basis of merit and fitness. Education, experience, aptitude, knowledge, skills, character, physical fitness (where necessary for the essential functions of the position), personality, and all other qualifications shall be determined by the Town Manager or his/her authorized representative or such advisory selection committees as may be appointed to assist with the hiring process.

- E. As part of the preemployment procedure, former employers, supervisors and references provided by an applicant shall be checked to verify a prospective employee's qualifications and as a precaution against hiring undesirable employees. Reference checks, including but not necessarily limited to criminal/civil history (including pending litigation), warrants, driving record and license check, credit history, verification of college/university degrees, honors, and professional license(s) and standing therewith, etc., will be made by personal or telephone contacts or through such commercial services as applicable and shall be documented. These reference checks shall be completed prior to an offer of employment, and the information shall be made part of the application file. All such information is to be handled as privileged and confidential information.
- F. A physical examination shall be required of all entering employees after an offer of employment is made by the Town and such offer shall be conditioned on the satisfactory results of the examination. The cost of the examination shall be paid for by the Town. Additionally, physical examinations of employees will be performed where required/authorized by federal or state law or where a) there is an objective need to determine whether the employee is still capable of performing essential job functions; or b) when there is an objective concern that the employee's condition poses a direct threat to him/herself or others; or c) when the employee has requested a reasonable accommodation and the need for the accommodation is not obvious. All information obtained as part of the medical exams shall remain confidential and shall not be placed in the employee's personnel file but in a separate medical file.
- G. No offers of appointment, employment, compensation or benefits are to be made without the express written authorization of the Town Manager.

§ 350-18 **Appointments.**

- A. At the conclusion of the selection process, the department head will make his/her recommendations for hiring to the Town Manager in writing. The recommendations will rank the finalists and briefly outline the basis for the ranking. Appointments for nonexempt positions will normally be recommended by the department head with the approval of the Town Manager. Appointments to exempt positions will be made by the Town Manager. Appointment of the Town Manager will be made by the Selectboard.
- B. All persons making application for a position with the Town of Hartford will be given written notification of the results of their examination and/or their status as soon as possible following the close of an examination or selection process.
- C. No offers of appointment, employment, compensation or benefits are to be made without the express written authorization of the Town Manager.

§ 350-19 **Types of appointments.**

The following list of definitions, while not necessarily all inclusive, is intended to provide greater clarity for terms and phrases used throughout this section and this overall document.

- A. Full-time regular employees. A year-round position regularly scheduled to work a minimum of 35 hours of work each week. Such positions are subject to all of the rules and regulations and receive all of the benefits and rights as provided by these General Personnel Policies.
- B. Full-time temporary employees. A year-round position regularly scheduled for a minimum of 35 hours of work each week for a specified period of time, i.e., to provide services for a specific project, seasonal needs, program, etc. These positions are not eligible for employee benefits.
- C. Part-time regular employees (Category A and B).
 - (1) Part-time regular "A" employees. A year-round position regularly scheduled to work 20 hours or more but less than 35 hours of work each week. Such positions are subject to all of the rules and regulations and are entitled to those benefits required by law.

- (2) Part-time regular "B" employees. A year-round position regularly scheduled to work less than 20 hours each week. Such positions are subject to all of the rules and regulations but are not entitled to benefits as outlined in the personnel policies and rules associated with regular part-time "A" or regular full-time employment.
- D. Part-time temporary employees. A year-round position scheduled for less than 35 hours of work each week for a specified period of time, i.e., to provide services for a specific project, program, etc. Such positions are subject to all of the rules and regulations but are not entitled to benefits as outlined in the Personnel Policies and Rules associated with regular full-time employment.
- E. Part-time irregular employees. A year-round position scheduled for less than 35 hours of work each week on an as-needed, nonrecurring basis, i.e., to provide services for a specific project, program, checklist, vacation coverage, etc. Such positions are subject to all of the rules and regulations but are not entitled to benefits as outlined in the personnel policies and rules associated with regular full-time employment.
- F. Student appointment. A student appointment has the purpose of affording students of public administration or other professional areas an opportunity to gain actual work experience and provide service to the Town. Student appointments are for a definite period of time, not to exceed 12 months, require approval of the Town Manager and may be paid or unpaid appointments. Paid appointments will normally be for the minimum amount available for the job classification. Student appointees shall not be eligible for regular employment benefits. Student appointees shall be subject to all personnel rules pertaining to performance and conduct.
- G. Emergency appointment. To prevent the disruption of public business or a loss or serious inconvenience to the public, temporary appointments may be authorized by the Town Manager for a period not to exceed 90 days. The Town Manager shall determine the appropriate salary or wages. Emergency appointees shall not be eligible for regular employment benefits.

§ 350-20 Orientation.

To assist new employees, each new employee shall receive an orientation to the Town, his/her department and his/her position. The orientation shall include but shall not necessarily be limited to their being provided with and given an overview of the following:

- A. The Town's General Personnel Policy - Employee Handbook.
- B. Specific policies and procedures pertinent to their department.
- C. An introduction to coworkers.
- D. A review of the expectations and requirements of the position and their job description.
- E. An identification of significant work objectives and performance deadlines.
- F. Training in specific job functions or operations in which the employee is not specifically trained. Such training shall normally be provided through the employee's department head, supervisor or a designated coworker.

§ 350-21 Probationary period.

- A. All new appointments shall be made for a probationary period equal to 12 months. A department head may extend the probationary period, with the approval of the Town Manager, for up to an additional six months.
- B. Unless otherwise approved by the Town Manager, new employees shall be paid at the established probationary or minimum rate established for the position during the probationary period. Employees with probationary appointments shall be eligible for and receive all of the benefits

associated with regular appointments.

- C. During this period the employee shall be evaluated on a quarterly basis. One month prior to the end of the probationary period, the department head will submit a written report to the Town Manager carefully reviewing the work of the new employee and recommending retention, additional training, extension of the probationary period or dismissal.
- D. In the event that the employee is recommended for dismissal, the department head shall identify the basis for his/her recommendation of dismissal based upon the following: the employee's inability or unwillingness to perform the duties of the position satisfactorily; the employee's habits and dependability do not merit retention; the employee disregards or violates the rules of conduct or procedures of the Town or department.
- E. Employees with probationary appointments shall not have the right to appeal any disciplinary action or dismissal.
- F. The probationary period shall not, in any way, affect the at-will status of the probationary employee nor any other Town of Hartford employee as set forth in § 350-14.

Article III

General Employment or Working Conditions

§ 350-22 Departmental rules.

Each department may have specific policies and rules which apply to the department's specific operations and activities. Such rules must be consistent with those presented in this manual and are subject to the approval of the Town Manager. Upon approval by the Town Manager, these rules shall be part of the official policies and rules of the Town of Hartford. Notification of any changes in existing departmental policies and rules, including the introduction of new policies and rules, shall be made by the Town Manager.

§ 350-23 Hours of work and workweek.

- A. The workweek is defined as seven consecutive twenty-four-hour periods beginning Sunday and extending through the following Saturday. The workweek shall be calculated by including all time during which an employee is required to be on the employer's premises, on duty or at a prescribed work place. The normal workweek shall consist of 40 hours over seven consecutive days.
- B. Unless otherwise noted, the normal hours of work shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday.

§ 350-24 Compensatory time.

Employees classified as nonexempt are eligible to earn compensatory time in lieu of overtime pay for hours worked in excess of 40 hours of work per workweek. The actual earning and use of compensatory time is subject to specific terms and conditions noted in the Fair Labor Standards Act. However, the following primary conditions shall apply:

- A. There must be an agreement with respect to the use of compensatory time in lieu of overtime pay between the employee and the Town of Hartford that is reached prior to the performance of the work.
- B. The maximum accrual of compensatory time shall not exceed 80 hours at any given time.
- C. Compensatory time is to be used within a reasonable time period and in a manner which whenever possible is not unduly disruptive to the function of the department.
- D. Compensatory time which remains unused at the time of an employee's termination from employment with the Town shall be paid at a rate of compensation based on an amount not less than

the average regular rate received by such employee during the last three years of the employee's employment or the final regular rate received by such employee, whichever is higher.

§ 350-25 Payment schedules and procedures.

Town employees are paid on a biweekly basis with paychecks normally being issued on Wednesdays for the prior two weeks or portion thereof. The pay period shall begin on Sunday at 12:01 a.m. and end the following Saturday at 12:00 p.m. When a scheduled payday falls on a legal holiday, paychecks will be available the next working day following the holiday.

§ 350-26 Attendance.

Employees shall be at their respective places of work in accordance with the general or departmental regulations pertaining to the hours of work. All departments shall keep daily attendance records and furnish them to the Finance Department on a weekly basis. In the event of necessary absence because of illness or any other cause, it is the responsibility of the employee to report his/her absence within one hour of his/her scheduled time to begin work, absent extraordinary circumstances (in which case the absence must be reported as soon as is reasonably practicable). Likewise, department heads will note such absence and report same on the weekly attendance record.

§ 350-27 Information disclosure.

Employees are prohibited from discussing, disclosing or using knowledge of confidential official business that is acquired as a result of their employment with the Town for non-work-related purposes. Divulging, discussing or using such knowledge for non-work-related purposes shall result in disciplinary action up to and including dismissal.

§ 350-28 Political activity.

- A. The Town of Hartford encourages its employees to exercise their normal civic rights and responsibilities. They retain the right to vote, to freely express their opinions on all political subjects, to become or continue to be a member of any political party and to attend political meetings.
- B. However, Town employees shall not use their official authority or positions for the purpose of interfering with or affecting the nomination or election of any candidate for public office. Employees shall also not command or solicit from any other employee directly or indirectly, their participation in any political party or organization, or their support of political candidates at the local, state or federal levels.
- C. The pursuit of political activities (including fund-raising) while working or through the use of Town facilities is strictly prohibited.

