Town of Middlebury, Vermont

Municipal Ordinances Packet

UPDATED AS OF: 11.2025

List of Town of Middlebury Ordinances

(with date of most recent amendment)

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TOWN OF MIDDLEBURY - ALCOHOLIC BEVERAGE RESTRICTIONS - AN ORDINANCE FOR RESTRICTING ALCOHOLIC BEVERAGE USE ON TOWN PROPERTY

Pursuant to the authority of 24 V.S.A. 2291, Section 103 (b), and Section 104 (b), (f), (i) and (j), of the Charter of the Town of Middlebury, the Selectboard of the Town of Middlebury hereby enact the following ordinance:

Section I - Purpose

101. To control the use and possession of alcoholic beverages on Town property, and to preserve the privilege of responsible entities properly licensed or permitted and approved by the Vermont Department of Liquor Control to possess and serve alcoholic beverages on Town property during public and private events, while assuring the safety of the public and the protection of property.

Section II - Definitions

201. Alcohol refers to 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 non-potable.

202. **Container** means any glass bottle, metal can, animal skin bag, or any other device of a nonporous or semi-porous nature which might be used to hold liquids.

203. **Malt Beverage** means all fermented beverages of any name or description manufactured for sale from malt, wholly or in part, or from any substitute therefore, known as beer, porter, ale, stout, containing not less than one percent nor more than six percent of alcohol by volume at sixty degrees Fahrenheit.

204. **Open Container** shall mean a container other than one with an unbroken seal, or, containing a vacuum or pressure obtained during original bottling by a licensed bottler.

205. **Entity** includes an individual, business, corporation, partnership, unincorporated association, or any other legal organization.

206. **Possession** shall mean having alcohol, malt beverages, spirits, or vinous beverages in hand or on person, within immediate control, or relatively accessible for use.

207. **Spirits** means all beverages containing alcohol obtained by distillation, fortified wines and liquors and any other beverage containing more than fourteen percent of alcohol by volume at sixty degrees Fahrenheit.

208. **Town Property** shall mean any street, highway, sidewalk, park, building, or any other place owned by, or under the authority and control of the Town within the village area as defined on map #138 (part of a set numbered 138-143) titled Town of Middlebury Vermont, Addison County Regional Planning Commission, 1968, as recorded in the Middlebury Town Clerk's Office, which includes Chipman Hill Park; Means Woods, Battell Woods, Wright Park and East Middlebury Recreation Park.

209. **Vinous Beverages** shall include all fermented beverages of any name or description manufactured from the natural sugar content of fruits or other agricultural product, the alcoholic content of which is not less than one percent nor more than fourteen percent by volume at sixty degrees Fahrenheit.

Section III - Restrictions
301. No person shall have in their possession an open container having any alcohol, malt beverages, spirits, or vinous beverages while on Town property or in any vehicle located on Town property unless attending a public or private event where a permit has been issued specifically authorizing the serving of alcohol, malt beverages, spirits, or vinous beverages on Town property.

Section IV - Permit Procedure
401. An entity requesting alcohol, malt beverages, spirits, or vinous beverages be served during a public or private event on Town property shall file with the Town Manager a public assemblage permit specifically indicating the intent to possess and serve alcohol.

402. The application shall be filed at least 45 days prior to the event to allow sufficient time for the Selectboard to review the application at a regularly scheduled Selectboard meeting. This 45-day requirement may be waived at the sole discretion of the Town Manager if, in her/his judgment, the applicant has satisfied the requirements of Section 501 of this ordinance and sufficient time remains from the date of submission for the Selectboard to consider the application at a regular Selectboard meeting prior to the event.

Section V - Official Action on the Permit
501. The Town Manager, before submitting the public assemblage permit application to the Selectboard for approval, shall determine whether:

(a) the applicant has submitted a complete and accurate application;
(b) the applicant is able to comply with the General Conditions of the Public Assemblage Permit, especially in regard to serving alcohol, malt beverages, spirits, or vinous beverages;
(c) adequate arrangements have been made to insure the safety of the public at large and persons attending the event and for the prevention of damage to public and private property.

502. The Selectboard may approve, approve with amendments, or deny a permit application. At any time the Selectboard may amend or revoke a permit if it appears that the arrangements or conditions contained in the permit will no longer prevent injury to person or property due to a change in the circumstances under which the permit was granted.

503. The Chief of Police may revoke a permit at any time should the event fail to follow the permit conditions or become a public nuisance, or in the event of other emergencies.

Section VI - Appeal Process
601. An entity may appeal the Selectboard's decision to deny a permit application by filing a written notice with the Town Manager within five days of the decision. The Selectboard will consider the appeal at their next regularly scheduled Selectboard meeting. The Selectboard may affirm or reverse their decision, or attach such additional conditions to the permit as will, in their best judgement, protect the safety of the public at large and persons attending the event, and prevent damage to public or private property.

Section VII - Penalties
701. A violation of this ordinance shall be a civil matter which shall be enforceable by the Town pursuant to 24 V.S.A. §1974a and any other applicable provision of law.

702. A person who has in his or her possession an open container having any alcohol, malt beverages, spirits, or vinous beverages while on Town property without a permit specifically authorizing such possession or who violates a term or condition of an issued permit shall be subject to a fine not in excess of $800 for each violation. Waiver fine is $100.

Section VIII - Severability

801. If any part of this ordinance shall be held to be void, invalid, or unconstitutional either under the laws or constitution of the State of Vermont or the United States by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and such portion shall be in full force and effect.

Section IX - Effective Date

901. This ordinance shall take effect forty (forty) days from date of adoption by the Selectboard, under Section 107 of the Charter of the Town of Middlebury.

ADOPTED: 24 MAY 1977	**EFFECTIVE:** 3 JULY 1977
AMENDED: 29 MARCH 1983	**EFFECTIVE:** 8 MAY 1983
AMENDED: 22 JUNE 1993	**EFFECTIVE:** 1 AUGUST 1993
AMENDED: 9 FEBRUARY 2016	**EFFECTIVE:** 20 MARCH 2016
AMENDED: 13 APRIL 2021	**EFFECTIVE**: 23 MAY 2021

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE SAFE OPERATION OF BICYCLES AND OTHER RIDEABLE DEVICES

We the Selectboard of the Town of Middlebury, under the authority of 24 V.S.A. Chapter 61, Subchapter 11, Section 104 of the Middlebury Charter, and such other Statutes as may be applicable hereby enact and adopt the following Ordinance:

ARTICLE I - DEFINITIONS

Section 101
"**Bicycle**" is herein defined as every device on which a person may ride that is capable of being propelled with mechanical linkage by human power, whether assisted by motor or not, having two or more wheels, including three-wheeled and four-wheeled cycles, and so-called pedal vehicles, which may have an enclosed cab, and motor assisted bicycles as defined by Title 23 V.S.A 4 (45)(B).

Section 102
"**Other rideable device**" is defined herein as every wheeled device on which a person may ride, whether assisted by motor or not , excluding bicycles, motor vehicles, and rideable personal mobility aids. Examples of other rideable devices include but are not limited to: kick and electric scooters, skateboards, longboards, scoot bikes, roller skis, roller skates and rollerblades, unicycles, Segways, hoverboards, and similar self-balancing human transportation devices.

Section 103
"**Rideable personal mobility aid**" is defined herein as a wheelchair or motorized mobility scooter, as are used by persons with ambulatory difficulties, as defined in 23 VSA Section 304a (a)(1).

ARTICLE II - GENERAL OPERATION OF BICYCLES AND OTHER RIDEABLE DEVICES /AIDS

Section 201
(a) A person operating a bicycle or other rideable device on the travelled portion of any street or highway is granted all of the rights and is subject to all of the duties applicable to operators of motor vehicles, except as to those provisions which by their very nature, have no applications, or as otherwise stated in this ordinance.
(b) Whenever a person dismounts from a bicycle or other rideable device the person is granted all of the rights and is subject to all regulations applicable to pedestrians.
(c) A person operating a wheelchair or rideable personal mobility aid is granted all of the rights and is subject to all of the regulations applicable to pedestrians.

Section 202
The parent of any child and the guardian of any ward shall not encourage or permit any such child or ward to violate any of the provisions of this Ordinance.

Section 203

A bicycle or other rideable device may be used to carry at any one time no more than the maximum number of persons for which it is designed and equipped.

Section 204
No person may operate any bicycle or other rideable device while any person is holding on to a motor vehicle, or if the bicycle or other rideable device is attached to any motor vehicle.

Section 205
Bicycles and other rideable devices shall be parked in in bike racks, where provided, or in such a manner as to afford the least obstruction to pedestrians and persons operating motor vehicles, bicycles, and other rideable devices. No bicycle or other rideable device shall be parked in a marked vehicular parking space.

Section 206
No person may operate a bicycle or other rideable device or personal mobility aid that is equipped with any siren or whistle, or any device simulating the sounds of an authorized emergency vehicle.

Section 207
A bicycle or other rideable device shall not be operated unless equipped with a brake that enables stopping within 30 feet while traveling 15 mph on dry, clean, hard, and level surface.

Section 208
Any person operating a bicycle or other rideable device that has a seat must ride upon or astride the designed seat.

Section 209
A person operating a bicycle or other rideable device with handlebars must be able to safely control and keep at least one hand upon the handle bars, when carrying one or more packages, bundles or other articles.

Section 210
Operation of a bicycle or other rideable device at nighttime, defined as from one half-hour after sunset until one half-hour before sunrise, requires use of a lamp that emits a white light that is visible from a distance of at least five hundred feet to the front. Operation at nighttime additionally requires use of a red light that is visible three hundred feet from the rear; or reflective rear-facing material of at least 20 square inches or reflectors or both, visible three hundred feet to the rear.

ARTICLE III - OPERATION OF BICYCLES AND OTHER RIDEABLE DEVICES ON ROADWAYS

Section 301
A person operating a bicycle or other rideable device upon a roadway shall ride in the right-most through-lane of the roadway and may occupy a full lane subject to the following provisions:

1. If the right-most through-lane is wide enough to be safely shared with overtaking vehicles, a person operating a bicycle or other rideable device shall ride as far to the right as reasonably judged safe by the operator in order to facilitate the movement of such overtaking vehicles.

2. A person operating a bicycle or other rideable device may use a lane other than the right-most through-lane when: a) Passing another vehicle proceeding in the same direction; b) Preparing for a left turn at an intersection or into a private road or driveway; c) Preparing for a right turn at an intersection or into a private road or driveway for which a dedicated right-turn lane is provided; d) Reasonably necessary to avoid hazards, including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles or other rideable devices , pedestrians, animals, or surface hazards; e) Riding on parts of roadways set aside for the exclusive use of bicycles.

Section 302
A person operating a bicycle or other rideable device may use any portion of the roadway to evade a hazard, but must exercise due care in doing so, including by yielding to motor vehicles whenever possible.

Section 303
Persons operating bicycles or other rideable devices upon a roadway may ride two abreast only in the following locations:

1. On paths or parts of the roadway set aside the exclusive use of bicycles (marked as bike lanes);
2. On roadways marked for shared use;
3. Where the usable combined width of lane and any shoulder are sufficient for motor vehicles to safely pass two-abreast riders within the right-most through lane; and
4. In situations reasonably judged to afford motorists adequate sight and stopping distance. Considerations in this regard include but are not limited to the presence of curves and hills, the width of the roadway, and other environmental conditions.

Section 304
Consistent with 23 VSA §1065(a,b), all signals to indicate change of speed or direction, when given by hand, shall be given by the operator of the bicycle or other rideable device in the following manner:

1. Left turn: Left hand and arm extended horizontally to the left.
2. Right turn: Left hand and arm extended upward. Alternatively, the operator may give a right-turn signal by extending the right hand and arm horizontally to the right side of the bicycle.
3. Stop or decrease speed: Left hand and arm extended downward.
4. It is not necessary to signal while the operator is using their hands for braking.

Section 305
A person operating a bicycle or other rideable device in compliance with this article and not violating any other section of this ordinance is not impeding traffic.

ARTICLE IV - GENERAL OPERATION OF BICYCLES AND OTHER RIDEABLE DEVICES ON SIDEWALKS

Section 401
A person operating a bicycle or other rideable device on a sidewalk shall in all cases yield the right of way to pedestrians.

Section 402

A person operating a bicycle or other rideable device on a sidewalk shall travel in a predictable manner and at sufficiently slow speeds so as to ensure safe passage of pedestrians and operators of other bicycles and other rideable devices, including those unexpectedly entering and exiting the sidewalk from buildings, alleys, and driveways.

Section 403
A person operating a bicycle or other rideable device on a sidewalk shall dismount and walk the bicycle or other rideable device at times and locations where the sidewalk is congested.

Section 404
A person operating a bicycle or other rideable device may overtake a pedestrian only where sufficient room exists to overtake safely, and shall give a reasonably audible signal, verbally or through use of a bell, before overtaking the pedestrian.

ARTICLE V - OPERATION OF BICYCLES AND OTHER RIDEABLE DEVICES WITHIN THE DOWNTOWN AREA

Section 501
No person shall ride or be otherwise mounted on a bicycle or other rideable device between 9 a.m. and 5 p.m. on the sidewalks bounding:

(a) Merchant's Row between South Pleasant Street and Main Street
(b) Main Street between Printers Alley and Park Street /Main St intersection
(c) Park St
(d) Mill St
(e) Printer's Alley Notwithstanding the above, children under age ten operating a non-motorized bicycle or other rideable device, under direct supervision by an adult or other caretaker, may ride on sidewalks in the downtown area, at any time.

Section 502
Bicycles and other rideable devices may be operated in the following locations and on any sidewalks adjacent to them subject to the provisions in 502 (a) and 502 (b) that follow: on Bakery Lane; in the Municipal parking lots on Bakery Lane (upper, lower, and side); and in the Mill Street Municipal parking lots.

(a) Other rideable devices must have installed and properly functioning braking capability, with the exception of children under age 10 operating a scoot bike or kick scooter.
(b) Bicycles and other rideable devices may be operated for transit purposes only. Broader recreational uses are prohibited.

Section 503
Main Street between the intersection with Seymour Street and the intersection with South Street, including the roundabout, is a shared use roadway for bicycles as defined in Section 101 of this ordinance, and motor vehicles

ARTICLE VI - ENFORCEMENT AND PENALTIES

Section 601

A person who violates any provision of this ordinance shall be fined not more than $100 for each offense.
Waiver fine: $25

ADOPTED: MAY 24, 1977	**EFFECTIVE**: JULY 3, 1977
AMENDED: NOVEMBER 1, 1988	**EFFECTIVE**: DECEMBER 11, 1988
AMENDED: AUGUST 25, 1998	**EFFECTIVE:** OCTOBER 4, 1998
AMENDED: AUGUST 10, 1999	**EFFECTIVE:** SEPTEMBER 19, 1999
AMENDED: NOVEMBER 24, 2015	**EFFECTIVE:** JANUARY 3, 2016
AMENDED: APRIL 13, 2021	**EFFECTIVE**: MAY 23, 2021

TOWN OF MIDDLEBURY, VERMONT
CODE OF ETHICS - INVESTIGATION AND ENFORCEMENT ORDINANCE

SECTION 1. AUTHORITY
This ordinance is adopted by the Selectboard of the Town of Middlebury under authority of 24 V.S.A. §1997.

SECTION 2. PURPOSE
The purpose of this ordinance is to enact procedures for the investigation of complaints that allege a municipal officer has violated Vermont's Municipal Code of Ethics and the enforcement in instances of substantiated complaints, including methods of enforcement and available remedies.

SECTION 3. DEFINITIONS
A. 'Designated Complaint Recipient' means the municipal officer or body designated to receive complaints alleging violations of the Municipal Code of Ethics.
B. 'Municipal Code of Ethics' means the municipal ethics framework in Vermont established by Act 171 (H.875) of 2024.
C. 'Municipal Ethics Complaint' means a complaint against a 'Municipal Officer' or 'Officer' alleging a violation of the Municipal Code of Ethics.
D. 'Municipal Officer' or 'Officer' means:
   1. any member of a legislative body of a municipality;
   2. any member of a quasi-judicial body of a municipality; or
   3. any individual who holds the position of, or exercises the function of, any of the following positions in or on behalf of any municipality:
      i. advisory budget committee member,
      ii. auditor,
      iii. clerk,
      iv. collector of delinquent taxes,
      v. department heads,
      vi. constable,
      vii. lister or assessor,
      viii. moderator,
      ix. planning commission member,
      x. town manager,
      xi. treasurer, or
      xii. trustee of public funds

E. 'Public body' means any board, council, or commission of the Municipality, any board, council, or commission of any agency, authority, or instrumentality of the Municipality, or any committee or subcommittee of any of the foregoing boards, councils, or commissions.