§ 350-29 Receipt of gifts.

Town employees are discouraged from accepting gifts of any type that are given as the result of the employee's position with the Town or may be intended to influence the provision of public services. In the event that an employee receives a gift or gratuity from any source, by virtue of the fact that he/she is a Town employee, they shall immediately inform his/her department head. Failure to report such gifts or gratuities may present grounds for suspension or dismissal. The department head shall immediately inform the Town Manager of all gifts and/or gratuities received by the Department whether individually or collectively. The Town Manager may allow the acceptance of such gifts and/or gratuities by the individual or department.

§ 350-30 Safe work.

- A. The Selectboard and management of the Town of Hartford recognizes its employees as one of its most important and valued assets. As such, the Town of Hartford is committed to creating and maintaining safe working conditions and following safe work procedures at the workplace for all of its employees. In addition, the Town of Hartford encourages employees and their dependents to maintain a healthy lifestyle.
- B. We pledge our support through the establishment of a Safety and Health Committee and the

designation of a Wellness Coordinator to lead our efforts to provide resources, motivation and support to enhance the overall safety at the workplace and promote a healthy lifestyle for all of the Town of Hartford employees and their dependents.

- C. It is the responsibility at the workplace of each employee to observe safe work practices, including but not limited to the wearing of appropriate protective clothing and/or equipment; following all prescribed work practices as presented in departmental policies and procedures, reporting to his/her supervisors all known medical or psychological conditions which pose a direct threat to the safety of the employee, the public or coworkers; and immediately reporting to his/her supervisor any dangerous or potentially dangerous work conditions. Failure to follow safe work procedures shall result in disciplinary action. The Town of Hartford is committed to creating and maintaining safe working conditions and following safe work procedures at all times and for all of its employees.

§ 350-31 Reporting work-related injuries.

All employees of the Town of Hartford are required to immediately report all work-related injuries to his/her supervisor. Failure to report such injuries may result in a delay in, or loss of, workers' compensation benefits. Workers' compensation reports and claims must be given to the Personnel Department for submission to the Town's insurance company and for appropriate follow-up. This report must include the completion of a first report of injury form within 24 hours of the injury.

§ 350-32 Harassment.

The Town is committed to having a diverse workforce with all employees being valued for their individual capabilities and contributions, complying with all federal and state laws regarding equal employment opportunity, and providing a workplace free from tensions involved in conduct that does not relate to the Town's business. In particular, the hostile atmosphere created by conduct including, but not limited to, ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advances, requests for sexual favors, or other similar conduct is not permitted. Harassment based on race, color, religion, national origin, sex, sexual orientation, ancestry, place of birth, age, physical or mental condition, HIV status or veteran status will not be tolerated and employees who engage in such conduct may be subject to discipline up to and including discharge. Harassment arises from the dynamics of the workplace and can be based on nuances, subtle perceptions, and implicit communications. Conduct that may rise to the level of harassment includes verbal remarks (epithets, derogatory statements, slurs, jokes), physical contact (assaults, physical interference with movement or work, touching), visual displays (displaying of printed or photographic materials, objects), and other actions that are demeaning or hostile.

- A. Sexual harassment. It is against the policies of this Town, and illegal under state and federal law, for any employee, male or female, to sexually harass another employee. The Town is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in sexual harassment.
- (1) What is "sexual harassment"?
 - (a) Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - [1] Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
 - [2] Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
 - [3] The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
 - (b) Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- [1] Either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
 - [2] Touching or grabbing a sexual part of an employee's body;
 - [3] Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;
 - [4] Continuing to ask an employee to socialize on or off duty when that person has indicated he/she is not interested;
 - [5] Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
 - [6] Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
 - [7] Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
 - [8] Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
 - [9] Retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
 - [10] Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
 - [11] Harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation;
 - [12] Off-duty conduct which falls within the above definition and affects the work environment.
- (2) What the employer will do if it learns of possible sexual harassment?
- (a) In the event the Town receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. Investigations will take place in accordance with the provisions of Subsection **B** below. The Town is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Supervisors should report to their department head, any other department head, and Assistant to the Town Manager for Human Resources or the Town Manager. Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy and may subject the supervisor to discipline up to and including discharge.
 - (b) Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. For this reason, the Town cannot guarantee confidentiality to the complainant, the accused or any witnesses. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action that affects the working environment of any person involved in this investigation.
 - (c) If the allegation of sexual harassment is found to be credible, the Town will take appropriate

corrective action. The Town's representative will inform the complaining person and the accused person of the results of the investigation and generally what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Individuals other than the accused are not entitled to information concerning the precise nature of the discipline imposed, if any. Any employee, supervisor, or agent who has been found by the employer to have harassed another employee will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal.

- (d) If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.
- (3) What you should do if you believe you have been harassed?
- (a) Any employee who believes that she or he has been the target of sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop (unless the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective). In any event, the person with the complaint shall also report the situation as soon as possible to the employee's department head, any other department head, the Assistant to the Town Manager for Human Resources or the Town Manager and the matter will be promptly investigated in accordance with the procedures set forth in Subsection **B** below. It is helpful to an investigation if the employee keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.
 - (b) In all cases where a harassment complaint has been substantiated, the Town will make reasonable and appropriate follow-up inquiries with the complainant to ensure that the harassment has not resumed or that the complainant is not the subject of retaliation.
 - (c) If the complainant is dissatisfied with this employer's action, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:
 - [1] Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05609, telephone: (802) 828-3171 (voice/TDD). Complaints should be filed within 300 days of the adverse action.
 - [2] Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, telephone: (617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.
 - [3] Vermont Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301, telephone: (802) 828-2480 (voice/TDD). (Only if you are employed by a Vermont state agency.) Complaints must be filed within 360 days of the adverse action.
 - (d) Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. Although employees are encouraged to file their complaint of sexual harassment through this employer's complaint procedure, an employee is not required to do so before filing a charge with these agencies.
 - (e) In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within three or six years, depending on the type of claims raised.
- (4) Where can I get copies of this policy?
- (a) A copy of this policy will be provided to every employee, and extra copies will be available in the

Town Manager's/Personnel Office.

- (b) Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.
- B. Investigations/violations for all harassment complaints.
- (1) In the event this Town receives a complaint of harassment, or otherwise has reason to believe that harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The Town is committed to take action if it learns of potential harassment as defined by these policies even if the aggrieved employee does not wish to formally file a complaint. Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. For this reason, the Town cannot guarantee confidentiality to the complainant, the accused or any witnesses. An employee who believes that any of these antiharassment policies are being violated should 1) inform the offending person(s) that the conduct is unwelcome (unless the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective) and 2) should report it immediately to his/her department head, any other department head, the Assistant to the Town Manger for Human Resources or the Town Manager. The initial report should be made in writing; however, a report will also be accepted by phone or in person. The complainant may be asked to provide written confirmation of the substance of the complaint at the initial reporting stage or soon thereafter.
 - (2) Charges that, if true, would substantiate a valid harassment complaint will be promptly and thoroughly investigated and corrective actions taken if the charge is substantiated. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint (including but not limited to appropriate disciplinary action, up to and including discharge), against the person(s) who violated the policy will follow.
 - (3) During the course of any investigation, the Town official designated to conduct the investigation may interview Town employees who have been named as witnesses to the alleged harassment. All Town employees interviewed in connection with a harassment investigation are expected to cooperate fully in the investigation by providing complete, accurate and truthful information. Town employees may also be expected to sign statements or other documents memorializing the information provided in the course of the investigation and may be asked to keep the substance of the interview confidential until such investigation is concluded. Town employees are expected to comply fully with the investigator and failure to do so may subject the employee to discipline up to and including discharge.
 - (4) In all cases where a harassment complaint has been substantiated, the Town will make reasonable and appropriate follow-up inquiries with the complainant to ensure that the harassment has not resumed or that the complainant is not the subject of retaliation.
 - (5) Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.
- C. Retaliation.
- (1) Retaliation is illegal and contrary to the policy of the Town. Employees who bring complaints of discrimination (or who identify potential violations), witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.
 - (2) If an employee believes that he or she is being retaliated against, a report should be made following the same procedures applicable to harassment complaints as set forth in Subsection **B** above. Those who are found to be acting in a retaliatory manner may be subject to discipline up to and including discharge.

§ 350-33 Overtime.

- A. Town employees may be requested to work overtime on occasion. The possibility of such overtime shall be included in the formal job descriptions of positions likely to incur overtime.
- B. Requests for employees to work overtime will be made with as much advance notice as possible. However, unexpected circumstances or emergencies may arise which make advance notice impossible. Employees are expected to honor such requests for overtime work. Repeated failure or refusal to perform overtime work will result in disciplinary action. Supervisors and/or department heads will make every effort to distribute requests for overtime fairly amongst available employees within their departments.
- C. No employee may work overtime without the express prior consent of his or her immediate supervisor or, in the event of an emergency in which the supervisor cannot be reached, the permission of the department head or the Town Manager.

§ 350-34 Limitation on multiple positions.

Town employees may only be employed on a regular basis in one department with the Town. Occasional or sporadic part-time employment with another department is permissible upon prior approval of the Town Manager. Such work must be of a type that is substantially different than the employee's primary employment with the Town and must be undertaken by choice of the employee and not by order of the Town.

§ 350-35 No smoking.

In recognition of the hazards that tobacco poses to the health of employees, and in accordance with 18 V.S.A. § 1421 et seq. and § 1741 et seq., the Town of Hartford hereby prohibits employees' use of tobacco in any form in all publicly owned buildings, offices and enclosed areas and, effective September 1, 2008, in all Town-owned vehicles.

§ 350-36 Drug-free workplace.

- A. The Town of Hartford is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when an employee is working under the influence of alcohol or illegally uses drugs on the job, comes to work under the influence, or possesses, distributes or sells drugs in the workplace. An employee who is under the influence of alcohol or any drug on the job may pose serious safety and health risks not only to the user but to coworkers and the general public at large.
- B. Town employees who are covered under the Omnibus Transportation Employee Testing Act of 1991 (including all holders of commercial driver's licenses) shall be subject to preemployment and regular random drug and alcohol testing in accordance with Department of Transportation rules and procedures.
- C. The Town may also require an individual employee to submit to a drug test if there is probable cause to believe that the employee is using or is under the influence of drugs or alcohol on the job as required by 21 V.S.A. § 513. The testing will be conducted in accordance with the procedures set forth in 21 V.S.A. § 512 et seq.
- D. The Town of Hartford has also established the following policies:
 - (1) Employees shall be required, as a condition of their employment, to abide by the terms and conditions of this drug-free workplace policy.
 - (2) Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase, or presence of drugs/alcohol or drug paraphernalia on Town of Hartford property or having reported to work with detectable levels of illegal drugs or alcohol may be subject to disciplinary action, including termination. If an employee's drug test is positive, and the employee agrees to participate in and successfully completes a bona fide rehabilitation program, then the

employee may not be terminated for the first offense. The employee may be suspended for the period of time necessary to complete the program, but in no event longer than three months. The employee may be terminated after completion of the rehabilitation program if he or she tests positive for drugs or alcohol thereafter. (Such testing must comply with 21 V.S.A. § 512 et seq.)

- (3) An employee shall notify his supervisor/manager of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Failure to do so will result in discipline, up to and including dismissal.
- (4) If a convicted employee works in a federally funded program, the involved federal grant agency shall be notified of the conviction within 10 days of the municipality's receiving the notice of the conviction. In the case of the Vermont Community Development Program, notice shall be given to the Department of Housing and Community Affairs.
- (5) An employee convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, shall be immediately dismissed for the first offense.
- (6) In the absence of compelling mitigating circumstances, an employee convicted under any criminal drug statute for a violation not occurring in the workplace while not on duty shall be subject to immediate dismissal for the first offense if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense.
- (7) Appropriate disciplinary and/or corrective action is to be taken within 30 days after the employer receives notice of a conviction. This, however, is not to be construed to limit the authority of the employer to take such an action thereafter. Any disciplinary action must comply with the collective bargaining agreement, Section 504 of the Rehabilitation Act of 1978, the Americans with Disabilities Act, and the Vermont Fair Employment Practices Act, if applicable.
- (8) An employee not convicted under any criminal drug statutes, but who engages in the illegal manufacture, distribution, dispensation, possession or use of illegal drugs or controlled substances in any municipal workplace while on or off duty, or on duty away from the workplace, shall be subject to discipline up to and including dismissal for the first occurrence. An employee engaging in such actions while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense.
- (9) Any employee whose off-duty abuse of alcohol or illegal or prescription drugs results in excessive absenteeism or tardiness or is the cause of accidents or poor work performance may be subject to discipline, including termination.
- (10) Any employee on municipal premises who appears to be under the influence of alcohol, or who possess illegal or nonmedically authorized drugs, or who has consumed alcohol or used such drugs on municipal premises, may be temporarily relieved from duty pending further investigation.
- (11) If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.
- (12) Employees must observe other work rules established by their employing department regarding the use, possession or presence of drugs involving their employment.
- (13) Each employee of the municipality will make a good-faith effort to maintain a drug-free workplace and uphold and promote this policy.

§ 350-37 Use of drugs.

A. Legal drugs.

- (1) Legal drugs are those medications (containing drugs or other controlled substances) that are prescribed to an individual by an authorized physician, carried in its original container that is labeled by a licensed pharmacist, and taken as directed.
 - (2) For certain positions, the legal use of a drug can pose a significant risk to the safety of the employee or others. Employees who feel or have been informed that the use of such a drug may present a safety risk are to report such drug use to their immediate supervisor.
- B. Unauthorized/illegal drugs include but are not limited to narcotics, marijuana, hashish, cocaine, alcohol and controlled substances or medications other than those legally sold to the public on a nonprescription basis or those prescribed to an employee by a duly licensed physician. The use, sale, purchase, transfer or possession of an illegal drug by an employee while in a municipal facility while performing municipal business or while on the job is prohibited. Being under the influence of alcohol or any illegal drug while conducting municipal business, while on municipality property or in a municipal facility, or while operating any municipal equipment is prohibited. Misuse of prescription drugs is considered to be the illegal use of drugs. This includes both the use of such drugs in a manner inconsistent with the prescribed use and any use of prescription drugs by persons for whom they are not prescribed.
- C. Responsibilities.
- (1) Employer. It is the responsibility of each municipal supervisor/manager to advise each employee of this policy; to post the policy annually at each work site; to include a copy of this policy in each new employee's orientation.
 - (2) Employee. It is the responsibility of each employee to be aware of and to abide by this policy.
- D. Definitions. As used in this policy, the following terms shall have the meanings indicated:

CONTROLLED SUBSTANCE

A controlled substance in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC § 812), and as further defined at 21 CFR 1300 and 1308.

CONVICTION

A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

CRIMINAL DRUG STATUTES

A federal or nonfederal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

DRUG PARAPHERNALIA

Objects used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal drugs or inject, ingest, inhale or otherwise introduce a drug to the human body.

ILLEGAL DRUG

Any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and not being used for prescribed purposes.

LEGAL DRUG

Includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

UNDER THE INFLUENCE

For the purpose of this policy, that the employee is noticeably affected by an alcoholic beverage or drug.

WORKPLACE

Includes nonmunicipally owned property which is used in the conduct of municipal business, including property used temporarily for training or other municipal activities.

- E. The goal of this policy is to balance our respect for the individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs is incompatible with employment at the Town of Hartford.

§ 350-38 Dress code.

- A. The Town of Hartford intends to provide its citizens with the highest level of municipal services delivered in a professional and efficient manner. It is in keeping with this objective that employees present themselves for work in a businesslike manner.
- B. Employees are expected to dress in a clean and professional manner while working for the Town. Employees are therefore required to report for work in suitable professional attire commensurate with their position and work tasks. Casual attire (i.e., shorts, blue jeans, etc.) unless authorized by the Town, is otherwise not permitted.
- C. In cases where specific uniforms or safety equipment is required by statute, regulation or decision of the Town, such items will be paid for and provided by the Town.

§ 350-39 General rules of conduct.

- A. The items included on the following list are intended as examples of rules of conduct and are not intended to be all inclusive of those types of conduct or behavior that may be seen as unprofessional or otherwise inappropriate or incompatible with employment with the Town of Hartford.
- B. The following are examples of rules of conduct to be adhered to while receiving compensation from the Town and/or while present on municipal property. Employees are expected to:
- (1) Report for work at the designated time.
 - (2) Inform their supervisor or department head of their inability to report for work at the designated time within one hour of their expected starting time, unless an illness, injury or other extraordinary circumstances prevents the employee from giving timely notice, in which case notice shall be given as soon as practicable.
 - (3) Report for emergency overtime work unless good cause is shown and approved by their department head.
 - (4) Not leave the designated work location without authorization.
 - (5) Not be tardy or absent without permission.
 - (6) Not use, possess or be under the influence of any alcoholic beverage or controlled substance during normal working hours or any other time for which the employee is being compensated.
 - (7) Not sleep during assigned working hours.

- (8) Perform assigned work duties efficiently, expeditiously and well.
- (9) Not be insubordinate.
- (10) Conduct themselves in a courteous and respectable manner at all times.
- (11) Safeguard and exert due care for all Town property.
- (12) Utilize or expend Town resources/funds entrusted to them in a prudential manner.
- (13) Comply with all Town and departmental rules and regulations.
- (14) Obey all applicable federal, state and local laws and ordinances.
- (15) Not solicit or accept any gift, gratuity or benefit that could, in any manner, be construed to influence the performance of his/her official duties.
- (16) Utilize workplace safety devices and clothing issued by the Town and comply with applicable safety standards and procedures as provided by local rules and regulations and/or state or federal regulations or laws and report all hazardous conditions or equipment to his/her immediate supervisor.
- (17) Treat members of the public and coworkers with honor and dignity at all times.
- (18) Not physically or verbally threaten, intimidate or insult others.
- (19) Not steal.
- (20) Not fight with other employees or members of the public.
- (21) Not engage in other behavior or activity which is offensive, disruptive or would otherwise adversely effect operations and/or reflect poorly upon the reputation of the Town.

§ 350-40 Meal breaks.

Employees working continuously for more than four consecutive hours shall be entitled to take an unpaid meal break of one hour in length. Meal breaks (lunch, dinner) hours are to be observed as close to the middle of the customary eight-hour workday as possible. Normally, meal breaks should be taken between the hours of 12:00 noon and 2:00 p.m. Department heads shall be responsible for ensuring that employees are afforded an adequate opportunity for required meal breaks.

§ 350-41 Seniority.

- A. Seniority shall refer to the length of continuous full-time service with the Town since the last date of hire. Seniority may be broken by retirement, voluntary resignation, discharge, refusal of recall or layoff in excess of 36 months.
- B. Seniority, with respect to all nonwage applications, will be determined from the date of full-time employment with the department. Employees transferring from another department within the Town shall receive consideration for their continuous years of service with the Town for nonwage benefits only.
- C. Seniority shall be taken into account in cases of reduction in force, layoffs, leave requests, promotions, transfers and work assignments when all other factors or qualifications are considered equal.