SECTION 4. COMPLAINTS
A. Any member of the general public may make a Municipal Ethics Complaint including any person elected, appointed, or employed by the Municipality.
B. All Municipal Ethics Complaints must be directed to the Designated Complaint Recipient.
C. The Designated Complaint Recipient will conduct a prompt, thorough, and impartial investigation of all Municipal Ethics Complaint, and confidentiality will be protected to the extent possible.
D. Municipal Ethics Complaints against the Designated Complaint Recipient must be directed to the Town Manager of the Town of Middlebury.

E. No person will be adversely affected in either their volunteer or employment status with the Municipality as a result of bringing a Municipal Ethics Complaint.

SECTION 5. ENFORCEMENT

If the Designated Complaint Recipient, or the Town Manager, in the case of a Municipal Complaint brought against the Designated Complaint Recipient, determines that a violation of the Municipal Code of Ethics has occurred, the Town Manager will take immediate and appropriate corrective action. Municipal Officers who are found to have violated the Municipal Code of Ethics may face the following disciplinary action:

A. ENFORCEMENT AGAINST ELECTED OFFICERS. In cases in which the Municipal Officer holds elected office, the Selectboard may, in its discretion, take any of the following disciplinary actions against such an elected officer as it deems appropriate:

1. The Chair of the Selectboard may meet informally with the Municipal Officer to discuss the Municipal Code of Ethics violation. This will not take place in situations where the Chair of the Selectboard and the Municipal Officer together constitute a quorum of a public body.
2. The Selectboard may meet to discuss the conduct of the Municipal Officer. Executive session may be used for such discussion in accordance with 1 V.S.A. §313(a)(4). The Municipal Officer may request that this meeting occur in public. If appropriate, the Selectboard may admonish the offending Municipal Officer in private.
3. The Selectboard may admonish the offending Municipal Officer at an open meeting and reflect this action in the minutes of the meeting. The Municipal Officer will be given the opportunity to respond to the admonishment.
4. Upon majority vote in an open meeting, the Selectboard may request (but not order) that the offending Municipal Officer resign from their office.

B. ENFORCEMENT AGAINST APPOINTED OFFICERS. In cases in which the Municipal Officer holds appointed office, the Selectboard may choose to follow any of the steps articulated in Section 5A. In addition to, or in lieu of any of those steps, the Selectboard may choose to remove an appointed Municipal Officer from office, subject to state law.

C. ENFORCEMENT AGAINST EMPLOYEES. In cases in which the Municipal Officer is also an employee of the Municipality, the Town Manager may take any disciplinary action, up to and including termination, in accordance with the Municipality's personnel policy.

SECTION 6. APPEALS

A decision of the Selectboard may be reviewable by the Vermont Superior Court pursuant to Rule 75 of the VT Rules of Civil Procedure. An enforcement action taken against an employee may be appealed in accordance with the Municipality's personnel policy.

SECTION 7. OTHER LAWS

This ordinance is in addition to all other ordinances and policies of the Municipality and all applicable laws of the State of Vermont. All ordinances, policies, or parts of ordinances, resolutions, regulations, policies, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding will not invalidate any other part of this ordinance. If any statute referred to in this policy is amended, this policy will be deemed to refer to such amended statute.

SECTION 9. EFFECTIVE DATE

This ordinance will become effective sixty (60) days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute will govern the taking effect of this ordinance. Adopted this 3rd day of March, 2025 Selectboard for the Town of Middlebury, Vermont.

ADOPTED: 3 MARCH 2025 **EFFECTIVE**: 24 MAY 2025

TOWN OF MIDDLEBURY - AN ORDINANCE REGULATING CONNECTION OF BUILDING SEWERS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Pursuant to the authority of 24 V.S.A. Chapters 97 and 101, the Selectmen of the Town of Middlebury, as the Board of Sewage System Commissioners and as the Board of Sewage Disposal Commissioners, hereby adopt the following ordinance:

ARTICLE I

1. The owner of any structure used for human occupancy, employment, recreation or any other purposes, and situated on a parcel abutting on any street, alley or right of way in which there is now or may in the future be a public sewer main, shall, if any part of the foundation wall of the structure is within three hundred feet (300') of the sewer main, connect all wastewater outlets (not to include storm water) from such structure to the public sewer main as follows:

a) Within two (2) years from the date the town sewer main becomes operations.

b) Notwithstanding (a) above, within 90 days of written notice from the Town to do so sent registered or certified mail, if the discharge of waste from the structure is or becomes a pollution source, directly or indirectly, to the waters of the state, or a health hazard.

c) Prior to any occupancy or use, in the case of a structure constructed after adoption of this Ordinance.

ARTICLE II

Waiver by Commissioners

The Commissioners may waive the requirements of Article I if they determine that it is an appropriate action taking into consideration hardships such as, but not limited to:

a) Severe construction limitations or excessive construction cost, or

b) Unusual lot characteristics

ARTICLE Ill

Connection Standards

Any connection required under Article I shall be made in accordance with sound engineering practices, and in compliance with all applicable Town or Commissioner's Ordinances, rules, regulations, policies, and specifications, including, if applicable, tap- on fee ordinances, and at the owner's expense.

ARTICLE IV

Penalty for Violation

The Town Manager shall give written notice, registered or certified mail, to any owner who fails to connect to a public sewer main as required in this Ordinance, and the notice shall specify a reasonable time, but not less than 90 days from the date of mailing of the notice, for the owner to make the connection. An owner who fails to connect to a public sewer main by the date specified in the notice shall be deemed in violation of this Ordinance, and shall be fined not more than $50.00 for each week or part thereof after the date set in the notice that such violation continues. In addition, the Town may sue for such injunctive relief as may be appropriate.

ARTICLE V

Prior Ordinances
Article II, Section 4 of the Commissioner's Ordinance Regarding Public and Private Sewers, (June 27, 1967), is hereby repealed.

ADOPTED: 28 OCTOBER 1980 **EFFECTIVE**: 7 DECEMBER 1980

TOWN OF MIDDLEBURY - AN ORDINANCE TO REGULATE COMMERCIAL ACTIVITY ON PUBLIC PROPERTY

Section 1 - Purpose

101 - The Middlebury Selectboard finds that the primary purpose of the public streets and sidewalks is for general public vehicular and pedestrian use. Commercial activities on the public streets and sidewalks can cause a safety hazard and otherwise interfere with this purpose.

102 - This ordinance is intended to regulate commercial activity on publicly-owned property to protect the public safety and welfare. Under this ordinance, commercial activity includes, but is not limited, to street vending, peddling and displaying of goods for sale or services for hire within the public rights of way or on Town property.

103 - This ordinance shall apply to all publicly-owned land and publicly owned right-of ways, including Town parks, sidewalks, streets and parking spaces.

Section 2 - General Prohibition

201 - Street vending, peddling and soliciting are prohibited on the public ways and properties in the Town of Middlebury except where specifically allowed under this ordinance. The geographic boundaries of the Town of Middlebury are defined in Maps 138-143, titled Town of Middlebury, Vermont, Addison County Regional Planning Commission, 1968, as recorded in the Middlebury Town Clerk's Office.

Section 3 - Exemptions from this ordinance

301 - Commercial activity that occurs as part of an event that has been permitted under the Public Assemblage Ordinance and internet-arranged transportation services that are licensed by the Town including but not limited to Uber, Lyft, BIRD, LIME.

Section 4 - Enforcement

401 - A violation of this ordinance shall be a civil matter which shall be enforceable by the town pursuant to Title 24 V.S.A. §1974a and any other applicable provision of law.

402 - A person who violates any provision of this ordinance shall be fined not more than $800. Waiver fine is $100.

Section 5 - Severability

501 - If any section, sentence, or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity or any other section or remaining portion of this ordinance.

ADOPTED: 7 JUNE 1983	**EFFECTIVE** 17 JULY 1983
AMENDED: 21 JULY 1988	**EFFECTIVE** 30 AUGUST 1988
AMENDED: 1 NOVEMBER 1988	**EFFECTIVE** 11 DECEMBER 1988
AMENDED: 15 NOVEMBER 2016	**EFFECTIVE** 25 DECEMBER 2016
AMENDED: 13 APRIL 2021	**EFFECTIVE**: 23 MAY 2021

TOWN OF MIDDLEBURY - TOWN ORDINANCE REGARDING THE CONTROL OF DOGS AND WOLF HYBRIDS

Pursuant to 24 V.S.A. §2291 sections (10),(14) (15); 24 V.S.A. Chapter 59; 20 V.S.A. §3549 and Section 104 (B) of the Middlebury Town charter, the Selectmen of the Town of Middlebury hereby adopt the following Amendments to the comprehensive Ordinance relating to the regulation and keeping of dogs and providing for their leashing or restraint control and nuisance mitigation within the Town of Middlebury.

ARTICLE I - DEFINITIONS

Section 1. Definitions

a. **Dog**: As used in this ordinance, the term "dog" is inclusive of domestic dogs and wolf-hybrids.

b. A dog "**running at large**": A dog which is not:

(1). on a leash, or
(2). on or within a vehicle, or
(3). on the property of its owner or his agent, or
(4). clearly under the verbal or non-verbal control of the owner, or
(5). used for law enforcement or search and rescue, or
(6). hunting with its owner or his agent.

c. **The pound**: That place specifically designated by the Selectmen of the Town of Middlebury from time to time.

d. **Officer**: As used in this ordinance, an officer is considered the Dog Warden, Chief of Police, assistant dog warden, or any law enforcement officer.

ARTICLE II - LICENSE REQUIRED

Section 1

All dogs must be licensed pursuant to Title 20 V.S.A. 3581 and relevant sections of Title 20 V.S.A. Chapter 193.

ARTICLE III - PROHIBITED ACTS

Section 1

A dog shall not run at large within the limits of the Town of Middlebury.

Section 2

A female dog in heat shall be quarantined within a building or a fenced enclosure, unless the dog is on a leash and under the immediate control of its owner or agent.

Section 3

A dog shall not bark excessively, or to otherwise become a public nuisance or to create a disturbance.

Section 4

No dog shall harass or attack domestic animals or people unless such animals or people are trespassing on the private property of the owner or the dog.

Section 5

The owner of the dog is the person responsible for control of the dog or wolf-hybrid per the provisions of Article II of this ordinance. The owner as registered on the most recent license is prima-facie evidence of the ownership of the dog.

ARTICLE IV - IMPOUNDMENT

Section 1
An officer may immediately seize and impound any dog which has harassed or attacked domestic animals or people off the property of its owner or agent. The dog shall remain impounded at town cost pending a hearing by the Board of Selectmen to determine the disposition of the dog per Title 20, Vermont Statutes Annotated, Section 3546.

Section 2
An officer may additionally impound a dog, at the owner's cost, as follows:

a. When the dog is running at large;

b. When the dog has been left unattended off the owner's real property and is exhibiting signs of abuse, neglect or is otherwise endangered.

Section 3
An officer may use all reasonable methods for catching and impounding a dog in violation of this Ordinance, including the use of tranquilizing apparatus.

Section 4
The procedure for claiming or releasing a dog from the pound shall be as follows:

a. Upon delivery to the pound, the impounding officer shall notify the dog's owner, if the dog is licensed. The dog shall be held for seven (7) days after the owner is notified, unless claimed earlier.

b. If the dog is unlicensed, the dog warden shall make public notice by posting in the Town Clerk's Office and other usual places for public notice pursuant to 20 V.S.A. §3806 of the dog's description, and the dog shall be held for not less than seven (7) days after the posting of public notice of the dog's description, unless sooner claimed.

c. If the owner does not claim the dog within the seven-day period, the dog shall be considered abandoned and remanded to the impoundment contractor for disposition, per the provisions of the contract with the Town.

d. No dog shall be released from the pound until it is properly licensed, and all pound and other charges paid.

Section 5
A person claiming the dog from the pound shall pay to the pound keeper reasonable fees to be established by the Board of Selectmen to cover the following:

a. Compensation to the Town for its reasonable expenses in enforcing the Ordinance. An additional fee will be charged when it becomes necessary to impound a dog after 6:00 p.m. and before 6:00 a.m.

b. Daily boarding fee.

c. All fees for licensing and rabies shots.

d. All other necessary charges and expenses incurred by the pound keeper while the dog is impounded.

ARTICLE V - UNLICENSED AND ABANDONED DOGS

Section 1

When an officer determines that an unlicensed dog has bitten a person, the dog shall be impounded and held in quarantine for a period of not less than ten (10) days at the owner's expense. Release of the dog after ten (10) days is contingent on the owner or owner's agent paying the impoundment and licensing fees.

Section 2
Impounded dogs that have no license or owner identification are presumed to be abandoned and, in the absence of any injury or illness making handling and transport dangerous to the handler, shall be impounded as provided in Article IV of this ordinance.

Section 3
a. Abandoned dogs that have been injured and who cannot be handled safely or may not survive without veterinary care may be destroyed by the officer.
b. Abandoned dogs, injured or not, that are vicious may be destroyed by the dog warden or any police officer if attempts to impound the dog create an unreasonable risk to the safety of the officer.

ARTICLE VI - DOG WASTE

Section 1
a. A dog owner must have in his/her possession whenever his/her dog is off owner's premises, some form of bag or waste scooping device to be used for scooping up solid waste excrement deposited by such dog. Any dog owner walking his/her dog off premises without some form of bag or waste scooping device is in violation of this ordinance.
b. The owner of every dog shall be responsible for the removal and proper disposal of any solid waste excrement deposited by his or her animal(s) on public walks, recreation areas, trails, or public or private property (not owned or possessed by that person). If any excrement is not promptly removed or properly disposed of, then the owner of said dog shall be deemed in violation of this ordinance.
c. Proper disposal consists of placing the excrement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector, or disposal into a system designated to convey domestic sewage for proper treatment and disposal, or buried more than six inches below the surface of the ground.

ARTICLE VII - GENERAL PROVISIONS

Section 1
The Middlebury Chief of Police shall be the chief enforcement officer of this Ordinance. The Chief of Police shall appoint the Dog Warden and Pound keeper and such assistant Dog Wardens and Pound keepers as deemed necessary to enforce this Ordinance.

Section 2
This Ordinance is incorporated into the Comprehensive Amendments to Ordinance of the Town of Middlebury adopted February 28, 1995, Amended April 9, 1995. As such, this Ordnance is treated as a Civil Ordinance and all penalties and fines are set forth in the Comprehensive Amendments.

Section 3
If any part of this Ordinance is held to be invalid, such holding shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect.

ADOPTED: MAY 11, 1971 **EFFECTIVE**: JULY 15, 1971
AMENDED: APRIL 25, 1978 **EFFECTIVE**: JUNE 4, 1978

AMENDED:	APRIL 20, 1982	**EFFECTIVE**:	MAY 30, 1982
AMENDED:	AUGUST 10, 1999	**EFFECTIVE**:	SEPT. 19, 1999
AMENDED:	JULY 24, 2007	**EFFECTIVE**:	SEPTEMBER 2, 2007
AMENDED:	MAY 25, 2021	**EFFECTIVE**:	JULY 4, 2021

TOWN OF MIDDLEBURY - ORDINANCE FOR THE REGULATION OF THE DOWNTOWN IMPROVENT DISTRICT

Pursuant to the authority of Chapter 1, Section 104 (L) of the Town Charter, the Select Board of the Town of Middlebury hereby enacts the following ordinance establishing a special assessment district to be called the Downtown Improvement District (hereinafter referred to as "the DID" or "District"); defining the District; and establishing the regulations for governance of the District.

ARTICLE I - PURPOSE

To establish a special assessment district for downtown improvements, and to provide additional taxing authority to the Select Board, revenues from which shall be designated funds to be utilized in providing partial financing, and to leverage financing from other sources, for implementing public improvements and benefiting properties in the District.

ARTICLE II - BOUNDARIES AND COMPOSITION OF THE DISTRICT

Section 201
The District shall be comprised of all non-residential real properties (hereinafter referred to as "assessed property") located in the area shown on the map in Appendix A. In the case of a property or structure containing both residential and non-residential uses, only the portion used for non-residential purposes shall be considered part of the District.

A general description of the included properties and current businesses at the district limits is as follows:

- On Seymour Street, to include 52-60 Seymour St. (Danforth Pewters);
- On Exchange Street, to include 33-105 Exchange St. (rk miles);
- In the Elm Street area, to include 21 MacIntyre Lane (Middlebury Beverage & Redemption Center and 30 MacIntyre Lane (Pool World) and 3 Elm St (Greg's Market and properties on both side of Elm Street extending to North Pleasant St;
- On Route 7-North Pleasant Street to include 57 North Pleasant St and 24-25-27 Stewart Lane and (Swift House Inn Properties) and 60 North Pleasant St (Maplefield's);
- On Seminary Street, to include 14 Seminary St (Remora, Inc and Addison County Regional Planning Commission);
- On Washington Street, to include 8-10 Washington St (Shaw's Supermarket), 14 Washington St (Milne Travel Agency, and 24 Washington St (Off Da Hook LLC);
- On Court Street, to include 49 Court St (Sunoco - Rexbo Development Inc) and 50 Court St (Somaworks & J&C Enterprises.)
- On the north and west, to include Middle Seymour St. and Willard St. and Maple St. properties (the Addison Independent/Lynn Publications and all of Marble Works;
- On Mill Street, to include properties on both sides up to 12 Mill St. (Schmitter);
- On College Street, to include 54-56 College St.; (Carrara-Sater properties: Sparkling Wine Bar and Sama's Market);
- On Main Street, to include 94 Main St. (Park) and 91 Main St. (Middlebury Eye Associates);
- On Main St/Bakery Lane, to include 89 Main St. (Counseling Service of Addison County) and 25 Bakery Lane (Mr. Ups Restaurant –ONeil-Buck Realty Holdings LLC);

- Along the Cross St. Bridge and Cross Street, it includes the properties on both sides extending to Court St/Route 7.

The Town Lister's Office shall maintain a current list of DID assessed properties.

Section 202. Definitions
"**Residential**" properties include one family dwellings, two family dwellings, multiple family dwellings (apartments, townhouses and residential condominiums are included in this definition), rooming houses, and home occupations, as those terms are defined in the Middlebury Zoning Regulation.
"**Non-residential**" properties are all other properties not included in "residential" properties. For purposes of this ordinance, a tourist home or bed & breakfast establishment is included as nonresidential. Non-residential properties shall include utilities within the District boundaries, including land and improvements, but shall not include utility poles.
"**Assessed Property**" shall include only real property in the District as defined by the taxing sections of State statutes.

ARTICLE III - USE OF FUNDS

Section 301
Revenues generated from the District shall be used for implementing a broad range of major and minor public improvements located on public and private property within the District and providing a benefit to the assessed properties within the District. Determination of said projects shall be made by recommendation of the Commission, as described in Article IV, the Select Board and then voted by the Select Board as part of the Capital Improvement Plan.

Section 302
Annually, $15,000 of District revenues shall be paid to the Better Middlebury Partnership (BMP), its successors and/or assigns, for services to secure grants for downtown improvements and other activities benefiting the district. The Selectboard may make adjustments to this annual figure through separate action.

Section 303
Up to 10% of the annual revenues shall be used for the maintenance of District improvements which have been funded by District Tax Assessments or other funding of the District.

ARTICLE IV - DOWNTOWN IMPROVEMENT DISTRICT COMMISSION (DIDC)

Section 401
A Downtown Improvement District Commission, appointed by the Select Board, shall identify and develop the budget for improvements and make recommendations to the Select Board for inclusion during the annual Town budget process. The Commission shall also have responsibilities for handling appeals as outlined in Article VI.

Section 402
The Commission shall consist of six members with representation as follows: a) three (3) members shall, at the time of appointment and during their respective terms, own or be agents for assessed property in the District; b) one (1) member shall, at the time of appointment and during his/her term, own or manage a business in the District; c) one (1) member at large who is a legal resident of the Town of Middlebury; d) one (1) Select Board member.

Section 403
The Select Board shall make appointments for three-year terms; in order to achieve staggered terms and maintain continuity on the DIDC the Select Board may make appointments for shorter terms or to fill a vacancy for an unexpired term.

Section 404
The Select Board may remove Commissioners for cause, but only after a public hearing duly warned, and vote of the Select Board is taken.

Section 405
The Commission shall elect from its own number a Chair and Vice Chair. If there are an even number of Commissioners voting, the Chair may vote to make or break a tie.

Section 406
The Commission shall meet as determined by the majority of its members, but shall, at a minimum, hold one duly warned public hearing prior to making annual recommendations to the Select Board to correspond with the Town budget preparation, which begins in the fall of each year.

Section 407
Projects submitted to the Select Board may be approved as is, or with deletions. The Select Board, however, shall not make additions to or substitutions from the recommended list submitted by the Commission, without prior Commission review and approval.

Section 408
The Town shall administer improvements made with funds generated from the District. Such improvements shall be subject to the purchasing policies and bid procedures followed by the Town.

ARTICLE V - TAX ASSESSMENT

Section 501
District taxes are charges levied upon the owners of taxable real properties located within the District, as defined in Article II, during the levy period set forth in Article VII. Taxes so generated shall be used for the purposes set forth in Article III.

Section 502
The DIDC should annually recommend to the Select Board a budget for downtown projects for the ensuring year. The tax rate shall be determined by the Select Board by dividing the amount to be raised by taxes, by the total value of the assessed property in the Grand List in the District subject to the District tax. Under no circumstances shall the amount raised by taxes in the District exceed $100.00 per $100,000.00 of assessed value.

Section 503
In the first year of a DID assessment, the Board of Listers shall send a notice in writing of the value of the property to be assessed to the owner of record as of April 1. In subsequent years the Town will not send a notice unless the value of the assessed property on the Grand List or the owner of record has changed.

Section 504
The Select Board shall set the District tax rate at the same time that the Board sets the Town tax rate.

Section 505
A separate tax bill in the name of the owner of record in the Town Clerk's office shall be mailed at the same time as other Town tax bills are mailed.

Section 506
Payment shall be due on the same date that other taxes are due and in the installment format as may be determined by the voters at Town Meeting.

Section 507
District taxes shall be a lien on the properties when assessed and shall continue until the tax is paid, or the lien is otherwise discharged by operation of law. In addition this assessment shall be subject to penalties and interest as are charged to any tax payments not paid on the due date.

Section 508
The Town shall collect District taxes following the procedures established in Town Charter, State Statutes, and procedures adopted by the Select Board.

Section 509
In the case of any property used for both residential and nonresidential purposes within the District as of each April 1, the Board of Listers shall adjust the listed value for the purposes of determining the DID District Tax under this section to exclude that portion of the property used exclusively for residential purposes. The method for determining the adjusted listed value of the non-residential use portion by applying the percentage of square footage of the building in non-residential use to the full listed value of the building. The Board shall determine the adjusted Grand List value of the portion of the property and give notice of the same as provided under Chapter 131 of Title 32 of the Vermont Statutes (4401-4452). In subsequent years if no change has taken place then no notice shall be sent.

ARTICLE VI - APPEALS

Section 601 - Grievances
Any property owner may file a grievance with the Board of Listers and appeal the decision of the Board as provided for in Title 32 VSA Chapter 131.

Section 602 - Other Appeals
a. Appeals as to determination related to the Tax District only, i.e. number of square feet included for an assessed property which is both residential and non-residential, shall be filed with the Downtown Improvement Commission within thirty (30) days of the assessment (the Town Boards, State Board and Superior Court shall have no jurisdiction for such appeals).
b. An aggrieved property owner may also appeal such assessment to the Downtown Improvement District Commission, if the owner is a non-profit, tax exempt organization and has received an Internal Revenue Service letter of determination of such status pursuant to section 501© of the Internal Revenue Code. The Commission, in making a determination of whether such an organization should be exempted from the Tax Assessment of the District, shall consider the following factors:

1) Whether the owner will receive any benefit from the improvements to the District; or
2) Whether the benefits are likely to exceed the tax assessment; or
3) Whether some portions or all of the building (or none) will receive some benefit related to the activities or use of that portion or all of the building (an allocation may then be made as to the assessable portion); or
4) Whether the activities or uses of the building are similar to other activities or uses of non-tax

exempt owner (i.e. retail sales are conducted on the premises); or
5) Other factors which would reflect on the cost/benefit issues for non-exempt owners, as well as an owner claiming such tax-exempt status.

Section 603 - Status of Collection of Taxes During Appeal
The filing of any appeal of the determination of the Listers, the Civil Board or the Downtown Improvement District Commission and tendency of the appeal shall not vacate the lien on the property assessed, and the owner shall pay the District taxes and continue to pay the said taxes as they become due.

ARTICLE VII - EFFECTIVE DATES OF ORDINANCE AND LEVY PERIOD

This Ordinance shall take effect forty days from date of adoption by the Select Board and shall be effective until repealed. In the event that the levy period expires prior to being extended, the Ordinance shall remain in effect, but no district taxes shall be imposed hereunder unless and until the levy is reinstated pursuant to the amendment procedures of Section 801.

The existing seven-year levy period in place under the November 14, 2017 amendment to this Ordinance is hereby extended for an additional seven-year period beginning on the first day of the Town of Middlebury FY2026 tax year (July 1, 2025 through June 30, 2026) and ending on the final day of the FY2033 tax year (July 1, 2032 - June 30, 2033).

ARTICLE VIII - AMENDMENT PROCESS; ADDITION AND REMOVAL OF PROPERTIES

Section 801 - Amendments to Ordinance
Any amendments to this Ordinance, including but not limited to any extension of the levy period set forth in this Ordinance, reinstatement of the levy if it expires prior to being extended, alteration of the district boundaries as defined in Section 201, and alteration of the definitions of which types of properties are subject to the levy as defined in Sections 201 and 202, shall only be effective if adopted in accordance with Sections 104 (L) and 107 of the Town Charter and all other applicable laws.

Section 802 - Addition or Removal of Properties from District Based on Changes in Use
a. The addition or removal of properties from the District based on changes of use shall take place annually as set forth in this Section and shall not require an amendment to this Ordinance.
b. The Lister's Office shall review all the properties within the district boundaries as of April 1 in any tax year and shall add or remove properties according to the following procedure:
1) If the property has been converted from residential to non-residential use, (in whole or part) the owner shall be notified by certified mail that the affected portion of the property has now become subject to the District tax and will receive the tax bill in June of that year for the next fiscal year.
2) If the property has been converted from non-residential to residential use (in whole or part), the owner shall be notified by certified mail that the affected portion of the property, as long as it remains in residential use, will not be subject to the tax.
3) Consistent with Sections 502, 503, and 504 above, the DID Tax District Grand List will be adjusted to reflect the alteration of the District.
c. Appeals to inclusion in the District shall be filed with the Downtown Improvement District Commission consistent with Section 602 of this Ordinance.

ARTICLE IX - SEVERABILITY

If any section or subsection of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such judgment shall not offset the constitutionality or validity of the remaining sections or subsections.

ADOPTED: JANUARY 23, 1996	**EFFECTIVE:** MARCH 3, 1996
AMENDED: AUGUST 12, 1997	**EFFECTIVE:** SEPTEMBER 22, 1997
AMENDED: DECEMBER 9, 1997	**EFFECTIVE:** JANUARY 18, 1998
AMENDED: AUGUST 27, 2002	**EFFECTIVE:** OCTOBER 7, 2002
AMENDED: APRIL 27, 2010	**EFFECTIVE:** JUNE 6, 2010
AMENDED: NOVEMBER 14, 2017	**EFFECTIVE:** DECEMBER 24, 2017
AMENDED: JUNE 24, 2025	**EFFECTIVE**: AUGUST 3, 2025

TOWN OF MIDDLEBURY - ORDINANCE RESTRICTING THE DISCHARGE OF FIREARMS

The Selectmen of the Town of Middlebury, pursuant to the authority of 24 V.S.A. 2291 (8), hereby enact the following ordinance prohibiting the use or discharge of firearms within specified portions of the municipality.

A person shall not use or discharge a firearm within the following specified portions of the municipality:

Parcel #1: D.M. Means Memorial Woods, D.M. Means Memorial Woods, so-called, located on the northerly side of Seminary Street Extension, and being the 29-acre parcel conveyed to the Town of Middlebury by deed of Elinor H. Means, dated 15 August 1969, and recorded in the Middlebury Land Records, said lands being described as follows:

"Starting at the northeasterly corner of lands of the herein Grantor, Elinor H. Means located in the center of the "Old Town Road" which runs northerly from Seminary Street Extension to Washington Street Extension, thence along the center of said "Old Town Road" 13 courses as follows:

S 09E 05' W 81.60 ft.
S 04E 30" W 166.00 ft.
S 03E 02' W 122.60 ft.
S 17E 21' W 128.30 ft.
S 00E 14' W 120.30 ft.
S 15E 02' W 73.10 ft.
S 09E 32' W 23.10 ft.
S 13E 03' W 154.60 ft.
S 01E 19' W 212.70 ft.
S 14E 04' W 216.70 ft.
S 10E 57' W 184.60 ft.
S 08E 41' W 119.20 ft.
S 20E 18' W 80.30 ft. 1301

To the center of Seminary Street Extension; thence along the center of Seminary Street Extension 11 courses as follows:

N 32E 22' W 50.00 ft.
N 37E 42' W 50.00 ft.
N 47E 22' W 50.00 ft.
N 61E 54' W 50.00 ft.
N 73E 22' W 50.00 ft.
N 31E 32' W 577.00 ft.
N 33E 56' W 50.00 ft.
N 43E 23' W 50.00 ft.
N 55E 43' W 50.00 ft.
N 68E 02' W 50.00 ft.
N 76E 31' W 81.85 ft.

a reference stake is N 13E 29' E and 25.00 ft. from the termination point of said last mentioned course; thence along lands of the herein Grantor, Elinor H. Means, not conveyed, 7 courses as follows:

N 02E 18' W 357.70 ft.
N 13E 11' E 216.40 ft.
N 11E 37' E 101.50 ft.

N 21E 11' e 225.26 ft.
N 31E 18' W 137.30 ft.
N 28E 21' E 111.40 ft.
N 21E 41' E 165.30 ft.

said last 6 mentioned courses being in part along a blazed and painted line and along a fence line; thence S 64E 27' E 892.83 ft. to the place of beginning.

Reference is made to survey dated June 18, 1969 entitled "TO THE TOWN OF MIDDLEBURY FROM ELINOR HAVEN MEANS" on file at the Office of the Middlebury Town Clerk and prepared by J.R. Widli and A.K.D. Healy, Jr."

Parcel #2: Battell Woods - The Battell Woods, so-called located on the southerly side of Seminary Street Extension and being more particularly 1302 described on a survey map prepared by Lee H. Lowell, Surveyor, and dated March 31, 1966, and entitled "Property of Battell Park Trust". A copy of this plan is on file in the Middlebury Town Clerk's Office.

Said lands are bounded northerly by the right of way of Seminary Street Extension, by lands of Wilson E. Noyes, and by lands of Alson Drew; easterly by lands of Buttolph and lands now or formerly of Brayman; southerly by the Rogers Road Development and the Birchard Park Development; and easterly by lands now or formerly of Hector Sabourin and E. Lawrence Roberts.

Parcel #3 Chipman Hill - Chipman Hill, so called, being one and the same lands as conveyed in trust to the Town of Middlebury as recorded and described int he District of Addison Probate Court's Decree on September 5, 1916 and recorded in Book 325 on page 228 of the Middlebury Land Records. The boundaries of said lands as shown in a survey, dated May 1929, entitled "Chipman Hill Battell Park," prepared by Middlebury College Battell Forest, platted February 25, 1930 by R.L. Rowland, and reviewed by Lee H. Lowell on September 9, 1975, are established as follows:

Starting at a marble monument on the southwest corner of the land and proceeding northerly over the nine courses as follows:
350E 03' 380.00 ft.
344E 22' 368.80 ft.
79E 05' 729.05 ft.
36E 40' 627.30 ft.
269E 24' 1,139.80 ft.
10E 27' 842.70 ft.
11E 27' 224.15 ft.
26E 49' 109.20 ft.
33E 26 498.50 ft.

to an iron pipe located at the northwest corner; then proceeding easterly over the three courses as follows:
96E 15' 598.40 ft.
95E 18' 922.90 ft.
91E 58' 185.50 ft. 1303

to a marble monument; then proceeding southerly over the two courses as follows:
186E 45' 1,134.70 ft.