§ 350-42 Required training and licenses.

- A. All employees of the Town who as a condition of hire are required to have and maintain a valid

Class I passenger vehicle driver's license shall maintain such a license at their own expense.

- B. For those employees who are required as a condition of their continued employment to maintain a particular certification and/or license to carry out the duties of their positions with the Town, the Town of Hartford will fund the renewal and/or maintenance of such licenses that are required by it and for whom the Town is the sole beneficiary. This provision does not relate to the acquisition and maintenance of driver's licenses for standard Class I motor vehicles.

§ 350-43 Temporary alternative duty (TAD).

- A. Temporary Alternative duty (TAD) is intended to encourage an employee's transition back to the workplace after an illness or injury. It is not the Town's intention to cause employees to return to work before they are medically able or for them to perform work for which they are not medically suited or capable to perform.
- B. Employees who are unable to perform their usual duties due to a temporary medical disability or workers' compensation injury and may therefore be absent from work but who can, with the concurrence of competent medical authority, perform "light duty," may be assigned to any tasks within their capabilities including assignments to other Town departments where appropriate.
- C. Prior to assigning an employee to TAD, the department head shall supply the employee's attending physician with a description of the intended light-duty assignment. The department head will then seek written confirmation of the employee's ability to perform the requested duties including any limitations from the employee's physician.
- D. Nothing in this section is intended to preclude eligible employees from asserting his/her leave rights under the Federal Family Medical Leave Act and/or Vermont's Parental and Family Medical Leave Act.

§ 350-44 Computer, e-mail, Internet and voice mail system use.

- A. The Town provides its employees with a variety of computer-based equipment and capabilities. This equipment/services are intended to assist employees in executing their work in the interest of the Town. This is made possible using Town-owned equipment, software and service agreements acquired and paid for by the Town of Hartford.
- B. Employees shall not download or store on their personal computers or the network any information or software for personal use or that is of a personal nature. All work-related software or information being installed on or imported via the Internet or such other media, such as a floppy disk to a Town system, shall be scanned for viruses and expressly approved by the System Manager prior to its installation. Any hardware enhancements and/or software installations intended for use on any Town equipment, computer or network must be approved in advance by the System Manager and/or the Town Manager.
- C. Employees using the Town's computer systems shall observe all copyright and licensing restrictions for all hardware and software applications. No copies of software shall be made unless legally authorized. Any software for which proof of licensing (original disks, original manuals/or licenses) cannot be provided or personal software and/or data introduced to the system without the express permission of the System Manager is subject to removal from the system by the Town.
- D. In addition, it is important for employees to be mindful that information stored on or produced by this system/equipment (computers, network, servers, telephone voice mail systems) is considered the property of the Town of Hartford and therefore public. Employees should have no expectation of privacy in their use of Town-owned computer equipment or other electronic systems and are cautioned against using the system (e.g., e-mail, Internet, telephone voice mail systems, etc.) to process, generate access or store information of a personal nature or use. All information generated by or stored on Town-owned equipment shall be considered public and as public property could be subject to public disclosure, review by other Town employees, supervisors and subpoena, etc.

- E. Accordingly, operation/use of the Town's computer capabilities, equipment or services (including, but not limited to use of the Internet and e-mail) for personal use is not permitted. Employees are expected to engage in professional use of the Internet only. No pornography or sexually explicit materials shall be accessed, stored, or viewed on computer equipment provided by the Town of Hartford or otherwise accessed by any employee while working for the Town at any time. Any misuse or violation of this policy may result in disciplinary action and/or termination.
- F. As a requirement of employment by the Town of Hartford, employees will be required to consent to the monitoring of communications sent, received and stored on equipment provided by the Town of Hartford (including, but not limited to, telephone, computer and voice mail systems).

§ 350-45 Use of Town vehicles.

- A. Employees who are assigned the use of or responsibility for operating Town-owned vehicles shall do so with the utmost care, sound judgment and in strict observance of all applicable local, state and federal laws, rules of the road and for legal purposes. Employees shall also report all known damage or defects in Town-owned vehicles to their immediate supervisors immediately upon discovery.
- B. The Town shall not be responsible for any citations, tickets, violations, etc., incurred by employees who are found to be operating Town-owned vehicles in a manner inconsistent with this policy.

Article IV Compensation and Benefits

§ 350-46 Longevity recognition.

The Town of Hartford recognizes the inherent value of long-term employees and therefore encourages longevity amongst its staff. In recognition of those employees who continue their employment with the Town over time, the Town shall provide such employees with the following recognition/incentives upon reaching various anniversary milestones and will be awarded in the form of United States savings bonds with face values as follows:

Anniversary	Benefit
10th year	\$100
15th year	\$150
20th year	\$200
25th year	\$300 and anniversary clock
30th year	\$600
35th and every five-year increment thereafter	\$1,000

§ 350-47 Education incentives.

The Town of Hartford encourages employees to continue their education for their personal development and for the benefit of the Town.

- A. Tuition reimbursement.
 - (1) The Town of Hartford shall provide partial tuition reimbursement to full-time employees equal to 50% of the cost of each course and required tests or lab costs. To be eligible for tuition reimbursement, the employee must submit to his/her department head a description of the desired course sufficient to demonstrate the benefits of the course to the employee and its

applicability/benefit to his/her work with the Town. The employee must obtain approval of tuition reimbursement for the course from his/her department head in advance of enrollment in the course.

- (2) Reimbursement of course costs and required texts/lab costs will be made upon presentation of a paid receipt for said costs and verification that the course has been completed with a grade of "C" or 70 or above.
- B. Release time. Employees who enroll in formal educational programs may be eligible for release time to pursue their studies during normal work hours. The release time may be permitted under the following conditions:
- (1) The course of study has a demonstrable benefit or relevance to the Town and/or the employee's position.
 - (2) The amount of release time does not exceed three hours per week.
 - (3) The employee remains responsible for fulfilling his or her work responsibilities and duties.
 - (4) A copy of the employee's grade for a course is given to the Personnel Department as soon as possible after the completion of the course.

§ 350-48 Health club membership.

- A. The Town supports the overall health and wellness of its employees. Toward this end, the Town funds a corporate membership at an area health facility. This membership entitles full- and part-time employees of the Town to purchase discounted membership to the facility for the employee and their families.
- B. Employees are encouraged to consider membership in such facilities. Please contact the facility directly for terms and conditions of the various types of memberships that may be available as they may change from time to time without notice.

§ 350-49 Credit union membership.

By virtue of employment with the Town of Hartford, employees are eligible for membership in the Windsor-Orange County Credit Union. The terms and conditions of such membership are determined by the credit union. Please contact the credit union for details and member benefits.

§ 350-50 Retirement programs.

- A. The Town of Hartford provides a variety of retirement programs intended to assist the employee in planning for a financially secure retirement. These programs are open to all full-time employees.
- B. Toward this end, the Town provides a 401 Money Purchase Plan through the International City Managers Association - Retirement Corporation. This benefit is open to employees upon completion of their first year of employment with the Town.
- C. Employees may also participate, at their own expense, in the 457 Deferred Compensation Plan. Employees may take advantage of this benefit immediately upon employment with the Town.
- D. The Town shall provide each employee with a contribution equal to 8% of his/her annual base wages/salary exclusive of compensatory time, overtime, or value of other benefits, to be deposited directly to his/her 401 Qualified Plan. No employee match or contribution is required.
- E. Vesting in the 401 Program begins with the employee's completion of three years of continuous service and participation in the program at 20%. With each additional year of continuous employment, the employees level of vesting in their retirement program increases by an additional 20%. After completing their seventh year, employees will be 100% vested in the Town's 401 Plan. Employees are immediately vested in the Town's 401 or 457 Plans for all funds deposited/earned by

them.

- F. Actual contributions to the employee's retirement program(s) will be made by the Town through payroll deductions concurrent with the employee's biweekly pay. Please see plan documents on file with the Personnel Department for further details and applicable laws pertaining to these programs. The normal retirement age for these programs will be 55 if not otherwise stated.

§ 350-51 Rates of pay.

- A. Compensation for positions within the Town of Hartford is determined by the particular qualifications and complexity of the specific position. Based upon the complexity of the position and the skills and abilities required by the employee, each position is classified into a "grade" of compensation on the Town's compensation matrix. Time in grade will be adjusted for years of continuous service and will result in "step" increases.
- B. Customarily, new employees will receive compensation beginning at the minimum step for their grade. New employees with significant previous experience specific to their new position may start their employment with the Town at either Step 1 or 2 commensurate with their previous experience.
- C. Based upon satisfactory performance and commensurate with their increasing knowledge of their positions, employee compensation will be adjusted according to the Town's compensation matrix.
- D. Adjustment in compensation by virtue of step adjustments shall be measured by years of continuous service completed and shall become effective on July 1 of each year. For an employee to be eligible for an annual step increase, he/she must be employed by the January 1 preceding the beginning of the new fiscal year (July 1).

§ 350-52 Cost-of-living adjustments.

Annually, at the beginning of the Town's fiscal year, the Selectboard may determine an adjustment in employee's base rates of compensation to adjust for the effects of inflation. Such an adjustment is normally referred to as a cost-of-living adjustment or COLA. This percentage of increase shall be applicable to all employees' base compensation and will normally go into effect on the first of July each year.

§ 350-53 Work-related expense reimbursement.