194E 36' 1,861.78 ft.

to a marble monument; then proceeding westerly over the six courses as follows:
279E 13' 802E 98 ft.
278E 15' 172.80 ft.
356E 15E 169.70 ft.
272E 06' 103.63 ft.
14E 25' 194.75 ft.
268E 07' 320.90 ft.
to the place of beginning.

Parcel #4 Wright Park - Wright Park so called being one and the same lands as conveyed to the Town of Middlebury by Willard Jackson and consisting of approximately 150 acres of land which is bounded on the east by the Vermont Railway, on the north by the New Haven Town Line; on the west by Otter Creek and on the south by the Town Stump Dump and Woodbridge Developments. The parcel is identified on the Middlebury Property tax map as #4-66.

This Ordinance shall not apply to a law enforcement officer or to an agent or employee of the State or a municipality using or discharging a firearm within the course of his employment and acting within the scope of his authority. A person who violates a provision of this Ordinance shall be fined not more than $1,000.00

ADOPTED: FEBRUARY 9, 1971 **EFFECTIVE**: APRIL 13, 1971
AMENDED: MAY 24, 1977 **EFFECTIVE**: JULY 3, 1977
AMENDED: NOVEMBER 30, 1993 **EFFECTIVE**: JANUARY 9, 1994

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE REGULATION OF FIRES AND BURNING

ARTICLE I

Section 101 - Definitions

a. **Open Burning** - Any uncontained fire or burning fueled by yard debris.

b. **Contained Burning** - Any burning contained within a fire pit/ fire circle, incinerator, barbeque pit, cooking fireplace, pig roast, outdoor barbeque, or manufactured outdoor fireplace, chimenea, fire pit or grill fueled by propane, natural gas, charcoal, untreated wood, or yard debris.

c. **Yard Debris** - untreated wood, brush, lawn clippings, plants, slash, leaves, and other natural growth.

d. **Fire Pit/ Fire Circle** - An enclosure with a maximum square footage of 25', enclosed by a noncombustible barrier with a minimum height of 12". The fire pit / fire circle must be a minimum of 20' from any structure or stored combustibles and have no overhead combustibles such as a roof overhang or tree limbs.

e. **Incinerator** - Also known as a burn barrel, burn cage, incinerator can. A non-combustible, heat resistant container enclosed on all sides sufficient to contain sparks, fuel, and flame within.

f. **Fire Warden** - "Fire Warden" shall mean the person appointed to office as defined under Vermont Statute V.S.A. 10, Section 2641.

ARTICLE II

Section 201 - Permit Required

a. A permit from the Fire Warden or designee is required for open burning.

Section 202 - Conditions

a. Open burning may be permitted during the period of November 1 through the third Sunday in April between the hours of 8 a.m. and 4 p.m. The Fire warden or designee shall have the discretion to permit open burning at other times and dates for special circumstances including periods of adverse weather conditions or the lack of availability or alternate disposal methods.

b. Permits issued under the provisions of this ordinance shall be for a specified date, time, and location.

c. The Selectboard of the Town reserves the right to establish a fee for the issuance of such permits.

d. Open burning on private property shall only be permitted with the consent of the property owner or their agent.

e. Any fire resulting from permitted open burning shall be attended by a person capable of controlling the fire until the fire is extinguished.

f. With the permission of the Fire Warden or designee and the Director of Public Works, open burning is allowed on public rights-of-way except upon sidewalks, roadways, traffic lanes, parking areas, alleys and all paved areas.

g. Burning and fires that are contained pursuant to Article I subsections b and d do not require a permit and are not considered open burning unless the burn area exceeds the enclosure.

h. In evaluating whether an open burning permit shall be issued the Fire Warden shall consider:

1. Potential hazardous conditions that could result if such burning was permitted.
2. The emission of air contaminants which have the potential of creating a nuisance and/or danger to the health and property of others.
3. The proximity of any structure to where the burning will take place.

i. The Fire Warden or designee may revoke any permit should conditions change during the burn, or should the burn represents a hazard to property or to others.

j. The Fire Warden or designee may order an open burn extinguished if no permit was issued, or if the open burn exceeds any conditions under which the permit was issued.

ARTICLE III

Section 301 - Burning for the Purpose of Weed Abatement

a. Burning for the purpose of weed abatement, disease, forest fire and pest prevention or control is permitted with consent of the Fire Warden.
b. Burning for the purpose of agricultural, forestry, or wildlife habitat management is permitted with the consent of the Fire Warden.
c. Burning for the purposes in Article III a. and b. are not subject to date parameters in Article II b. They are subject to conditions specified in Article II sections a.,c.,d.,f.,g., and h.

ARTICLE IV

Section 401 - Reimbursement of Fire Department Expense

a. Should the Fire Department determine that an open burn needs to be extinguished, the property owner is subject to reimbursing the Fire Department for the costs of the fire suppression in addition to any fine assessed under Article V.

ARTICLE V - PENALTY

Section 501 - Civil Violation

A violation of this ordinance shall be a civil matter which shall be enforceable by the town pursuant to Title 24 V.S.A. §1974a and any other applicable provision of law.

Section 502 - Penalty

A person who violates any provision of these regulations shall be fined not more than eight hundred dollars ($800) for each offense, with a waiver fine of two-hundred dollars ($200). Each violation shall constitute a separate offense.

ADOPTED: 4 APRIL 13, 2021 **EFFECTIVE**: MAY 23, 2021

TOWN OF MIDDLEBURY - IMPACT FEE ORDINANCE

The Selectmen of the Town of Middlebury pursuant to the specific authority granted municipalities to establish impact fees contained in 24 V.S.A. Chapter 131, and the general authority granted in the Middlebury Town Charter do hereby enact the following:

Section I - Purpose

It is the purpose of this ordinance to establish impact fees for changes in land use and other development in the Town in a way that will appropriately allocate the cost of constructing Town and Town School District capital improvement projects. To the extent that capital improvements are attributable to and will benefit such development, the residents and owners thereof should bear an appropriate portion of the cost of constructing these improvements. Further, insofar as current residents of the Town have contributed to the cost of existing capital improvements through payment of taxes and other contributions to the Town, it is appropriate that the Town should be empowered to levy an impact fee for recoupment of an appropriate portion of the costs for such capital improvements that will benefit the new development.

Section II - Establishment of Impact Fees

201

The Board of Selectmen may, establish impact fees which shall be imposed on all development commenced within the Town subsequent to the effective date of the establishment of such fees through the Ordinance process outlined in Section 107 of the Town Charter. Any such fees adopted by the Board of Selectmen shall be based upon a report and formula which shall at a minimum address the following:

a. Estimated or actual construction cost of capital Improvements which are necessary to meet an accepted Town level of service.
b. Estimated demand of new development for such services.
c. Calculation of financial contributions to fund the improvements from revenue sources other than taxpayers of the Town.
d. Financial credits due the new development as a result of prior payment of taxes or other financial contributions to the Town.

e. Identification of typical improvements which will be subject to any proposed impact fee.

f. Recommendation of what types of residential, industrial or commercial development, if any, should be exempt from payment of certain impact fees under 24 V.S.A. ss. 5205.

202

The Board of Selectmen may, from time to time, amend any impact fee which they establish pursuant to this ordinance to take into account new or changed information regarding the fee earlier established. Such amendment process shall be consistent with Section 107 of the Middlebury Town Charter.

Section III - Payment of Fees

Any impact fees established pursuant to this ordinance shall be paid to the Town Treasurer prior to issuance of any zoning permit under the Middlebury Zoning Regulations for the construction of any improvements subject to payment of impact fees. The Administrative Officer shall not issue any zoning permit for the construction of such improvements without first receiving proof of payment of required impact fees from the Town Treasurer.

Section IV - Appeals

An individual or entity required to pay an impact fee imposed under this ordinance may request a waiver or reduction thereof by filing a written notice of appeal with the Board of Selectmen within 30 days of written

notification of the impact fee imposed on the development. Said notice of appeal shall state the factual basis for the appellant's claim that the fee is inapplicable or excessive. Within 60 days of receipt of the notice of appeal, the Selectmen shall hold a public hearing thereon. The Selectmen shall take oral and written testimony from the appellant, Town, and other interested parties. Within 45 days after the conclusion of the hearing, the Board shall notify the appellant of its decision.

Section V - Accounting Provisions
All impact fees collected pursuant to this ordinance shall be maintained by the Town Treasurer in a separate, interest bearing account. The Town Treasurer shall maintain a register of the date of payment of each fee collected, the amount paid and the name of the payer.

Section VI - Expenditure of Impact Fees
601
All impact fees collected pursuant to this ordinance and accrued interest shall be expended only for the specifically identified improvement project which was the basis for the fee. Such fees and accrued interest shall be expended for such improvement project within such time period as required by 24 V.S.A. section 5203, as the same may be from time to time amended.

602
The Town Treasurer shall pay expenses associated with an identified improvement project as they become due and upon receipt of appropriate documentation regarding such expenses.

Section VII - Refunds
701
If the actual cost to the Town of constructing a capital project to be funded in part by impact fees is less than originally calculated or if an impact fee is reduced after fees have been collected, the Town shall refund that portion of any impact fee with accrued interest which is in excess of the appropriate portion due to the then owner of the property for which the fee was paid.

702
If the Town shall fail to expend any collected impact fee within the time required by Section 701. hereof, the then owner of the property for which such fee was paid may apply to the Town for a refund of such fee with accrued interest provided said application is made within one year of the expiration of said time limitation. Thereafter, any claim for refund shall be barred.

Section VIII - Enforcement
An impact fee may be collected by the Town by placing a lien upon all property and improvements within the land developments for which the fee is assessed and remains unpaid, in the same manner and to the same effect as taxes are a lien upon real estate under 32 V.S.A ss. 5061.

Section IX
This ordinance shall not be construed to repeal, modify or amend any existing ordinances of the Town of Middlebury.

Section X
In the event any provision of this ordinance is for any reason invalid, such invalidity shall not affect the remaining provisions which can be given effect without the invalid provision.

Appendix A - Downtown Parking Development Fee

Appendix B - Elementary School Impact Fee

ADOPTED: JUNE 6, 1989 **EFFECTIVE DATE**: JULY 16, 1989
AMENDED: NOVEMBER 19, 1991 **EFFECTIVE DATE**: DECEMBER 29, 1991

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE REGULATION OF NOISE

Pursuant to the authority of Section 104 (B) and Section 104 (J) of the Middlebury Town Charter and such other state laws as are applicable do hereby enact the following ordinance:

ARTICLE I - PURPOSE

In order to protect the comfort, quiet, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance, the Board of Selectmen of the Town of Middlebury adopt an ordinance to prohibit and/or appropriately regulate a person or persons from making or continuing any excessive, unnecessary, or unreasonably loud noise or disturbance.

ARTICLE II - REGULATION

Section 200 - Prohibitions Generally
No person or persons shall make or continue, or cause to be made or continued, any excessive, unnecessary, or unreasonably loud noise or disturbance which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace or safety of others within the immediate vicinity of the noise or disturbance.

Section 201 - Quiet Hours
a. No person or persons shall make or continue, or cause to be made or continued, noise as defined in Section 200 of this ordinance between 10:00 p.m. and 7:00 a.m. Sunday through Thursday. Such noise shall be deemed prima facie unreasonable upon complaint of a third party.

b. No person or persons shall make or continue, or cause to be made or continued, noise as defined in Section 200 of this ordinance between 11:00 p.m. and 7:00 a.m. Friday, Saturday and special holidays (New Years Eve and Fourth of July). Such noise shall be deemed prima facie unreasonable upon complaint of a third party.

Section 202 - Commercial Activities
a. Construction noises - The excavation, erection, demolition, alteration, or repair of any buildings, structure, property or street shall not take place between the hours of 9:00 p.m. and 7:00 a.m., except for necessary emergency repairs to protect property of persons when such activity utilizes motorized or powered tools or equipment.

b. Trash removal - The removal of household and commercial trash by commercial trash haulers utilizing mechanized conveyances from all residentially zoned areas shall not take place between the hours of 9:00 p.m. and 6:30 a.m.

ARTICLE III - EXEMPTIONS

a. Emergency vehicles operated by fire, police or rescue agencies and public works or public utility vehicles when used during snow operation or emergency repairs to service are exempt from the provisions of this Ordinance.

b. Any activities permitted under Public Assemblages or other licenses, Street Vending, Peddling, Soliciting and other commercial activities on public property, shall also be exempt henceforth.

ARTICLE IV - AUTHORITY

No owner or occupier of premises, or any person who has been given lawful permission to use or control any premises, shall knowingly permit a violation of this Ordinance by another person on such premises.

ARTICLE V - PENALTY

Section 501 - Civil Violation
A violation of this ordinance shall be a civil matter which shall be enforceable by the town pursuant to Title 24 V.S.A. §1974a and any other applicable provision of law.

Section 502 - Penalty
A person who violates any provision of these regulations shall be fined not more than eight-hundred dollars ($800) for each offense, with a waiver fine of two-hundred dollars ($200). Each violation shall constitute a separate offense.

ARTICLE VII - INTERPRETATION AND SEPARABILITY

Section 600 - Conflict with Other Standards
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rule, regulation or ordinance the most restrictive or that imposing the higher standard shall govern.

Section 601 - Severability
Should any court of competent jurisdiction determine any provision of the Ordinance to be invalid, such judgment shall not affect the validity of the Ordinance as a whole or any part other than the part so declared to be invalid.

Section 602 - Effective Date
This Ordinance, or amendments thereto, shall become effective 40 days after adoption consistent with Section 107 A-D of the Town Charter.

ADOPTED: MARCH 9, 1993 **EFFECTIVE:** APRIL 18, 1993
AMENDED: APRIL 13, 2021 **EFFECTIVE**: MAY 23, 2021
AMENDED: JANUARY 24, 2023 **EFFECTIVE:** MARCH 5, 2023

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE REGULATION OF OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES

The Selectboard of the Town of Middlebury, pursuant to the authority of Sections 104(B), (C), (D), (E), and (J) of the Middlebury Town Charter, 24 V.S.A. §§ 1971 et seq., 2246, and 2291, and such other state laws as are applicable, does hereby enact the following ordinance:

ARTICLE I - PURPOSE

The purpose of this Ordinance is to protect the public health, safety and well being, and to promote the responsible use of resources and protection of the environment by regulating the outdoor storage of junk and junk motor vehicles.

ARTICLE II - DEFINITIONS

a. "**Abandon**" means to leave without claimed ownership for 30 days or more.
b. "**Abutting property owner**" means any person or persons, corporation or other entity that owns, leases, or in any other way controls any real property abutting any portion of the property of another.
c. "**Enforcement Officer**" means any police officer or other municipal official or officer appointed by the Selectboard to enforce the provisions of this Ordinance.
d. "**Highway**" means any highway, road, street or other public way, regardless of classification.
e. "**Household appliance**" means any range, stove, refrigerator, washing machine, clothes dryer, water pump, power tool or other electronic, mechanical or powered device used for household purposes.
f. "**Interested Party**" means a person residing at or owning property abutting the location of any junk or junk motor vehicle, or residing at or owning property in the immediate area from which the junk or junk motor vehicle is visible.
g. "**Junk**" means old or scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or mined motor vehicle or parts thereof.
h. "**Junk motor vehicle**" means a discarded, dismantled, wrecked, scrapped or mined motor vehicle or parts thereof, an unregistered motor home not connected to water and/or sewer, or a vehicle other than an on-premise utility vehicle which is allowed to remain unregistered for a period of 30 days from the date of discovery.
i. " **Salvage Yard**" means any place of outdoor storage or deposit that is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or junk motor vehicles or as a scrap metal processing facility. However, the term does not include a private garbage dump or a sanitary landfill that is in compliance with 24 V.S.A. §§ 2201 et seq. and all other applicable state regulations, nor does it include a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.
j. "**Motor vehicle**" means any vehicle propelled or drawn by power other than muscular power, including trailers. Functional vehicles and equipment used for agricultural and construction operations are excluded from this definition.
k. "**Traveled way**" means that portion of a public highway designed for the movement of a motor vehicle, shoulders, and roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.

ARTICLE III - REQUIREMENTS

a. Within the areas of the Town specified below, it shall be unlawful to place, discard or abandon junk or any junk motor vehicle, or to allow any such item to be placed, discarded or abandoned, in a place where such item is visible from the traveled way of a highway or from any abutting property. Any such junk or junk motor vehicles so placed, discarded or abandoned is hereby declared to be a public nuisance and a violation of this Ordinance.

The requirements of this Paragraph (a) shall apply to the following areas of the Town:

(1) The former Village of Middlebury area and Buttolph Acres, so-called, and Rogers Road area, all as described or shown on the attached Sketch Map #1; and

(2) The main village corridor of East Middlebury, as shown on the attached Sketch Map #2.

b. Within any part of the Town of Middlebury, it shall be unlawful to place, discard or abandon junk or any junk motor vehicle upon the land of another without the consent of the owner. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance and a violation of this Ordinance.

ARTICLE IV - PERMITTING AND CERTIFICATE REQUIREMENTS

a. It shall be unlawful to own or operate, or for a landowner within the Town of Middlebury to allow the operation of, a salvage yard on lands within Middlebury unless it is being operated in compliance with a license issued pursuant to 24 V.S.A. § 2261 et. seq. and a Certificate of Approved Location pursuant to 24 V.S.A. § 2251 and this Ordinance. Any salvage yard operating without the necessary permit and approvals as herein specified is hereby declared to be a public nuisance and a violation of this Ordinance.

b. A person who wishes to operate a salvage yard within the Town of Middlebury is required to:

(1) obtain a certificate of approval for the location of the salvage yard, and

(2) obtain a license to operate, establish or maintain a salvage yard from the State of Vermont.

c. Certificate of Approved Location. Application for a certificate of approved location shall be made in writing to the Selectboard of the Town of Middlebury. The application shall contain a site plan which shall describe the land to be included within the salvage yard, which description shall be by reference to so-called permanent boundary markers. The procedures to be followed after an application has been made are those specified in 24 V.S.A. §§ 2251-2256, as amended. The application shall be accompanied by a certificate from the Middlebury Zoning Board certifying that the proposed location is not within an established district restricted against such uses or otherwise contrary to such zoning ordinance.

d. State Salvage Yard License. The procedures for obtaining a salvage yard license from the State of Vermont are those specified in 24 V.S.A. §§ 2261-2264, as amended.

e. All salvage yards, scrap yards, and places of outdoor storage of junk shall be effectively screened from public view by a fence or vegetation at least eight feet in height. Any fence shall be of sound construction and of solid vertical board or 'stockade' type construction, and shall be maintained neatly and in good repair. Such a fence shall not be used for advertising signs or other displays which are visible from the traveled way of a highway. Any vegetation used for screening shall be of sufficient density so that it effectively screens the area from view. Failure to provide screening as required herein is hereby declared to be a public nuisance and a violation of this Ordinance.

ARTICLE V - ENFORCEMENT AND PENALTIES

a. Before issuing a notice of violation or pursuing any enforcement action under this Ordinance, the Town shall require for its file a written complaint filed by an interested party, as defined in Article II. After investigating the complaint, if an Enforcement Officer determines that a violation of this Ordinance has occurred, the Enforcement Officer may mail or hand-deliver written notice of the violation to the person who is the owner of the junk or junk motor vehicle at issue or who has otherwise violated the Ordinance. A notice shall be deemed validly served as of the earlier of (i) the date it is mailed by first-class mail, certified mail, or overnight delivery, or (ii) the date it is actually received by the person. The person shall correct the violation no later than the deadline specified in the notice. The deadline shall be 30 calendar days from the date the notice is served, unless the Enforcement Officer determines that public health or safety concerns or other exigent circumstances require an earlier deadline, in which case the deadline may be shortened to no less than 5 calendar days from the date the notice is served. If the person does not correct the violation by the specified deadline, the Enforcement Officer may issue the person a Vermont Municipal Violation Complaint and pursue the enforcement actions authorized by Paragraph (b).

b. A violation of this Ordinance shall be a civil matter which shall be enforceable by the Town pursuant to 24 V.S.A. §1974a and any other applicable provision of law. Each week a violation continues shall constitute a separate offense. A person who violates any provision of this Ordinance shall be fined not more than $800 for each violation, with a waiver fine of $200 per violation. In addition, the Town shall have the right to obtain injunctive relief from any court of competent jurisdiction to enjoin, abate, or prevent any violation of this Ordinance.

c. Nothing in this Ordinance shall preclude the Town from pursuing enforcement action under any other ordinance or statute, including but not limited to the issuance of health orders pursuant to Title 18, Chapter 3, V.S.A. and the enforcement of zoning violations pursuant to Title 24, Chapter 117, V.S.A.

ARTICLE VI - SEVERABILITY

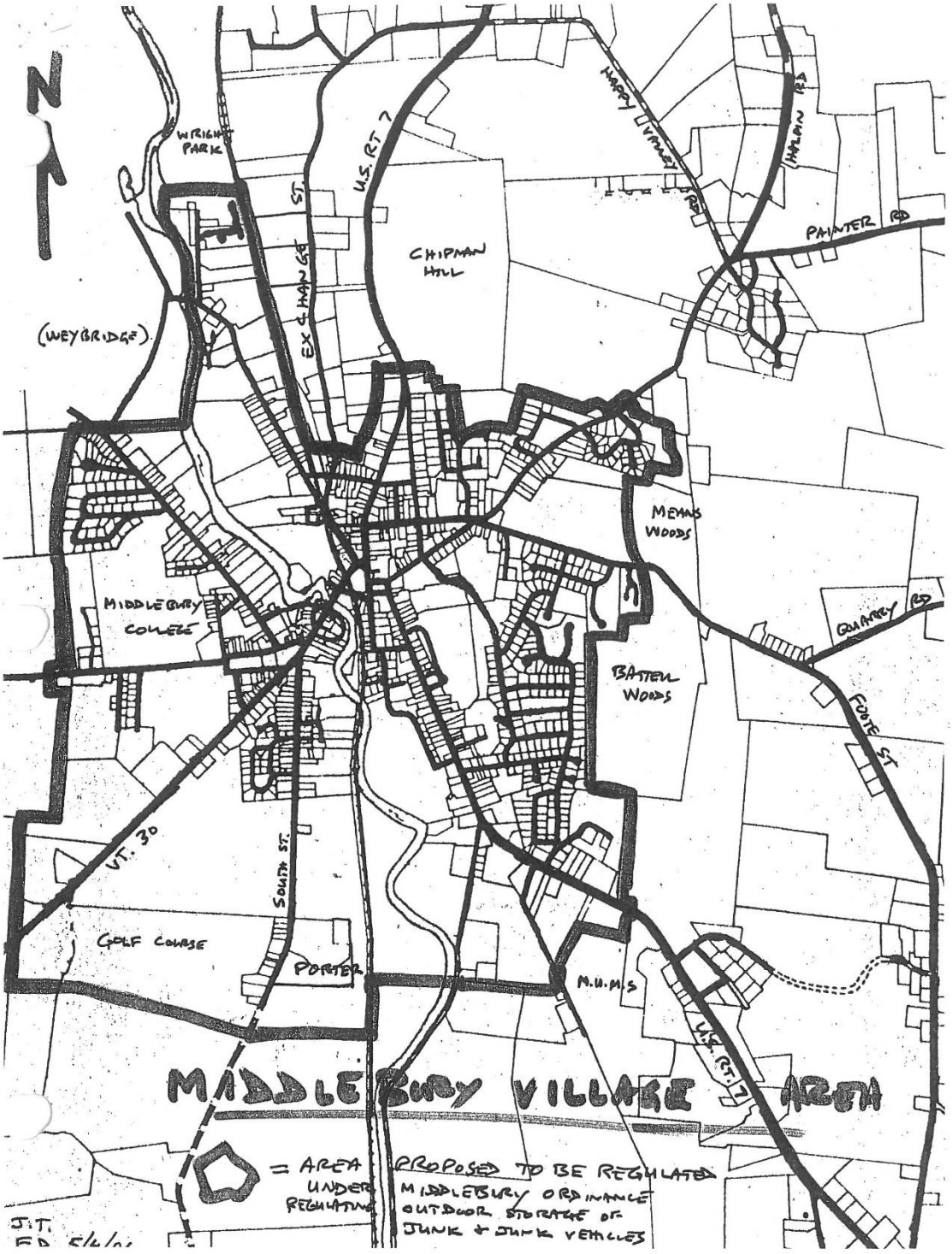
If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

ARTICLE VII - EFFECTIVE DATE

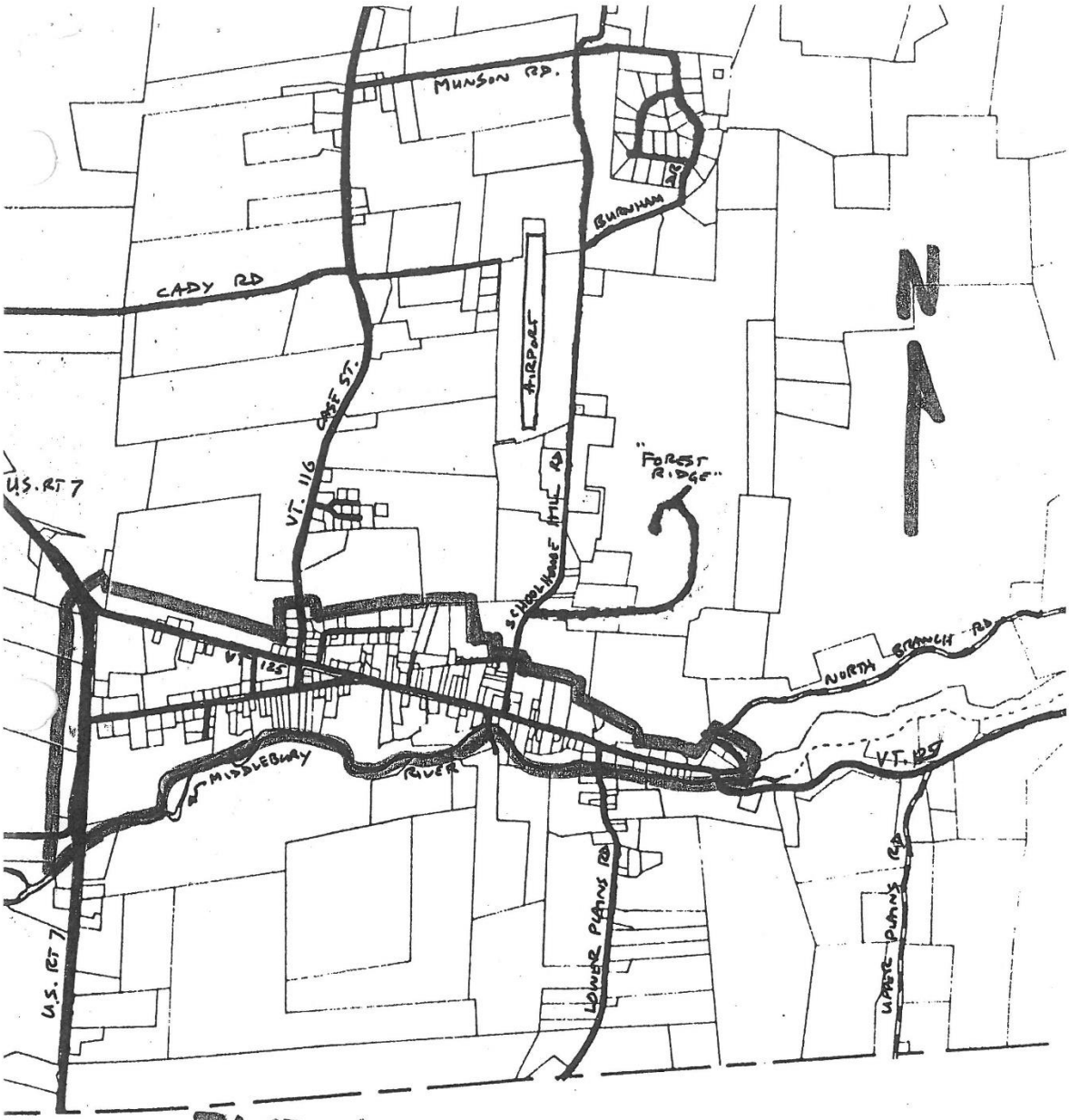
This ordinance shall become effective 40 days after its adoption by the Selectboard. If a petition for a vote on this Ordinance is filed under Section 108(B) of the Middlebury Town Charter, the Ordinance shall not take effect until after the question of repeal is voted (Section 107 (D) of the Middlebury Town Charter).

ADOPTED: MAY 9, 2006 **EFFECTIVE**: JUNE 19, 2006
AMENDED: MAY 12, 2015 **EFFECTIVE**: JUNE 22, 2015

Sketch Map #1


N
WRIGHT PARK
U.S. RT 7
HAPPY HOLLOW RD
HALPIN RD
PAINTER RD
CHIPMAN HILL
EXCHANGE ST
(WEYBRIDGE)
MEHAS WOODS
MIDDLEBURY COLLEGE
QUARRY RD
BATTELL WOODS
FOOTE ST
VT. 30
SOUTH ST.
GOLF COURSE
PORTER
M.U.M.S
U.S. RT. 7
MIDDLEBURY VILLAGE AREA
= AREA UNDER REGULATION
PROPOSED TO BE REGULATED MIDDLEBURY ORDINANCE OUTDOOR STORAGE OF JUNK & JUNK VEHICLES

Sketch Map #2



EAST MIDDLEBURY AREA

= AREA PROPOSED TO BE REGULATED UNDER MIDDLEBURY ORDINANCE REGULATING OUTDOOR STORAGE OF JUNK & JUNK VEHICLES

J.T
F.D. 5/9/06

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE REGULATION OF PARKING

We, the Selectmen of the Town of Middlebury, pursuant to Section 104B of the Middlebury Town Charter and such other state laws as are applicable do hereby make the following ordinance as to the parking and removal of motor vehicles on and from the highways and streets within the limits of the Town.

ARTICLE I - DEFINITIONS

Section I

1. **Angle Parking** - Any parking angle not parallel to the curb. This includes parking 90˚ perpendicular to the curb and any diagonal parking of a lesser degree.
2. **Motor Vehicle** - As used in this ordinance, a motor vehicle shall include any vehicle propelled or drawn by power other than muscular power, except farm tractors, vehicles running only upon stationary rails or tracks, motorized highway building equipment when used for that purpose, road making appliances, tracked vehicles or electric personal assistive mobility devices.
3. **Park or Parking** - The stopping or standing of a motor vehicle on a roadway whether occupied or unoccupied, attended or unattended, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or goods, or while making emergency repairs if disabled, while arrangements are being made to move such vehicle.
4. **Traffic Control Device** - Any sign, signal, marking, or other device used to regulate, warn, or guide traffic; placed on, over, or adjacent to a street, highway, parking lot, pedestrian facility, or bikeway by authority of the Town of Middlebury or the State of Vermont.

ARTICLE II - GENERAL PARKING REGULATIONS

Section I. Parking Prohibited At All Times

Parking a motor vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic control device:

1. Within fifteen feet of an intersection;
2. On or within five feet of a crosswalk;
3. Within ten feet of a fire hydrant;
4. Obstructing a driveway;
5. On any sidewalk;
6. Abreast of another vehicle on the street (double parking);
7. Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
8. On green areas within the Town right-of-way between the property owner's line and existing curbing;
9. In an area marked by a traffic control device as a fire zone or area restricted for emergency vehicle access;
10. 10. On any state highway within the Town of Middlebury that the Vermont Agency of Transportation Traffic Committee has designated as a no parking zone;
11. On the traveled portion of any highway or street where the parking of the motor vehicle will interfere with the normal flow of traffic, and where provision is not made in this ordinance for parking of vehicles.
12. Parking so as to obstruct the movement of other vehicles.

Section II. Manner Of Parking

1. Parking Orientation

When parking in areas marked for parking, Motor Vehicles shall be parked in accordance with traffic control devices designating the location and manner of parking and any special conditions.

2. Parallel Parking
Where parking is not otherwise regulated by traffic control devices, or otherwise at the direction of a police officer or person controlling traffic, motor vehicles shall be parked parallel with the curb or edge of the roadway, headed in the direction of traffic in the lane adjoining the road edge in which the motor vehicle is parked, with the curb side tires of the motor vehicle within twelve (12) inches of the curb or edge of the roadway and with a minimum three foot buffer between the motor vehicle and any other parked vehicle.

3. Angle Parking
Angle parking is prohibited unless directed by traffic control devices or at the direction of a traffic control official. Where angle parking is designated, at least one tire must be not more than twelve (12) inches from the curb, road edge, or curb stop. When parked, the motor vehicle shall be parked in accordance with the pavement markings.