- A. Employees who, as a part of their jobs are required to travel, shall be reimbursed for reasonable expenses or costs related to their employment in accordance with the following:
 - (1) Transportation. Whenever possible, employees will use Town-owned vehicles for job-related travel. For long distances requiring air travel, the Town will reimburse employees for economy class passage.
 - (2) Mileage reimbursement. When the use of an employee's personal vehicle for job-related travel is required, the Town will pay a mileage allowance at the prevailing rate set by the IRS.
 - (3) Meals/lodging. Employees who travel out of town on business will be reimbursed for the actual and reasonable costs incurred for food, lodging, and miscellaneous travel related expenses (limit). Employees will make every reasonable effort to take advantage of government discounts, rates, etc., that may be available for such travel.
 - (4) Expense reports. Employees must submit an expense report with receipts in order to receive reimbursement.
- B. Approval for the travel, lodging, food or other work-related expense reimbursements must be obtained in advance of their occurrence from the department head except in an emergency or unusual circumstance. In such cases, employees will notify their supervisors of such expenses as soon as possible.

- C. Employees are required to furnish documentation and/or receipts for each expense for which they expect reimbursement. Reimbursement requests should be submitted to an employee's department head for approval within 10 days of when they were incurred and/or after return from business travel.
- D. Employees shall make every effort to secure such services in a cost-effective, efficient and reasonable manner making the most of Town resources.

Article V Leaves of Absence

§ 350-54 Leave records.

- A. The Personnel Director shall maintain the official record of each employee's leave status. A statement of leave utilized by each employee shall be maintained on a monthly basis and reported with each paycheck. The employee shall verify the leave calculations and records immediately and report any discrepancies to the Personnel Department. In the absence of any notification of errors by the employee, the record maintained by the Town shall be the official record.
- B. Department heads are responsible for informing the Personnel Department of leave usage by each department employee. The Town shall provide a leave record to each employee at the end of each calendar year.

§ 350-55 Holidays.

- A. The following is a list of the official holidays observed by the Town of Hartford. Full-time employees of the Town are entitled to one day off for each of the following holidays. Those nonexempt employees who are required to work on the following days shall receive overtime pay equal to 1 1/2 their normal hourly rate in lieu of time off. To be eligible for holiday leave, an employee must be in a pay status the day before and the day after the scheduled holiday.
- B. The Town shall observe the following holidays:

Christmas Day	Memorial Day
Columbus Day (floater)	New Year's Day
Independence Day	Thanksgiving Day
Labor Day	Bennington Battle Day (observed the day after Thanksgiving)
Lincoln's Birthday (floater)	Martin Luther King Day (floater)
President's Day	Veteran's Day
Town Meeting Day	

- C. Floating holidays must be used within the calendar year in which they are earned. Requests for use of a floating holiday should be submitted to an employee's department head with seven days' advance notice and will be considered and awarded in the same manner as vacation leave (§ 350-56).
- D. (**Note:** If any of the above holidays falls on a Saturday, then employees shall be afforded the preceding Friday off. If a holiday occurs on a Sunday, then employees shall be granted the following Monday off.)

§ 350-56 **Vacation.**

- A. Employees of the Town of Hartford shall be entitled to vacation leave each year. The amount of vacation leave accrued shall depend upon an employee's continuous service to the Town.
- B. Vacation leave shall be earned and credited at the end of each full month of continuous service (employee must be in a "paid" status) according to the schedule below. However, employees in good standing will be granted use of their projected annual earnings (January - December) of vacation time on January 1 of each year.

Length of Service	Monthly Accrual (hours)	Annual Accrual (days)
Employment through first year	3.33	5
Greater than 1 year	6.66	10
Greater than 5 years	10.00	15
Greater than 10 years	11.33	17
Greater than 15 years	13.33	20

- C. Employees separating from service to the Town will be compensated for all accrued but unused vacation leave except as noted (i.e., vacation payback for premature use). Employees using more vacation leave than has actually been earned for a particular year and who terminate their employment for any reason will have the value of the used but unearned vacation leave deducted from their final paycheck upon separation.
- D. Vacation time shall not be earned during times when the employee may be on leave without pay, with the exception of FMLA leave, for any reason and in particular during such times that the employee may be on unpaid suspension. During such an event, employees may not utilize vacation time to change this unpaid status to paid except by mutual consent.
- E. All vacation time will be taken during the year in which it is earned. However, vacation time earned in the prior year may be carried over into the following year with prior express written permission of the department head. Accumulated vacation time in excess of that earned over two years will be forfeited without compensation.
- F. Requests for the use of vacation leave shall be submitted in writing to an employee's department head a minimum of seven work days in advance of the intended use of vacation leave. In such cases, requests for the use of vacation leave shall not be unreasonably denied and should be approved in writing by the department head within five days of the request. Requests for the use of vacation received less than seven days in advance shall be granted at the discretion of the department head.
- G. Vacation requests shall only be denied in cases where a lack of manpower or the particular skills or abilities of the employee requesting the leave would result in critical manpower shortages or other tangible damage to the interests of the department or the Town.
- H. In cases where a department head receives requests for leave which overlap or are otherwise in conflict with one another and if granted would result in critical manpower shortages or other tangible damage to the interests of the department or the Town, the leave shall be granted based upon seniority.

§ 350-57 **Personal days.**

Beginning in January of each year, employees shall be permitted to convert up to three accrued sick leave days to their personal use. Personal leave days may be used at the employee's discretion after giving notice to their supervisor or department head in a manner commensurate with the use of sick leave. (See § 350-58.) Accrued but unused personal days may not be carried over from one calendar year to the next and are not payable upon an employee's separation from the Town.

§ 350-58 **Sick leave.**

- A. The Town provides each of its employees with leave so as to afford them income security in the event of his/her actual short-term illness and/or disability. Sick leave is not considered to be discretionary leave. It may, however, be used to take physical examinations or other medical preventative measures, meet dental appointments, or to attend to the medical needs of family dependents as defined by the Family Medical Leave Act (FMLA) and the Vermont Parental and Family Leave Act.
- B. Each full-time employee shall be entitled to earn one day of sick leave with pay for each full calendar month of continuous employment with the Town without limitation. The calendar year shall begin in January and end in December.
- C. The Town may require proof of an employee's illness or injury. A written excuse and/or certification from the employee's physician may be required in cases where the employee is absent from work for three or more consecutive days. In such cases, the Town shall be responsible for the cost of obtaining such examinations, etc., that may be necessary to substantiate the employee's illness or injury.
- D. Upon written request, an employee suffering from a workers' compensation injury may request that his/her accrued sick leave be used to augment/supplement the weekly income derived from workers' compensation benefits. However, in no instance shall the total of the compensation provided to the employee through workers' compensation and the conversion of sick leave exceed 100% of the employee normal base pay received prior to the injury.
- E. Employees out for more than three days due to a medical condition must submit, if requested to by their supervisor or department head, an authorization from their medical doctor which certifies that they are fit to return to work. If the employee is able to return to work but with limitations, the medical authorization must specify the duration and nature of any limitations that the employee may have upon returning to work.
- F. Sick leave may be accumulated without limitation. However, unused sick leave is noncompensatory upon separation.

§ 350-59 **Bereavement.**

- A. Employees shall be afforded up to three consecutive days off with pay following the death of an employee's immediate relative to include foster or step relations of the following descriptions. An additional two days will be granted in cases involving those immediate family members as follows:

Spouse	Father (including in-law)
Civil union partner	Sister
Mother (including in-law)	Child
Brother	Grandmother
Grandfather	

- B. Said leave will not accrue from year to year and is noncompensatory.

§ 350-60 Maternity/paternity.

Maternity or paternity leave may be used by eligible employees in accordance with the Family Medical Leave Act and the Vermont Parental and Family Leave Act to attend to the birth or adoption of a child.

§ 350-61 Military.

- A. The Town of Hartford recognizes the value and importance of voluntary military service. Therefore, any employee who is a member of the reserve force of the United States or the State of Vermont shall, upon receipt of formal written orders from superior officers, be granted a leave of absence for required annual training. The leave of absence shall be granted with pay for a period not to exceed 10 workdays annually. The employee will receive the normal pay equivalent to the difference between the straight-time regular pay for the term of the leave and that received from the military service for this same period.
- B. Employees called away on active duty shall be granted a leave of absence and/or shall be afforded reinstatement rights and benefits in accordance with the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4303 et. seq., and, where applicable, Vermont's Military Leave Act, 21 V.S.A. § 491.

§ 350-62 Jury duty.

- A. The Town of Hartford encourages employees to exercise their civic obligations and responsibilities relative to jury duty and will make whatever temporary work adjustments as are possible to enable them to meet these obligations.
- B. A full-time employee who is called for jury duty within any state or federal court shall be granted leave to fulfill this responsibility when necessary. The Town shall pay the employee the difference between the employee's actual salary and that received from the court jury duty for part-time employees which shall be arranged with the department head taking into consideration length of service and type of part-time appointment. Employees must inform the department head of the amount received for jury duty in order to receive additional payment from the Town. Failure to report such payments will result in a loss of pay for the period of jury duty.

§ 350-63 Special leaves of absence.

- A. An employee may petition the Town Manager for uncompensated leave. The petition shall at a minimum include an explanation of the need for such leave and include the exact dates of the requested leave. This benefit is intended to be applied to only the most extraordinary circumstances and should not be construed as readily available or certain.
- B. In no event shall said leave be granted for more than one year. If granted, the employee for the purposes of pay and benefits will be viewed as terminated. More specifically, the employee shall not receive pay, accrue or receive any other benefits or seniority (i.e., vacation, sick leave, etc.).
- C. The employee may, however, continue to enjoy health and dental insurance coverage at the Town's group rates. If the employee elects to continue coverage under these programs, it will be at the employee's expense 100%. Payment of policy premiums shall be made to the Town at the beginning of each month.
- D. In the event that the employee fails to promptly return to his/her position at the end of the specified leave, the employee shall be considered as having voluntarily terminated his/her employment with the Town.