Section III. Parking Of Vehicles For Sale Prohibited
Parking an unregistered or uninsured vehicle displayed for sale on a Town highway right of way is prohibited.

Section IV. Repairing Vehicles In The Street Prohibited
It is unlawful for any person or corporation engaged in the garage, repair or automobile service business to park any motor vehicle on a street or highway for the purpose of assembling, dismantling or repairing any vehicle.

Section V. Parking Prohibited In Loading Zones
Parking is permissible in loading zones for the purpose of loading and unloading merchandise and supplies only and only for the time necessary to deliver or pickup this material.
Parking in loading zones is limited to thirty (30) minutes.
Overnight parking in loading zones is prohibited.
Loading zones are designated by traffic control devices.

Section VI. Long Term Parking - Vehicle Storage Prohibited
No vehicle shall remain parked for more than seventy-two (72) consecutive hours in municipal parking lots, unless permitted for construction, service, repair activities, event control, or public safety activities.

Section VII. Disability (Handicapped) Reserved Parking
1. Parking is permissible in a space reserved for the disabled when the space is marked in accordance with State laws and:
   a. The motor vehicle is equipped with a valid disability (handicapped) registration plate (s) from any State and an occupant of the vehicle is disabled pursuant to the issuing state's requirements; or
   b. The motor vehicle has any form of valid disability permit, properly displayed in accordance with the laws of the issuing State and an occupant is disabled pursuant to the issuing state's requirements.
2. A vehicle displaying a valid disability permit or registration, while parked in a disability (handicap) reserved parking space, is exempt from any time limits imposed by ordinance for the area in which it is parked.

ARTICLE III - ALL NIGHT PARKING REGULATIONS

Section I. Winter Parking Restrictions

1. If the Town issues a winter parking restriction, parking on any Town roadway or parking lot between the hours of 12am and 6am shall be prohibited for the days indicated by the restriction, except where specifically permitted and signed.

2. A motor vehicle parked in violation of a winter parking restriction may be towed and impounded at the owners' expense, by order of the Police Department of the Town of Middlebury.

Section II. Overnight Parking Ban

1. Parking is prohibited year-round between the hours of midnight and six o'clock a.m. in the following areas:
   (a) The west side of Weybridge Street between the intersections of Gorham Lane and College Street
   (b) Shannon Street
   (c) Short Shannon Street
   (d) Storrs Avenue
   (e) College Street between Adirondack View and Storrs Avenue
   (f) South Main Street between Storrs Avenue and the eastern most driveway to the Nelson Recreational Center

2. A motor vehicle parked in violation of this section may be towed and impounded at the owner's expense by order of the police of the Town of Middlebury

Section III. All Night Parking - Authorized Locations

Motor vehicles, with the exception of commercial motor vehicles, may be parked all night in sections of municipal parking lots year-round that are posted for that purpose.

Section IV. Commercial Motor Vehicles - All Night Parking Prohibition

Commercial vehicles are prohibited from parking between midnight and 6:00 a.m. in municipal parking lots.

ARTICLE IV - DOWNTOWN PARKING DISTRICT

Section I. The Downtown Parking District Consists Of The Following Streets And Municipal Parking Lots:

- Academy Street
- Bakery Lane
- College Street
- Court Square
- Court Street
- Cross Street
- Elm Street
- Franklin Street
- Main Street
- Merchants Row
- Mill Street
- North Pleasant Street between Court Square and High Street
- Park Street
- Seymour Street between Elm Street and North Pleasant Street
- Shannon Street
- South Main Street
- South Pleasant Street
- Storrs Avenue

- Washington Street
- Municipal Lots - Bakery Lane
- Municipal Lot - College Street
- Municipal Lot - Franklin Street
- Municipal Lot - Mill Street
- Municipal Lot - Seymour Street

Section II. Parking Prohibited
Parking is prohibited on Downtown District streets or in municipal lots except where marked for parking by traffic control devices.

Section III. Manner Of Parking
Where marked for parking, parking shall be in accordance with pavement markings or other traffic control devices.

Section IV. Fifteen Minute Parking
1. Between 7 a.m. - 6 p.m., Monday-through Saturday, parking is limited to fifteen minutes in spaces in the following areas:
- College Street: Off the westbound lane from a point 244' west of Chateau Road westerly as marked to the crosswalks at Hepburn Road
- Court Street: Fronting the office of the Addison County Sheriff
- Main Street: Four spaces as marked, fronting the Post Office

Section V. Two-Hour Parking
Between the hours of 7 a.m. - 6 p.m., Monday-Saturday, parking is limited to two-hours in spaces on the following streets:
- College Street: Between the intersections with Main Street and Weybridge Street
- Main Street: All on-street parking unless otherwise posted
- Merchants Row: All on-street parking
- Mill Street: All on-street parking as marked
- Park Street: All on-street parking
- Washington Street: All on-street parking between the intersections with Court Square and High Street

Section VI. Three-Hour Parking
Between the hours of 7 a.m. and 6 p.m. Monday - Saturday, parking is limited to three hours in spaces in accordingly marked spaces the following municipal lots:
- Upper Municipal Lot (Bakery Lane) North of Cross Street
- Lower Municipal Lot (Bakery Lane) South and North of Cross Street

Section VII. Limited Parking
- Shannon Street - Parking is prohibited on the west side of Shannon Street between College Street and Short Shannon Street Monday through Friday, between 7:00 a.m. and 5:30 p.m.

ARTICLE V

Section I. Designated No Parking Areas - Streets
Parking is prohibited on the following designated streets and highways or parts thereof:
- Adirondack View

1. Parking is prohibited on the easterly side of Adirondack View
2. On the westerly side from the intersection with College Street southerly for a distance of 380 feet

- Buttolph Drive Extension
  1. On both sides of Buttolph Drive Extension between the northern property boundary of the Vermont State Housing Authority/Middlebury Commons property and the intersection with Brookside Drive
- Charles Avenue
  1. In front of all residences located on the east side of the street.
  2. On the westerly side of the road commencing at the point at the beginning of the curbed sidewalk and proceeding in a northerly and then north-westerly direction to the intersection of Duane Court between the hours of 7:30 A.M. and 5:00 P.M. Monday through Friday
  3. On the westerly side of the road from the end of the existing curbed sidewalk southerly to the stop sign
- Chipman Park
  1. On the northwest corner of Chipman Park 50' in either direction from the center of the outside curve and 25' in either direction from the center of the inside curve.
- Creek Road
  1. On both sides of Creek Road between the intersection with Court Street and the end of the paved portion of the road.
- Cross Street
  1. No parking on either side of the road along its entire length.
- Elm Street
  1. On-Street parking is prohibited on Elm Street
- Exchange Street
  1. On the easterly side of Exchange Street from the junction of Elm Street northerly for a distance of 150 feet.
- Foster Circle
  1. On both sides of Foster Circle from the intersection with Rogers Road to a point 126’ east of the intersection, at the point where the road widens for the cul de sac.
- High Street
  1. Parking is prohibited on the easterly side of High Street.
  2. Parking is prohibited on the westerly side of High Street from the junction of North Pleasant Street, Route 7, southerly to a point 130 feet south of the intersection of Seminary Street.
- Hillcrest Avenue
  1. On the easterly side of Hillcrest Avenue from Route 125 southerly to the cemetery.
  2. On the westerly side of Hillcrest Avenue from a point 25 feet south of Route 125 to the cemetery, only parallel parking is permitted.
- Mary Hogan Drive
  1. On either side of the traveled portion of the highway from Court Street, Route 7 easterly to the property line of the Mary Hogan School.
  2. On the easterly side of the street commencing at the northern access at Court Street to the southern most turnaround of the Recreation Park parking lot.
  3. On the westerly side of the street commencing at the northern access at Court Street to the northern access to the Recreation Park parking lot.
  4. On the easterly side between the bus circle and the Recreation parking lot, between the hours of 7:30 a.m. and 8:30 a.m. and 2:30 p.m. to 3:30 p.m. on days when school is open.
- South Street

1. On the westerly side of the road from Main Street to the end of pavement on South Street Extension.
2. On the easterly side of the road from Porter Field Road intersection to the end of pavement on South Street Extension.

- Springside Road
  1. On both sides of the street from the Battell Woods property line southerly 560 feet.
- Washington Street Extension
  1. On the northerly side between the intersections of Seminary Street and the eastern most intersection with Colonial Drive.
  2. On the southerly side between the intersections of Seminary Street and Peterson Terrace.
- Weybridge Street
  1. On both sides extending from the intersection with College Street northwesterly for a distance of 100 feet.
  2. On the east side from the intersection of College Street to the Weybridge Town Line.
  3. From the center of the intersection at Freeman Way (pvt) southerly for a distance of 315 feet.
  4. From the center of the intersection at Freeman Way (pvt) northerly for a distance of 70 feet.
  5. From a point 60 feet south of the intersection at Gorham Lane northerly to a point 115 feet north of the center of the intersection at Morningside Street.
- Willow Street
  1. On both sides of the road between Wilson Road and Route 7, South

ARTICLE VI

Section III. Drop-off/Pick-up Only
Operators of motor vehicles are prohibited from parking and leaving their vehicle unattended in the drop-off/pick-up areas, as designated by traffic control devices.

1. MUHS Campus - area adjacent to the auditorium.
2. MUHS Campus - area commencing at a point southeast of the bus circle and extending to the sidewalk entrance to the Hannaford Career Center.

Section IV. Bus Zone
Between the hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. and 4:00 p.m. on the MUHS campus, only buses shall be permitted in the bus circle in front of the main entrance.

ARTICLE XV

Section I. Police And Emergency Vehicles
Police and other emergency vehicles shall be exempt from the provisions of this ordinance.

ARTICLE XVI

Section I. Owner Responsibility
For purposes of this ordinance, the primary registered owner of the vehicle in violation, on the date of the violation, shall be responsible and held liable for any such violation. Any notice of fine or other civil action as a result of the violation will be sent to the primary registered owner who will be held liable for responding to any such notice and/or paying such fine as may be assessed.

In the absence of any registered owner of the vehicle in violation, the person who has been assigned title to same on the date of the violation shall be deemed, for the purposes of this ordinance, the responsible party.

Section II. Penalties

1. A person who violates any provisions of this ordinance shall be fined not more than $200.00. A separate violation shall occur for each period of parking greater than the parking time allowed in a time restricted zone.
2. A vehicle, which by virtue of its parked position, is in violation of more than one section of this ordinance may be issued a notice for each violation and the fine shall be the sum total of all the fines for each section.
3. Schedule of Fines
   - A fine of $25.00 (twenty five dollars) is assessed for any violation of this ordinance.
4. If the fine is not paid within (10) ten days, a notice of failure to pay the fine shall be issued to the owner of the vehicle. Upon issuance of said notice, the original amount of the fine shall be doubled as a non-payment penalty.

ARTICLE XVII

The police of the Town of Middlebury may cause any motor vehicle parked in violation of this ordinance, or parked on privately owned land without authorization, including by illustration and not limitation, private parking lots, drives and ways, to be removed at the expense of the owner of the vehicle. The owner of the motor vehicle shall pay to the Town the cost of towing, (fee to be established by the legislative body) and the cost of storage charges, not to exceed $10.00 per day. The Town shall have a lien upon the motor vehicle so removed until such towing and storage charges are paid in full which lien shall be in addition to any criminal penalty imposed by the ordinance.

ARTICLE XVIII

Section I. Emergencies

In an emergency, the Chief of Police with the approval of the Town Manager, may impose a parking ban on designated streets or may waive the prohibition of parking on a designated street, for a period not to exceed one week. The Selectmen may prohibit parking on a designated street for a period not to exceed three months.

ARTICLE XIX

Section I. Repeal Of Prior Ordinance

The special regulation as to the parking of motor vehicles in the Town of Middlebury adopted by the Selectmen of the Town of Middlebury on 22 November 1966 together with all subsequent amendments thereto, are repealed as to the effective date of this ordinance. However, any violation, which occurred prior to the effective date of this ordinance, may be prosecuted under the provisions of 22 November 1966 ordinance, or any amendments thereto, as though such earlier ordinance and amendments thereto had not been repealed.

Section II

This ordinance shall become effective as provided in Section 107 of the Middlebury Town Charter.

ADOPTED AS DRAFT BY BOARD OF SELECTMEN: 25 JULY 1972
PUBLIC HEARING HELD BY BOARD OF SELECTMEN: 8 AUGUST 1972
FINAL ADOPTION BY BOARD OF **SELECTMEN**: 22 AUGUST 1972
AMENDED: 24 MAY 1977

AMENDED:	25 APRIL 1978	
AMENDED:	7 NOVEMBER 1978	
AMENDED:	5 JUNE 1979	
AMENDED:	7 DECEMBER 1980	
AMENDED:	20 DECEMBER 1981	
AMENDED:	30 MAY 1982	
AMENDED:	29 AUGUST 1982	
AMENDED:	1 MAY 1983	
AMENDED:	1 APRIL 1986	
AMENDED:	19 AUGUST 1986	
AMENDED:	30 DECEMBER 1986	
AMENDED:	30 JUNE 1987	
AMENDED:	1 NOVEMBER 1988	**EFFECTIVE** 11 DECEMBER 1988
AMENDED:	6 JUNE 1989	**EFFECTIVE** 16 JULY 1989
AMENDED:	2 JANUARY 1990	**EFFECTIVE** 11 FEBRUARY 1990
AMENDED:	NOVEMBER 5, 1990	**EFFECTIVE**: DECEMBER 15, 1990
ADOPTED:	JUNE 16, 1992	**EFFECTIVE**: JULY 26, 1992
ADOPTED:	MAY 25, 1993	**EFFECTIVE**: JULY 6, 1993
AMENDED:	JUNE 27, 1995	**EFFECTIVE**: AUGUST 6, 1995
AMENDED:	JUNE 25, 1996	**EFFECTIVE**: AUGUST 4, 1996
AMENDED:	OCTOBER 22, 1996	**EFFECTIVE**: DECEMBER 1, 1996
AMENDED:	APRIL 8, 1997	**EFFECTIVE**: MAY 18, 1997
AMENDED:	JUNE 10, 1997	**EFFECTIVE**: JULY 20, 1997
AMENDED:	AUGUST 25, 1998	**EFFECTIVE**: OCTOBER 4, 1998
AMENDED:	JULY 27, 1999	**EFFECTIVE**: SEPTEMBER 5, 1999
AMENDED:	AUGUST 10, 1999	**EFFECTIVE**: SEPTEMBER 19, 1999
AMENDED:	JULY 10, 2001	**EFFECTIVE**: AUGUST 19, 2001
AMENDED:	JULY 24, 2001	**EFFECTIVE**: SEPTEMBER 2, 2001
AMENDED:	JULY 9, 2002	**EFFECTIVE**: AUGUST 18, 2002
AMENDED:	SEPTEMBER 14, 2004	**EFFECTIVE**: OCTOBER 25, 2004
AMENDED:	OCTOBER 14, 2008	**EFFECTIVE**: NOVEMBER 24, 2008
AMENDED:	JULY 29, 2014	**EFFECTIVE**: SEPTEMBER 15, 2014
AMENDED:	MARCH 22, 2016	**EFFECTIVE**: MARCH 22, 2016
AMENDED:	AUGUST 13, 2019	**EFFECTIVE**: SEPTEMBER 22, 2019
AMENDED:	AUGUST 13, 2024	**EFFECTIVE**: SEPTEMBER 22, 2024
AMENDED:	OCTOBER 14, 2025	**EFFECTIVE**: NOVEMBER 23, 2025

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE DAILY CLOSING OF PARKS

The Selectmen of the Town of Middlebury, under the authority of 24 V.S.A. Chapter 61, Subchapter 11, Section 104 (b), (i), (l) and (j) of the Middlebury Charter, and such other Statutes as may be applicable, hereby adopt the following Ordinance:

SECTION I - PURPOSE

101

To preserve and protect public property from willful or malicious destruction or defacement; to prevent theft of public property; and to protect public property from damage or defacement which is not willful or malicious, but which results from the unapproved or nonlegal use of said public property.

SECTION II - DEFINITIONS

202

"**Town Park**" means any one of the following:

1. The Middlebury Recreation Park, so-called, lying easterly of Court Street, being all lands owned by or under the control of the Town easterly of Court Street and northerly of the Elementary School in the area of lands of Incorporated School District No. 4, and including all roadways and parking areas incidental to such recreation park.
2. The East Middlebury Recreation Park, lying northerly of Route 125, and being all lands owned by the East Middlebury Fire District No. 1 and under the control of the Town of Middlebury, and including all roadways and parking areas incidental to such recreation park.
3. All lands owned by or under the control of the Town on the parcel of land bounded easterly by South Main Street, southerly by Franklin Street, westerly by the Addison Grammar School lot now under lease to Middlebury College, and northerly by College Street.
4. The Ilsley Library parcel bounded northerly by parcels 24:256 and 24:257, easterly by the Municipal parking lot, southerly by Cross Street and westerly by Main Street.
5. The Battell Woods, so-called, located on the southerly side of Seminary Street Extension. Said lands are bounded northerly by the right-of-way of Seminary Street Extension, by lands of Wilson E. Noyes, and by lands of Alson Drew easterly by lands of Buttolph and lands now or formerly of Hector Sabourin and E. Lawrence Roberts.
6. The D.M. Means Memorial Woods, so called, located on the northerly side of Seminary Street Extension, and being the 29 acre parcel conveyed to the Town of Middlebury by deed of Elinor H. Means, dated 15 August 1969, and recorded in the Middlebury Land Records.
7. The Chipman Hill park, so-called, including all land owned by the Town on Chipman Hill, consisting of the land bequeathed to the Town by Joseph Battell (approximately 130 acres as shown on a map by Lee Lowell and on file in the Town Clerks Office) and land controlled by the Town Water 3101 Department (approximately 20 acres including parcels 28, 29 and 30 on Map 22 of the Town Property Basemaps, on file in the Town Offices).
8. Wright Park, so-called, (formerly known as the Jackson Land) including all land owned by the Town lying westerly of the Vermont Railway tracks, southerly of the New Haven town line, easterly of Otter Creek, and northerly of Seymour Street Extension and the Woodbridge Condominiums, totalling about 177 acres (this land is also identified as parcel 66 on Map 4 of the Town Property Basemaps, on file in the Town Offices).
9. The Village Green and Triangle Park, so-called, including all land owned by the Town, northerly of Merchants Row, easterly of Main Street, southerly of Seymour Street (as extended to Pleasant Street

or U. S. 7), and westerly of Pleasant Street or U. S. Route 7, excluding the St. Stephen's Episcopal Church Building.

10. Cannon Park, so-called, being a triangular parcel of land of the Town lying westerly of South Main Street, easterly of Park Street, and southerly of Mill Street or Frog Hollow, so-called, excluding the Building and lands owned by private parties.
11. The parcel of land commonly called “The Happy Trail” , parcel number 24:086:020 bounded on the east and north by Otter creek, east by parcel 24:082, northwest by parcel 24:088, west by parcels 24:086:010, 24:086, and 24:084 and on the south by Mill Street.
12. The parcel of land commonly called the Lazarus Property, 20 Main Street, parcel number 24:123. 13. The parcel of land commonly called The Powerhouse, parcel number 24:132.

SECTION III - RESTRICTIONS

301

A person shall not enter on to a Town park, or parking areas provided to facilitate public use of the park, during a period when it is closed to the public unless permitted to do so under provisions of Section IV of this ordinance.

302

The following Town parks shall be closed to public use at 9:00 p.m. and shall be reopened at 6:30 a.m.

1. D.M. Means Memorial Woods
2. Battell Woods
3. Chipman Hill Park
4. “The Happy Trail”
5. The Powerhouse

303

All other Town parks shall be closed to public use at 12:00 midnight and shall be reopened at 7:00 a.m. 304. The Wright Park shall be open during day-light hours only. 3102

SECTION IV - WAIVERS

401

The provisions of Section 301 may be waived for special events or group activities under the following provisions: A person seeking authority for a special event or group activity within a Town park during a time when it is closed to public use shall file with the Town Manager an application containing: (a) The name, address and phone number of the applicant (b) The hours, date and estimated duration of such use of Town park property: (c) The proposed location of the special event or group activity; (d) The purpose of the special event or group activity; (e) The applicants proposed arrangements to insure the safety of the public and persons to be present, and the prevention of damage to Town park property. Applications may be obtained during working hours from the Town Manager's Office. The application shall be filed at least 15 days prior to the proposed special event or group activity. However, the Town Manager may waive this requirement if determined upon receipt of the application that the applicant has satisfied the requirements of the next succeeding paragraphs.

402

The Town Manager shall determine whether the applicant has: (a) Submitted a complete and accurate application; (b) proposed a special event or group activity which is within the intent or purpose of this

Ordinance; (c) Proposed adequate arrangements to insure the safety of the public and persons to be present at the special event or group activity, and the prevention of damage to Town park property.

403
Upon consideration of all items in Section 402, the Town Manager shall approve or disapprove the application, and in either case a decision must be made no later than five (5) days after receipt of the application. If the Manager fails to respond within such five (5) day period, the application shall be deemed approved for the purposes and under the conditions and terms set forth in the application. If the application is disapproved, the Manager, shall with his notice of disapproval, provide written reasons for such disapproval.

404
The Town Manager or the Board of Selectmen may amend or revoke such authorization if it appears that the arrangements contained in the authorization will no longer prevent injury to persons or property due to a change in the circumstances under which the authorization was granted. A person may appeal to the Selectmen the denial of an application, by filing a written notice within five (5) days of such denial. The Selectmen shall forthwith consider the appeal at a hearing, upon due notice to the applicant, and at which the applicant may be present. The Selectmen may affirm or reverse the Town Manager's decision, or attach such additional conditions to the authorization as will, in their judgement, protect the public safety, and Town park property.

SECTION V - PENALTIES

501
A person who violates a provision of this Ordinance or of any of the terms or conditions of an authorization, issued under this Ordinance shall be fined not more than $1,000.00 for each violation. 3103

SECTION VI - SEVERABILITY

601
If any part of this Ordinance shall be held to be void, invalid, or unconstitutional either under the laws or constitution of the State of Vermont or the United States by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and such portion shall be in full force and effect.

ADOPTED: MAY 24, 1977	**EFFECTIVE**: JULY 3, 1977
AMENDED: OCTOBER 21, 1986	**EFFECTIVE**: NOVEMBER 30, 1986
AMENDED: DECEMBER 30, 1986	**EFFECTIVE**: FEBRUARY 8, 1987
AMENDED: JULY 2, 1991	**EFFECTIVE**: AUGUST 11, 1991
AMENDED: MAY 12, 2015	**EFFECTIVE**: JUNE 21, 2015
AMENDED: AUGUST 13, 2019	**EFFECTIVE**: SEPTEMBER 22, 2019

TOWN OF MIDDLEBURY - AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWER SYSTEMS

Purpose of ordinance is to regulate the use of public and private sewers and drains, private sewage disposal, installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system (s); and the provisions of penalties for violations thereof.

The Selectmen of the Town of Middlebury, as the Board of Sewage Disposal Commissioners of the Town of Middlebury do hereby adopt the following Ordinance pursuant to the authority conferred by 24 VSA, Sections 3501 and 3616 - 3617 and the Town Charter.

ARTICLE I - DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1
BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C expressed in milligrams per liter.

Section 2
"**Building *Drain***" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Section 3
"**Building Sewer**" shall mean the extension from the building drain to the public sewer or other place of disposal including any portion thereof, within public rights-of-ways or easements, meaning in general the sewer line from the building to a collector or trunk sewer main.

Section 4
"**Combined Sewer**" shall mean a sewer receiving both surface runoff and sewage.

Section 5
"**Composite Sample**" shall mean a sample made up of a number of samples obtained over a specified period of time to reflect the time variable nature of a discharge. Normally, the volume of such samples shall be proportional to the discharge flow rate taken at the time of sampling.

Section 6
"**Garbage**" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Section 7
"**Industrial Wastes**" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Section 8
"**Natural Outlet**" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Section 9
"**Nuisance**" shall mean anything that disrupts the routine use of ones property or renders the use of ones property uncomfortable or unhealthy, and is usually associated with continuous or reoccurring conditions.

Section 10
"**Person**" shall mean any individual, firm, company, association, society, corporation, or group.

Section 11
"**pH**" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 12
"**Process interference**" shall mean any disruption of normal process conditions which results in a significant loss of process efficiency, or the generation of unusual and undesirable process conditions such as excessive odor generation.

Section 13
"**Properly Shredded Garbage**" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

Section 14
"**Public Sewer**" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by Public authority.

Section 15
"**Sanitary Sewer**" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Section 16
"**Sewage**" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Section 17
"**Sewage Treatment Plant**" shall mean any arrangement of devices and structures used for treating sewage

Section 18
"**Sewage Works**" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Section 19

"**Sewers**" shall mean a pipe or conduit for carrying sewage.

Section 20
"**Shall**" is mandatory; "May" is permissive.

Section 21
"**Slug**" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Section 22
"**Spill**" shall mean any accidental or intentional discharge of wastewater, product or materials used in the production of any product, or materials used in the cleaning of equipment or facilities.

Section 23
"**Storm Drain**" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 24
"**Town Manager**" shall mean the Town Manager of the Town of Middlebury, or his/her authorized deputy, agent, or representative.

Section 25
"**Suspended Solids**" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Section 26
"**Watercourse**" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II - USE OF PUBLIC SEWERS REQUIRED

Section 1
It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Middlebury, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.

Section 2
It shall be unlawful to discharge to any natural outlet within the Town of Middlebury, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3
Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

ARTICLE Ill - PRIVATE SEWAGE DISPOSAL

The installation of private sewage disposal shall be in accordance with Vermont Health Regulations Chapter 5, Sanitary Engineering Subchapter 10 and as amended, and the Town of Middlebury Regulations regarding individual On-Site Systems for Wastewater Treatment and Disposal effective June 7, 1983.

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

Section I
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 Town Manager.

Section 2
There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. Industrial users are referred to Article V of this ordinance for details applicable to industrial permits beyond this Article. In either case, the owner or his/her agent shall make application on a form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgments of the Town Manager. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

Section 3
All costs and expense incident to the installation, connection, maintenance and repair of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance, and repair of the building sewer.

Section 4
A separate and independent building sewer shall be provided for every building.

Section 5
Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town Manager, to meet all requirements of this ordinance.

Section 6
The size, slope, location, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town and the State of Vermont. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Section 7
Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 8
No person shall make connections of roof downspouts, exterior and interior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

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

Section 10
No sewer connection shall be opened, no pipe laid, and no joints made, except under the inspection of the Town Manager or his/her duly authorized representative.

Section 11
Any work not conforming to the provisions of Section 10 shall be removed.

Section 12
All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard on Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

ARTICLE V - USE OF THE PUBLIC SEWERS

Section 1
No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2
Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the Town Manager. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town Manager, to a storm sewer or natural outlet.

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the sewage treatment plant. These general prohibitions apply to all Users of a sewage treatment plant whether or not the User is subject to Federal, State or local Pretreatment Standards or requirements.

Section 3
No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

Any liquids, solids, or gases, which may by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion, constitute a hazard to humans or animals, or be injurious in any other way to the sewage works or to the

operation of the sewage treatment plant. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, keytones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides, and sulfides any other substance which is a fire or explosion hazard or a hazard to the system.

Any waters or wastes having a pH lower than 5.5 or greater than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

Solid 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, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Any substance which may cause the sewage treatment plant's effluent or any other product of the sewage treatment plant such as residues, sludges, or scums, to be unsuitable for reclamation, disposal, and reuse according to State or Federal regulations or to interfere with the reclamation process.

Any wastewater containing toxic pollutants in sufficient quantity, either single or by interaction with other pollutants, to injure, pass through, or cause interference with any sewage treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage treatment plant, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.

Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or sufficient to prevent entry into the sewers for maintenance and repair. For the purposes of this paragraph, an odor shall be considered as creating a public nuisance when it exists at a sufficient intensity or duration to cause neighboring residents to file complaints with the Town.

Any substance which will cause the sewage treatment plant to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

Water sufficiently hot to cause the influent at the sewage treatment facilities to exceed 104 degrees F (40 degrees C) or cause inhibition of biological activity in the sewage treatment plant.

Quantities of flow, concentrations or both which constitute a "slug" as defined herein.

U) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town Manager in compliance with applicable State or Federal regulations.

(k) Any wastewater which causes a hazard to human life as defined by the Environmental Protection Agency or creates a public nuisance.

Section 4

The following described substances, materials, waters or waste shall be limited in discharges to the public sewer to concentrations or qualities which will not harm either the sewers, sewage treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Town Manager may set limitations lower than the limitations established in these regulations if in his/her opinion such more severe limitations are necessary to meet the above objectives. In forming his/her opinion as to the acceptability the Town Manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials and construction of the sewage treatment plant, degree of treatability of the waste in the sewage treatment plant and other pertinent factors. The limitation or restrictions on materials or characteristics of waste or wastewaters discharged into the sanitary sewers which shall not be violated without approval of the Town Manager are as follows:

Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred four (104)°F (0 and 65°C).

Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Town Manager.

Any waters or wastes containing heavy metals, solvents and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Town Manager, the State or the National Categorical Pretreatment Standards, as promulgated by the U.S. Environmental Protection Agency for such materials.

Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Town Manager as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

Materials which exert or cause:

Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) or containing more than 300 ppm by weight of suspended solids.

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

BOD greater than 250 milligrams per liter or chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
Unusual volume of flow.

Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes or otherwise create a public nuisance.

Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage

treatment plant effluent cannot meet the requirements of other agencies having jurisdiction *over* discharge to the receiving waters.

Without limiting the extent of Article V Section 4,(e)(3), the following shall be presumed to constitute unusual BOD, chemical oxygen demand (COD) or suspended solids as used in that sub paragraph.

Average daily flow rates of more than 5,000 gallons per day, or
Peak daily flow rates of more than 10,000 gallons per day, and
BOD concentration of more than 250 milligrams per liter, and/or
COD concentration of more than 400 milligrams per liter, and/or
Suspended Solids concentration of more than 300 milligrams per liter.

If under Article V Section 5, payment is required to *cover* the added costs of handling and treating such wastes, such payments will be computed under a surcharge schedule to be developed and approved by the Water/Sewer Commissioners and to be periodically revised and adjusted.

For the purpose of establishing the *above* BOD, COD or suspended solids concentrations 24-hour composite samples will be utilized. Frequency of sampling and testing will be established by Water/Sewer Commissioner's Policy.

Section 5
If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Town Manager, 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 Town Manager may:

- Reject the wastes,
- Require pretreatment to an acceptable condition for discharge to the public sewers,
- Require control *over* the quantities and rates of discharge and/or
- Require payment to *cover* the added cost of handling and treating the wastes not *covered* by sewer charges under the provisions of Section 10 of this article.

If the Town Manager permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Town and its Consulting Engineer and the State of Vermont, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected until said approval is obtained in writing.

Plans and specifications for the proposed treatment facility shall be the result of the design of a licensed Professional Engineer of the State of Vermont and shall be submitted to the Town Manager for review and written approval before commencing construction. Such approval shall not relieve the Owner of the responsibility of discharging treated waste meeting the requirements of this ordinance.

Section 6
Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town Manager, and shall be located as to be readily and easily accessible for cleaning and inspection and shall be maintained by the Owner, at his/her expense, in a continuous, efficient

operating condition at all times. Such maintenance shall be monitored on a regular basis and the results of which shall be reported to the Town on a regular basis as defined in the permit process.

Section 7
Where pretreatment 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/her expense.

In the maintaining of these interceptors the Owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town Manager. Any removal and hauling of the collected materials not performed by the Owner's personnel must be performed by currently licensed waste disposal firms.

Section 8
When required by the Town Manager, 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 Town Manager. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him so as to be safe and accessible at all times.

All industries discharging into a public sewer shall perform such monitoring as the Town Manager may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the result of such monitoring to the Town Manager and to other agencies having jurisdiction over discharge to the receiving waters.

Section 9
All measurements, tests, and analyses of the characteristics of waters and wastes to which references is made in this ordinance 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 effects 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 (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr composites of all out-falls whereas pH's are determined from periodic grab samples.

Section 10
No statement contained in this article shall be construed as preventing any special agreement or 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, therefore, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated thereunder, are compatible with any User Charge System in effect, and do not violate applicable national Categorical Pretreatment Standards.

Section 11

Any "spill" or "slug" as defined in Article 1 shall be reported to the Superintendent of the Sewage Treatment Plant by telephone and followed by a written report to the Town Manager.

Any discharges which result in damages experienced by the Town as the result of a spill are considered a violation of this ordinance and costs for repair, replacement or other associated costs are recoverable under Article IX.