§ 350-64 Family/parental leave (state and federal).

- A. In general, parental and family leave is intended to provide paid and unpaid leave for up to 12 weeks for an eligible employee's serious illness as defined by state and federal law or to allow eligible employees to tend to the birth or adoption of a child or to care for a seriously ill family member as defined by state and federal law. Toward this end the Town will observe and provide leave to eligible employees under the State's Parental and Family Leave Act (PFLA, 21 V.S.A. § 471 et. seq.)

and the Federal Family Medical Leave Act (FMLA, 29 U.S.C. § 2601 et. seq.).

- B. Employees are also eligible for leave under the PFLA in accordance with 21 V.S.A. § 472(b). Please contact the Personnel Department for details pertaining to this benefit. During uncompensated periods of leave as specified under the FMLA or the PFLA employees will continue to accrue all other benefits provided by the Town.
- C. A variety of conditions apply to these benefits. Each employee will receive additional information regarding FMLA rights in the form of a "fact sheet" that will be supplied to each employee by the Town. Also, copies of the PFLA will be available to each employee upon request. Employees should also contact the Personnel Office for further details as to the requirements and obligations associated with these benefits.

Article VI Insurance

§ 350-65 Social security.

The Town of Hartford will provide and all employees are required to participate in the social security system. Both the employee and the Town are required to contribute to social security. Employee and Town contributions are determined by law and are subject to change.

§ 350-66 Workers' compensation.

As required by Vermont law, Town employees shall be covered by workers' compensation insurance. This insurance provides coverage in the event of a work-related injury. The Town will pay the cost (100%) of this coverage.

§ 350-67 Unemployment.

In accordance with 21 V.S.A. § 626 of Vermont Statutes Annotated, the Town of Hartford will provide unemployment compensation insurance for all employees of the Town. The Town shall pay the cost (100%) of this coverage.

§ 350-68 Health and major medical.

[Amended 9-18-2007]

- A. The Town will, through the Vermont League of Cities and Towns, provide all full-time regular employees with group medical and hospitalization insurance. This insurance is currently provided through the Vermont League of Cities and Towns Group CIGNA programs.
- B. Beginning with the first day of the month following date of hire, full-time regular employees and their legal dependants shall be entitled to participate in one of the following health insurance and hospitalization programs. Participation in these programs may require employees to participate in sharing the cost of the premiums associated with these programs. Premium contributions by employees are made through automatic payroll deduction. Participation in these programs is subject to program guidelines as determined by the provider (membership, waiting periods, etc.). Please refer to the details below.

Plan	Town Contribution	Employee Contribution
CIGNA VLCT GOLD Plan	Employer will contribute a dollar amount equal to the greater of the amount paid by the Town for either the HP or OAP below. Employee will pay the balance of the premium.	
CIGNA Open Access Plus 100	88%	12%

Plan	Town Contribution	Employee Contribution
CIGNA Health Partnership	88%	12%

- C. Employees having a minimum of 10 years of continuous service to the Town of Hartford and who retire at the age of 55 or older shall have their health insurance continued and the premiums paid by the Town as if they were still employed by the Town until they become eligible for Medicare. At that time, the Town shall provide supplemental coverage under the same terms and conditions that prevailed at the time of their retirement.
- D. Employees hired after January 1, 1999, must have a minimum of 20 years of continuous service with the Town of Hartford and be a minimum of 55 years of age to be eligible for this benefit. Said benefit shall be limited to health insurance coverage for the employee and his/her spouse.

§ 350-69 Dental.

A. The Town of Hartford provides full-time regular employees with group dental insurance coverage. Dental coverage is currently provided through the Vermont League of Cities and Towns and Delta Dental. The cost of premiums for this coverage shall be shared by the Town and the employee as follows:

- (1) Single plan: paid 100% by the Town.
- (2) Two-person and family plans: 90% of the premium will be paid by the Town with the employee contributing 10% of the costs.

B. The employee's contribution to the cost of this benefit will be funded through regular payroll deductions. Annual plan deductibles up to \$25 for single plans and \$50 for two-person or family plans will, upon submission of proof of payment by the employee, be reimbursed by the Town.

§ 350-70 Flexible Health Care Plan (125).

The Town of Hartford provides the following Flexible Health Care Plan with the intent of assisting its employees to fund unreimbursed health care costs for the employee and their families. The plan has been designed and is adopted in accordance with IRS Section 125 requirements.

§ 350-71 Dependent Care Plan.

The Town of Hartford provides the following Dependent Care Plan with the intent of assisting its employees to fund costs relating to the care of family members/dependents. The Plan has been designed and is adopted in accordance with IRS requirements.

§ 350-72 Employee Assistance Plan.

The Town provides each of its employees with a comprehensive Employee Assistance Plan (EAP) as provided through the Vermont League of Cities and Towns. This program provides for confidential third-party counseling services designed to assist employees and their families in addressing a myriad of work or nonwork problems, including but not limited to substance abuse, anger management, stress, legal issues, depression, grief, parenting, abuse, etc. The EAP and the services change from time to time, so employees are encouraged to review the current listing of services provided which is available through the Personnel Department or by calling 1-800-287-2173 for further information and assistance. This is a free service.

§ 350-73 Short-term disability.

The Town shall provide to its full-time employees group short-term disability insurance coverage. The benefits of this program are intended to ensure that a portion of an employee's income continues during periods of short-term disability (i.e., up to 50% of the employee's base salary). This benefit begins on the 31st day of the employee's disability and continues for up to 52 weeks. The cost of this program is funded 100% by the Town and participation is subject to the terms established by the policy provider. See Personnel Department for further details of this program.

§ 350-74 Employee life, accidental death and dismemberment.

- A. The Town will provide each full-time employee with a group employee life insurance policy. The policy will provide the employee with benefits equal to the employees annual base pay rounded up to the next \$1,000. Said benefits shall be paid to the employees estate upon his/her demise. See plan documents for further details on specific terms and benefits.
- B. The cost of this program is funded 100% by the Town and participation is subject to the terms established by the policy provider. This benefit has no cash value, is noncompensatory and terminates upon separation by the employee.

§ 350-75 Dependent life, accidental death and dismemberment.

- A. The Town will provide each full-time employee with a group dependent life insurance policy. The policy will provide the employee with benefits equal to \$3,000 in the event of the death of the employee's spouse, \$2,000 upon the death of a child between the ages of six months to age 19 years and \$500 for a child under the age of six months. See plan documents for further details on specific terms and benefits.
- B. The cost of this program is funded 100% by the Town and participation is subject to the terms established by the policy provider. This benefit has no cash value, is noncompensatory and terminates upon separation by the employee.

§ 350-76 Consolidated Omnibus Budget Reconciliation Act (COBRA).

- A. The Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272) requires that employees and their dependents shall remain eligible for continuation of employer-sponsored health benefit plans.
- B. In general, employees who voluntarily or involuntary terminate their employment with the Town of Hartford shall have the opportunity to continue their participation in the Town's sponsored group health care insurance program for a period of up to 18 months after the date of separation.
- C. These benefits shall also be available to the employees dependents, spouses in the case of death, divorce or legal separation, ineligibility of dependants children due to age or student status or employee's eligibility for Medicare.

**Article VII
Personnel Actions**

§ 350-77 Evaluations.

- A. All employees of the Town of Hartford will be evaluated as to their job performance a minimum of once each year. The purpose of conducting employee evaluations is to provide constructive assessment of an employee's performance as well as to offer guidance and instruction for improved performance. Employees shall also complete a self-evaluation form as part of the overall evaluation process.
- B. Evaluations will be in writing and signed by both the employee and the department head following a conference during which the evaluation is discussed with the employee. The signature of the employee is not intended to indicate that he or she agrees with the evaluation but only to acknowledge that the evaluation has been shown to them and discussed.
- C. The signed, written evaluation will then be provided to the employee and a copy shall be placed into the employee's file. The employee may attach a statement noting a response to the evaluation if he/she so desires.
- D. Employees may at any time during regular working hours view his/her employee file in the presence of the Town Manager or his/her designated representative. The content of an employee's personnel file is to be considered privileged and confidential with access to be authorized on an as-needed

basis by bona fide authorities as provided by law.

- E. Any evaluation that results in an overall rating of less than satisfactory (less than 70 or the numerical equivalent) will result in the imposition of a probationary period. Improved performance in the area of concern and a subsequent satisfactory evaluation will result in the end of the probationary status.
- F. Failure to improve during the probationary period may result in suspension without pay or termination. During this type of probationary period there shall be no reduction in pay or benefits for the affected employee.

§ 350-78 Promotions and transfers.

- A. Vacancies in positions above the lowest rank in any department in the Town shall be filled as far as is practical by the promotion of employees already in the Town's service. Promotion in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation.
- B. Department heads will advise employees within the Town of the existence of vacancies that are to be filled through a promotion. Notice of the vacancy shall be conspicuously posted in a location central to each department for a period of no less than five days prior to hiring as described herein. This requirement shall not apply to emergency appointments.
- C. All promotions shall be subject to a probationary period equal to six months. If during the probationary period the Town determines that the job is not being satisfactorily performed, the employee shall be returned to his/her former job and level of compensation or a comparable position if one exists.

§ 350-79 Discipline and discharge.

- A. All Town of Hartford employees are considered to be "at-will" (except those employees whose employment relationship with the Town of Hartford is covered by a specific statute or separate written contract that provides otherwise), which means that the employment relationship can be terminated by either the employer or the employee at any time, for any nondiscriminatory reason, with or without notice. Accordingly, these policies do not alter the at-will status of the employee. No oral or written statement or conduct of any agent of the Town of Hartford shall alter the employee's at-will status unless written consent is provided by a duly authorized agent of the Town of Hartford.
- B. While the Town of Hartford expressly reserves the right to terminate the employment relationship at will, conduct such as, but not limited to, the examples below are or may be causes for disciplinary action up to and including discharge:
 - (1) Inefficiency, incapacity, or incompetence.
 - (2) Insubordination.
 - (3) Misconduct or immoral conduct.
 - (4) Disrespectful or disruptive behavior.
 - (5) Intoxication or drug abuse while on duty.
 - (6) Violations of law.
 - (7) Fighting.
 - (8) Nonpayment of bills.
 - (9) Theft.

- (10) Untimely reporting of hours worked.
 - (11) Dishonesty.
 - (12) Stealing Town property.
 - (13) Falsifying reports.
 - (14) Sleeping on the job.
 - (15) Any violation of these policies, departmental rules and/or regulations.
 - (16) Unauthorized absence from duty.
 - (17) Poor work performance.
- C. The above-referenced list not intended to be all-inclusive and does not constitute a promise on the part of the Town of Hartford for specific treatment in a specific situation. All disciplinary action is solely within the discretion of the Town of Hartford.
- D. Discipline may, depending upon the circumstances, be applied in a progressive fashion. Again, the Town of Hartford has the discretion to terminate the employment relationship at will, at any time, without utilizing progressive disciplinary procedures. Disciplinary action may, however, in the discretion of the Town of Hartford, be taken as follows:
- (1) A supervisor may make an oral reprimand; a written reprimand, an emergency suspension for the rest of the shift an employee is scheduled to work, or written recommendation for other action to the department head. All oral or written reprimands or emergency suspensions or disciplinary action shall be documented by the supervisor in a memo submitted to the department head.
 - (2) The department head may make oral or written reprimands and/or suspensions for up to two weeks. Suspensions for longer periods, demotions or dismissals may only occur after written recommendation and approval of the Town Manager.
- E. The employee has the right to appeal any action of a supervisor to the department head, and any action of a department head to the Town Manager. In cases involving a suspension, demotion or termination, the affected employee shall be afforded the opportunity to state his/her case to the Town Manager prior to the implementation of any suspension, demotion or dismissal. Further, the employee has the right to any further action as may be provided for in state law.

§ 350-80 **Demotions.**

A Town employee may be demoted to a position of lower classification for which he or she is qualified, for any of the following reasons:

- A. Position abolished. When an employee would be otherwise laid off because a position is being abolished or discontinued.
- B. Position reclassified. When a position is being reclassified to a higher classification for which the employee does not have the required qualifications.
- C. Replaced employee returning from authorized leave. When another employee returns to work from authorized leave to the position, in accordance with the rules on leave herein.
- D. Lack of qualification. When an employee does not possess, or loses, the necessary qualifications to render satisfactory service in the position held.

- E. Voluntary request. When an employee voluntarily requests such a demotion and a position is available at the lower classification for which the employee is qualified.
- F. Disciplinary action. As a disciplinary action in conformance with the provisions of these guidelines pertaining to discipline.
- G. Reduction in pay. An employee demoted for any reason shall also have a reduction in salary to a level commensurate with the reduced job assignment.

§ 350-81 Reduction in force (RIF).

A reduction in force will be undertaken only when the best interests of the Town requires it. Any reduction in force will be undertaken in a manner that minimizes the adverse effects of the Town and affects the least number of employees as possible. In the event that a reduction in force is necessary, layoffs within the affected department or classification will be made in accordance with the following procedure:

- A. Employees within the affected department or classification who have not completed their probationary period will be terminated. Such employees shall have no recall rights. The Town Manager will determine which probationary employees will be terminated if fewer than the total number of probationary employees are to be terminated. This determination shall be based, in part, upon considerations of the qualifications of the employees, the evaluations received and the length of time with the Town.
- B. Employees with the least departmental seniority shall be laid off first. However, a more senior employee may be laid off if that employee does not have the skills or qualifications required to do the available work, and a less senior employee does have the required skills or qualifications.
- C. Employees who are notified that they are to be laid off shall have the right to "bump" a less senior employee in that employee's own department, provided that the employee has the skills or qualifications required to do the work of the "bumped" employee. Such an action shall be considered to be a voluntary request for demotion, if the position being sought is at a lower classification.

§ 350-82 Recall.

It is the policy of the Town to recall employees who are on layoff as vacancies occur within the Town service for which the employees are qualified. Such recall shall be used to fill vacancies before new employees are recruited or hired.

- A. Order of recall. Employees who are on layoff shall be recalled in order of seniority within the Department which is increasing its work force. The employee with the most seniority will be recalled first; provided however, that the employee has the skills or qualifications required to do the available work.
- B. Qualifications. Whether an employee has the skills or qualifications to perform available work will be determined by the Town Manager. The Town may use an evaluation process which fairly measures an employee's past work, present job abilities, and the employee's potential for improvement.
- C. Reporting after recall. An employee who is on layoff and is recalled must notify the Town of his/her intention to return to work on a certain date within three working days of the recall notice. Recall notices shall be sent to the employee's last known address. Failure to notify the Town within three working days shall result in a loss of all seniority and further recall rights. In exceptional or unusual circumstances, the Town Manager may extend the reporting period to a maximum of five working days.
- D. Limitation. An employee who is on layoff and who has not received notification of recall within one year from the date of layoff shall lose all seniority and recall rights.

§ 350-83 Grievances.

- A. For the purposes of this document, the term "grievance" shall refer to any dispute, interpretation, application or violation of the terms and conditions of these policies and procedures. The following procedures are intended to provide employees with a specific process for redressing such concerns. This process may also be used to address other concerns of employees that may be outside the content of this document.
- B. For purposes of this section, reference to workdays will denote Monday through Fridays (not including holidays).
- C. Grievances shall be processed as follows:
 - (1) Step 1:
 - (a) An employee must present his/her grievance to his/her immediate supervisor within seven working days of the event or knowledge of the event giving rise to the grievance. The grievance must be in writing and specify the policy or procedure the employee believes has been violated or improperly applied along with the date of the event, and the request resolution to the grievance. The supervisor will respond in writing to the employee within seven working days of his/her receipt of the employee's grievance. The response will include the basis for his/her decision.
 - (b) In the event that an employee is not satisfied with the response to the grievance, he/she may appeal the matter to Step 2 of this procedure.
 - (2) Step 2:
 - (a) The employee may submit within seven working days of the Step 1 decision, his/her grievance to the department head. Submission of a grievance to the department head will include all materials submitted in Step 1. The department head will respond in writing and within seven working days of receiving the employee's written grievance. The response will include the basis for his/her decision.
 - (b) In the event that an employee is not satisfied with the response to the grievance, he/she may appeal the matter to Step 3 of this procedure.
 - (3) Step 3: The employee may submit within seven working days of the Step 2 decision, his/her grievance to the Town Manager. Submission of a grievance to the Town Manager will include all materials submitted in Step 2. The Town Manager will respond in writing and within seven working days of receiving the employee's written grievance. The response will include the basis for his/her decision. In the event that an employee is not satisfied with the response to the grievance, he/she may appeal the matter to Step 4 of this procedure.
 - (4) Step 4: The employee may submit within seven working days of the Step 3 decision, his/her grievance to the Selectboard. Submission of a grievance to the Selectboard will include all materials submitted in Step 3. The Selectboard will convene at its earliest convenience to consider the grievance. A written response to the employee's grievance will be issued within 14 business days of the meeting to consider the grievance. The decision of the Selectboard shall be final and binding upon all parties.

§ 350-84 Resignation.

- A. Nonexempt employees of the Town who voluntarily resign from their employment with the Town shall give at least two weeks' written notice of the intent to resign from employment with the Town. Such resignation notice shall be submitted to the Supervisor or department head.
- B. Exempt employees who voluntarily resign from employment with the Town are asked to give at least four weeks' written notice. Such notice shall be submitted to the department head or in the case of a department head to the Town Manager.

- C. The Town Manager may waive the notice requirements when it is determined to be in the best interests of the Town.

§ 350-85 Exit interviews.

- A. To assist the Town and the employee, an exit interview shall be conducted by the Personnel Department when an employee leaves the service of the Town. The department head may also conduct an exit interview if he/she desires. This interview shall include a review of accrued vacation, conversion of health insurance rights, other insurance coverage, clearance of any other accounts, and any other questions that may arise concerning the termination of employment.
- B. The exit interview should be completed before the employee will receive his/her final paycheck; however, when appropriate such an interview may be conducted over the phone or by mail if necessary. The exit interview will become a permanent part of the employee's personnel file.

Article VIII Addenda and Attachments

§ 350-86 Expense Reimbursement Schedule.

(Editor's Note: The Expense Reimbursement Schedule is include at the end of this chapter.)

§ 350-87 Statement of Policy and Understanding.

(Editor's Note: The Statement of Policy and Understanding is include at the end of this chapter.)

§ 350-88 Preemployment Release of Information Form.

(Editor's Note: The Preemployment Release of Information Form is include at the end of this chapter.)

§ 350-89 Postemployment Release of Information Form.

(Editor's Note: The Postemployment Release of Information Form is include at the end of this chapter.)

§ 350-90 Pay Matrix.

(Editor's Note: The Pay Matrix is on file in the Clerk's office.)

§ 350-91 Exit Interview Form.

(Editor's Note: The Exit Interview Form is on file in the Clerk's office.)

§ 350-92 Leave Reports.

(Editor's Note: Leave reports are on file in the Clerk's office.)

§ 350-93 Employee Acknowledgement of Computer, E-Mail, Internet and Voice Mail System.

(Editor's Note: The Employee Acknowledgement of Computer, E-Mail, Internet and Voice Mail System is include at the end of this chapter.)

Article IX Miscellaneous Provisions.

§ 350-94 Savings clause.

These General Personnel Policies and Procedures constitute the Town's sole statement relative to the terms and conditions of employment with the Town of Hartford. It is also understood that it is not the intent of the Town to abridge or limit in any way any rights or privileges or in any way be inconsistent with state or federal law. Should any aspect of these policies be held to violate a federal or state law, all other provisions shall remain in force. Should any provision of the agreement be found to be in conflict with local law, ordinance or rule, the policy shall prevail.

Attachments:

[350a Addenda](#)

Chapter 360

POLICE RULES AND REGULATIONS

[The Police Rules and Regulations are on file in the Clerk's office where they may be examined during regular office hours.]

Chapter 372

SELECTBOARD MEETING RULES

[**HISTORY:** Adopted by the Selectboard of the Town of Hartford 9-19-1985. Amendments noted where applicable.]

§ 372-1 **Title.**

This regulation shall be known as the "Town Selectboard Decorum Regulation."

§ 372-2 **Purpose.**

The Selectboard of the Town of Hartford recognizes that in order to enhance the concept of effective and democratic government, it is essential that a legislative body be given the power to preserve order and decorum during legislative meetings, so that the true deliberative process will not be disturbed. For this purpose, the following Selectboard Decorum Regulation is adopted.

§ 372-3 **Definitions.**

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

BOARD

Selectboard.

PRESIDING OFFICER

Chairman of the Selectboard.

RESIDENT

Any person having a domicile or place of business within the Town of Hartford, or who is a taxpayer thereof.

§ 372-4 **Presiding Officer.**

The Presiding Officer shall have the power to preserve strict order and decorum at all meetings of the Selectboard.

§ 372-5 **Notice.**

The Presiding Officer shall make public in advance a preliminary agenda containing all business to be discussed at the next regular meeting of the Selectboard.

§ 372-6 **Written request by resident to address Board.**

Any resident who wishes to address the Board may do so by notifying the Presiding Officer in writing of his intention to speak.

§ 372-7 Written request by nonresident to address Board.

Any nonresident wishing to address the Board shall submit to the Presiding Officer a written request to be heard and a statement of his interest in the matter being considered. Upon timely application, a nonresident shall be permitted to address the Board when the applicant claims an interest in a matter on the Board's agenda, and he is so situated that the disposition of the agenda may as a practical matter impair or impede his ability to protect that interest. The Presiding Officer shall have the power to deny a nonresident the opportunity to address the Board when his interest in the matter is not deemed by the Presiding Officer to be sufficient, or where the applicant's interest can be adequately represented by residents addressing the Board.

§ 372-8 Deadline for request to address Board.

Written requests to address the Board shall be submitted not less than 24 hours in advance of the meeting. The Presiding Officer shall place the names of those addressing the Board on the agenda. If time permits, persons whose names do not appear on the agenda will be permitted to speak at the discretion of the Presiding Officer.

§ 372-9 Addressing Board by reading communications.

Upon complying with the provisions of this section, interested persons may, at their discretion, address the Board by reading of protests, petitions, or communications relating to zoning, sewer, and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration.

§ 372-10 Addressing Board by written communication.

All interested parties or their authorized representatives may address the Board by written communication regarding matters under the Board's consideration.

§ 372-11 Request for placing items on agenda.

Any person wishing to address the Board regarding a topic which has not been placed on the preliminary Board agenda, may submit to the Presiding Officer a written request that such topic be placed on the agenda. Such request must be received not less than 24 hours in advance of the meeting. The Presiding Officer shall have the power to place or refuse to place such additional topics on the agenda. Any matter not submitted to the Presiding Officer in a timely manner, as set forth in this section, may be considered and acted on by the Board if a majority of the Board members present and voting vote to consider the matter.

§ 372-12 Recognition by Presiding Officer to address Board.

No person shall address the Board without first being recognized by the Presiding Officer.

§ 372-13 Procedure for addressing Board.

Each person addressing the Board shall step up to the microphone provided for the use of the public and give his name and address in an audible tone of voice for the records, state the subject he wishes to discuss, state whom he is representing if he represents an organization or other persons, and unless further time is granted by majority vote of the Board, shall limit his remarks to five minutes. All remarks shall be addressed to the Board as a whole and not to any member thereof. No person other than members of the Board and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Presiding Officer. No question may be asked a Board member or a member of the City staff without the permission of the Presiding Officer.

§ 372-14 Spokesman for group of persons.

In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesman be chosen by the group to address the Board and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Board.

§ 372-15 Permission to address Board required after motion made.

After a motion has been made or a public hearing has been closed, no member of the public shall address

the Board from the audience on the matter under consideration without first securing permission to do so by a majority vote of the Selectboard.

§ 372-16 Order and decorum required; Board members not to leave seats during meeting.

While the Board is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board nor disturb any member while speaking or refuse to obey the orders of the Presiding Officer. Members of the Board shall not leave their seats during a meeting without first obtaining the permission of the Presiding Officer.

§ 372-17 Conduct of employees; leaving seats permitted.

Members of the Town staff and employees shall observe the same rules of order and decorum as are applicable to the Selectboard, with the exception that members of the Town staff may leave their seats during a meeting without first obtaining the permission of the Presiding Officer.

§ 372-18 Abusive language and disorderly conduct prohibited.

Any person making personal, impertinent, slanderous, or profane remarks or who willfully utters loud, threatening or abusive language, or engages in any disorderly conduct which would impede, disrupt or disturb the orderly conduct of any meeting, hearing or other proceeding, shall be called to order by the Presiding Officer and, if such conduct continues, may at the discretion of the Presiding Officer be ordered barred from further audience before the Board during that meeting.

§ 372-19 Conduct of audience members.

No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting.

§ 372-20 Warning to remain silent.

All persons shall, at the request of the Presiding Officer, be silent. If, after receiving a warning from the Presiding Officer, a person persists in disturbing the meeting, said Officer may order him to remove himself from the meeting. If he does not remove himself, the Presiding Officer may order the Police Officer to remove him.

§ 372-21 Removal of disruptive persons by Sergeant at Arms.

The Chief of Police, or such member or members of the Police Department as the Presiding Officer may designate, shall be Sergeant at Arms of the Board meetings. He or they shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Board meeting. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant at Arms to remove from the meeting any person who intentionally disturbs the proceedings of the Board.

§ 372-22 Violations and penalties.

- A. Any person who resists removal by the Sergeant at Arms shall be charged with disorderly conduct as provided by 13 V.S.A. § 1026, Disorderly conduct.
- B. A person who, with intent to cause public inconvenience or annoyance, or recklessly creating a risk thereof engages in fighting or in violent, tumultuous or threatening behavior; or makes unreasonable noise; or in a public place uses abusive or obscene language; or without lawful authority, disturbs any lawful assembly or meeting of persons; or obstructs vehicular or pedestrian traffic shall be imprisoned for not more than 60 days or fined not more than \$500 or both.

§ 372-23 Motions to enforce rules.

Any Board member may move to require the Presiding Officer to enforce these rules and the affirmative vote of a majority of the Board shall require him to do so.

§ 372-24 Adjournment of meeting in case of disturbances.

In the event that any meeting is willfully disturbed by a group or groups of persons so as to render the

orderly conduct of such meeting unfeasible and when order cannot be restored by the removal of individuals who are creating the disturbance, the meeting may be adjourned and the remaining business considered at the next regular meeting.

§ 372-25 Assessment of costs of special meeting.

If the matter being addressed prior to adjournment is of such a nature as to demand immediate attention, the Presiding Officer, or other authorized person(s), may call a special meeting and assess the cost of that meeting to the disrupting parties if those parties are identifiable.

§ 372-26 Use of cameras and recording devices.

- A. Option #1: use of cameras and recording devices limited. Cameras, including television and motion-picture cameras, electronic sound recording devices and any other mechanical, electrical or electronic recording devices may be used in the public section of the Board Chamber, but only in such a manner as will cause a minimum of interference with or disturbance of the proceedings of the Board. No such recording devices may be used on the floor of the Board while the Board is in session except by special permission from the Presiding Officers.
- B. Options #2: use of cameras and recording devices prohibited. Cameras, including television and motion-picture cameras, electronic sound recording devices and any other mechanical, electrical or electronic recording devices are not permitted in the Board Chamber without the permission of the Presiding Officer. If such permission is given, the Presiding Officer shall notify the members of the Board. Where the Presiding Officer does grant such permission, use of such devices shall be limited to the public section of the Board Chamber outside the range of the Board floor and shall be such that it will cause a minimum of interference with or disturbance of the proceedings of the Board.

§ 372-27 Supplemental lighting for recording purposes.

Supplemental lighting for television and motion picture cameras shall be used only with the exercise of extreme discretion with regard to the intensity and duration of such lighting and with a view to creating the least amount of interference with or disturbance of the proceedings of the Board and the least amount of discomfort to members of the public in attendance.

§ 372-28 Determination of whether lighting is disruptive.

The Presiding Officer shall have the authority to determine whether the intensity and/or duration of supplemental lighting is such that it disturbs the proceedings of the Selectboard and upon making such a determination require that the use of such lighting be discontinued.

§ 372-29 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

DISPOSITION LIST

Chapter DL DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Hartford adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was an ordinance adopted 10-30-2007.

§ DL-1 Disposition of legislation.

Adoption Date	Subject	Disposition
10-14-2008	Zoning regulations amendment	Ch. 260
2-24-2009	Adoption of Code	Ch. 1 , Art. I