Any industry failing to notify the Town of a spill or slug shall be subject to a fine of up to $1000 per offense.

Section 12
The Town Manager may require a user of sewer service to provide information needed to determine compliance with this Ordinance. The requirements may include:

- Wastewater discharge peak rates and volume over a specified time period.
- Chemical and physical analyses of wastewaters.
- Information on raw materials, processes, and products affecting wastewater volume and quality with the exception of proprietary information.
- Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- A plot plan of sewers of the user's property showing sewer pretreatment facility location.
- Details of wastewater pretreatment facilities.
- Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 13
Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town Manager for review, and shall be approved by the Town Manager before construction of the facility. All existing Users shall complete such a plan by one year from the effective date of this ordinance. No User who commences contribution to the Sewer Treatment Plant after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge prevention procedures have been approved by the Town Manager. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the Sewer Treatment Plant of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five (5) days following an accidental discharge, the User shall submit to the Town Manager a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Sewer Treatment Plant, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call (and a telephone number to call) in the event of an accidental discharge. Employers shall insure that all employees who may cause dangerous discharge to occur are advised of the emergency notification procedure.

Section 14
It shall be illegal to meet requirements of this Sewer Ordinance by diluting wastes in lieu of proper pretreatment.

Section 15
Septic tank waste (septage) will be accepted into the sewer system at a designated receiving structure within the treatment plant area, and at such times as are established by the Town Manager, provided such wastes do not contain toxic pollutants or materials, and provided such discharge does not violate any other special requirements established by the Town.

Any person who desires to discharge septage or holding tank wastewater from a domestic source at the Town's sewage facilities must conform to the following minimum requirements:

The hauler must be registered with the Town and the State of Vermont.

8. The hauler will be responsible to see that septage or holding tank wastewater does not leak on the ground near the discharge point, and that all exposed areas are washed to remove traces of septage or holding tank wastewater.

The hauler must identify the source, i.e., Owner's name, address or location of the tank, and volume and nature of septage or holding tank wastewater removed from the tank and discharged to the Town's sewage facilities.

The septage or holding tank wastewater must not coritain toxic pollutants or materials detrimental to the proper operation of the sewage facilities.

The discharge of industrial wastes as "industrial septage" or "industrial holding tank wastewater" is strictly prohibited without prior approval of the Town.

The fee for discharging septage and holding tank wastewater shall be set by the Town Manager. This fee will be revised as needed to cover the Town's cost to treat the wastes.

The Town Manager shall have authority to limit the disposal of such wastes, if such disposal would interfere with the sewage facilities' operation.

Discharge of sewage, septage or other wastes through a manhole outside the treatment plant area is prohibited; any person unlawfully doing so shall be prosecuted.

ARTICLE VI

Section 1 - Applicability

All persons discharging industrial process wastes into public or private sewers connected to the Town's sewage treatment facilities, shall comply with applicable requirements of federal and state industrial pretreatment regulations, in addition to the requirements of these industrial pretreatment rules.

Section 2 - Industrial Discharge Permit

A IDP Required. Effective 180 calendar days after this ordinance is adopted by the Town, the discharge of any industrial process waste to the Town's sewage works or to a public or private sewer connected to the Town's sewage facilities is prohibited without a valid Industrial Discharge Permit (IDP).

IDP Application

Within 60 days after the effective date of this ordinance, persons subject to these rules shall submit an application for an IDP containing the following:

- The name and address of the facility, including the name of the operators and owners.
- A list of all environmental permits held by or for the facility.
- A brief description of the nature, average rate of production of the waste, and Standard Industrial Classification of the operation carried out at such facility.
- An identification of Federal Categorical Pretreatment Standards applicable to each regulated processes, if applicable.
- An analysis identifying the nature and concentration of pollutants in the discharge based on two or more representative waste samples.
- Information showing the measured averaged daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
- Plan showing locations of all connections to the public line.
- Schematic diagram showing all process streams and discharge locations.
- Additional information as determined by the Town may also be required.

Provisions

The IDP will outline the general and specific conditions under which the industrial process waste will be accepted for treatment at the Tawn's sewage works. Specifically, included in the Permit are the following:

- Pretreatment and/or self-monitoring facilities required.
- Type and number of samples, and sampling frequency required.
- Effluent limitations on the industrial process discharge.

Reporting Requirements

Industrial users shall submit, as a minimum, semi-annual reports indicating the volumes, nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the Town if necessary to obtain more representative data.

Signature for Reports

Reports submitted under this Section shall be signed by an authorized representative of the industry as defined in Article I, Section 3.

Monitoring Records

Industrial users subject to the reporting requirements under this Section shall maintain complete records of information resulting from monitoring activities required to prepare such reports. Such reports shall include for each sample:

- the date, exact place, exact method and time of sampling and the names of person or persons taking the sample;
- the dates analyses were performed;
- the laboratory performing the analyses;
- the analytical techniques and methods used;
- the results of such analyses.
- Bench sheets for any analyses performed shall be maintained on file

Such records shall be maintained for a minimum of three years and shall be made available for inspection and copying by the Town.

Additional Conditions

The Permit will be in effect for three years, and will be renewed for three year periods upon written request by the industry if the pretreatment program compliance has been reasonably maintained.

The Permit is non-transferable, and may be revoked by the Town for non-compliance, or modified so as to conform to discharge limitation requirements that are enacted by Federal State Rules and/or Regulations.

An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a new completed IDP Application to the Town at least 60 days prior to the commencement of such discharge. The submitted Application must include plans and engineering drawings, stamped by a registered professional engineer, of any proposed pretreatment facilities.

Industrial users shall be assessed an annual fee by the Town to defray costs of the IDP program.

Section 3 - Slug Discharge Notification

Industrial users shall immediately notify the Town by telephone of any spill or slug or process water discharged by such user to the Tawn's system. Written confirmation of such discharge will then be submitted to the Town within 5 days of said discharge identifying the time, nature and volume of such discharge. Fines may be levied on a per event basis.

Section 4 - Imminent Endangerment

The Town may, after formal notice to an industry discharging wastewater to the public sewer, immediately halt or prevent any such discharge appearing to present an imminent endangerment to the health and welfare of any person, or any environment, such as the air quality at the treatment facility or nearby neighborhood or which threatens to interfere with operations of or damage to the public sewer or wastewater treatment facilities. Actions which may be taken by the Town include exparte temporary judicial injunctive relief, blockage of a public sewer to halt such discharge, or demand of specific action by the industry.

Section 5 - Monitoring and Surveillance

The Town shall be allowed to sample and analyze the wastewater discharges of contributing industries, and conduct surveillance and inspection activities for the purpose of determining compliance with industrial pretreatment standards. All industries discharging to the Town's system shall allow access, at reasonable hours, by Town personnel for the purpose of investigating and sampling discharges from the industries with prior notification.

Section 6 - Investigations
The Town shall be authorized to investigate instances of non-compliance with industrial pretreatment standards and requirements. When such investigations are required as a result of apparent non-compliance and upon investigation, non-compliance is confirmed, the cost of such investigations shall be paid for by the noncomplying industry.

ARTICLE VII - PROTECTION FROM DAMAGE

Section 1
No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this article on conviction thereof shall be fined in the amount not exceeding **$1000** for each violation.

ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS

Section 1
The Town Manager and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Town Manager or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 2
The Town Manager or other employees duly authorized by the Town -Manager are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industry may request that the information in question not be made available to the public if it can establish that revelation to the public might result in an advantage to competitors. The information in question shall be made available upon written request to governmental agencies for uses related to this ordinance, the NPDES permit if applicable or the pretreatment program. The burden of proof that information should be held confidential rests with the industry. However, information about wastewater discharge by the industry (flow, constituents, concentrations and characteristics) shall be available to the public without restriction.

Section 3
While performing the necessary work on private properties referred to in Article VI, Section 1, the Town Manager or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, the company shall be held harmless for injury or death to Town employees, and the town shall indemnify the company against loss of damage to its property by Town

employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be cause by negligence or failure of the company to maintain safe conditions as required in Article IV, Section 9.

Section 4
The Town Manager and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

ARTICLE IX - PENALTIES

Section 1
Any person found to be violating any provision of this ordinance except Article VII 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.

The Town may, after formal notice to the person discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or a discharge presenting, or which may present an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or sewage treatment facilities. Actions which may be taken by the Town include exparte temporary judicial injunctive relief, entry on private property to halt such discharge, or demand of specific action by the person.

Section 2
A person violating Article V shall first be notified of such violation by written order of the Town Manager and sent to the last known address of the violator by certified mail. If the person thus notified fails to correct or abate the violation within thirty (30) days of the notice, then the person violating the provision of this Ordinance shall be fined not more than $1,000 for each offense and each week a violation continues shall constitute a separate offense.

Section 3
Any person violating any of the provisions of this ordinance shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation, including but not limited to reasonable attorneys' fees, court costs, court reports' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules regulations, and permits issued hereunder.

Section 4
Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Industrial Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be

fined up to $1,000 for each offense. The Town may also pursue civil remedies to restrain or abate such violations. In addition, any person who violates this Ordinance, not otherwise covered by a fine provision in this Ordinance may be fined up to $500 for each such offense. Each week a violation continues shall constitute a separate offense.

ARTICLE X - VALIDITY

Section 1
All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2
The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XI - ORDINANCE IN FORCE

Section 1
This ordinance shall take effect from the date of its adoption.

ADOPTED: June 27, 1967
AMENDED: 8/18/81 **EFFECTIVE**: 9/27/81
AMENDED: 9/13/83 **EFFECTIVE**: 10/23/83
AMENDED: 4/18/89 **EFFECTIVE**: 5/29/89
AMENDED: 8/15/89 **EFFECTIVE**: 9/24/89
AMENDED: 9/10/96 **EFFECTIVE**: 10/20/9

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE REGULATION OF PUBLIC ASSEMBLAGES

Pursuant to the authority of 24 V.S.A. 2291, and Section 104(b), (f), (i) and (j) of the Charter of the Town of Middlebury, the Selectmen of the Town of Middlebury hereby enact the following ordinance:

Section I - Definitions

101. **Public Assemblage**: means any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any rally or demonstration, or any similar display in or upon any public place which constitute a public nuisance, or present a clear and present danger of substantial injury or harm to persons or property, or an imminent threat to the public health or safety.

102. **Public Place**: means any street, highway, sidewalk, park, building, or other place owned by, or under the authority and control of the Town.

103. **Public Nuisance**: means an assemblage whose size, location, duration, or nature is such that: (a) it will substantially impair, restrict, or alter the normal and customary use of a public place, or (b) it will occupy, block, restrict, or deny to the public the normal and customary use of a public right of way, or (c) it will require the diversion of so great a number of police officers as to interrupt normal police protection of the Town, or (d) interfere substantially with normal fire-fighting and ambulance service to the Town.

104. **Person**: includes a corporation, partnership, unincorporated association, or any other legal entity.

105. A **First Class Permit**: means a permit to hold a public assemblage in a public place where the assemblage is a normal and customary use of the public place.

106. A **Second Class Permit**: means a permit to hold a public assemblage where, without appropriate arrangements, such as assemblage can reasonably be expected to constitute a public nuisance.

107. A **Third Class Permit**: means a permit to hold a public assemblage which, without appropriate arrangements, can reasonably be expected to present a clear and present danger of substantial harm or injury to persons or property, or an imminent threat to the public health and safety.

108. **Club**: organization which provides dining facilities on premises and also serves alcoholic beverages to a restricted membership. Club is more specifically defined in Title 7-Chapter 1 of the Vermont State Statutes. 1501

109. **Entertainment**: Any live public performance, dancing, and/or showing of motion pictures.

110. **Hotels**: a first class hotel as determined by the liquor control board.

111. **Liquor License** (**first class**): a license granted by the control commissioners permitting the licensee or seller of malt or vinous beverages to sell to the public for consumption only on the premises for which the license is granted.

112. **Restaurant**: space in a suitable building, approved by the liquor control board, occupied, used, maintained, advertised or held out to the public to be a place where all meals are served on a regular basis. Such space being provided in the judgment of the board with adequate and sanitary kitchen and dining room capacity and having

employed therein such number and kinds of employees as the board may be regulation prescribe for preparing cooking and serving suitable food for its guests or patrons.

113. **An Entertainment Permit**: any owner or operator of a club, hotel, restaurant or anyone who is required to obtain a First Class Liquor License shall be required to obtain an Entertainment Permit prior to the offering of live entertainment on the premises. School, and universities, Service Clubs (clubhouse) and religious organizations or orders (i.e. American legion, VFW, Knights of Columbus, et al) shall be exempt from this requirement.

Section II - Permit Required

201. A person shall not organize, sponsor, promote, participate in, aid, form, or start a public assemblage without a permit, as required by this Ordinance.

202. A person shall not provide live entertainment on the private premises of such person without an Entertainment Permit, as required by this Ordinance.

203. The provisions of this ordinance shall not apply to a permanent place of worship, a stadium, athletic field, arena, auditorium, theater, or similar place, nor to any other permanently established place of assembly which regularly holds meetings, entertainment, sports, or similar activities, providing that the assembly in such place does not exceed the carrying capacity of the place, and is a normal and customary use of the place.

Section III - Application Procedure

301. A person wishing to hold a public assemblage shall file with the Town Manager an application containing:
(a) the name, address, and phone number of the applicant and property owner;
(b) the hour, date and estimated duration of the assemblage;
(c) the location of the public place or other place of the assemblage;
(d) the purpose of the assemblage and;
(e) the applicant's proposed arrangements for parking, crowd control, 1502 traffic safety, and such other measures as will maintain the security and safety of the persons involved in the assemblage and the general public.

302. The application shall be filed at least fifteen days prior to the assemblage. However, the Town Manager may waive this requirement if he/she determines upon receipt of the application that the applicants' arrangement for safety and control of the assemblage are adequate.

303. If the Town Manager determines that a public assemblage is to be held which can reasonably be expected to require a Second or Third Class permit, and that no application has been made therefore, he/she shall request the person organizing or sponsoring such assemblage to file application for an appropriate permit. Such request shall be prima facie evidence that a permit is required under Section 201 of this Ordinance.

Section IV - Official Action on the Permit

401. The Manager shall determine whether the applicant requires a First, Second, or Third Class Permit. He/she shall:
a) Grant a First Class Permit at least 5 days prior to the assemblage unless he/she find that:
1. a Second or a Third Class Permit will be required, or
2. the hour, day and location of the assemblage will conflict with a previously scheduled assemblage.

b) Grant a Second Class Permit at least 5 days prior to the assemblage unless he/she finds that: 1. the arrangements offered by the applicant for the maintenance of safety and control are inadequate to prevent personal injury or destruction of property.
c) Refer any application requiring a Third Class Permit to the Selectmen, who shall hold a hearing on the application, at which the application may be present. The Selectmen shall grant a Third Class Permit only if the arrangements for control and safety, whether proposed by the applicant, or attached as conditions by them, are sufficient to protect the public safety, and the safety of the persons involved in the assemblage.

402. If the Town Manager does not grant or deny the application for a permit under Section 401(a) and (b) of this ordinance within not less than 4 days prior to the assembly date, he/she shall be deemed to have granted the permit on the terms requested. If the Selectmen do not grant or deny the application for a permit under Section 401(c) within not less than 4 days prior to the assembly date, the applicant shall consider the permit to have been denied.

403. The Town Manager under Section 401(a) and (b) and the Selectmen under Section 401(c) may attach such conditions to a permit as will best protect the public safety and the safety of the persons involved in the assemblage, including but not limited to: (a) an alternate tie or location for the assemblage, (b) the installation of temporary sanitation facilities or provisions for emergency medical services, (c) effective crowd and traffic control procedures, (d) seating, standing or marching arrangements, (e) surety bonds and liability insurance.

404. The Town Manager may revoke or amend a First or Second Class Permit, and the Selectmen a Third Class Permit, if it appears that the arrangements contained in the permit will no longer prevent injury to persons or property due to a change in the circumstances under which the assemblage was to be held.

Section V - Application Procedure for Entertainment Permit

501. A person wishing to provide entertainment, as defined herein, shall file with the Town Manager an application containing: (a) the name, address and telephone number of the applicant and property owner; (b) the type of entertainment and dates and duration of same; (c) the location of the entertainment on the premises; (d) the applicant's proposed arrangements for parking, crowd control, traffic safety, and such other measures as will maintain the security and safety of the performers, patrons and general public.

502. The application for an entertainment permit shall be made annually on or before April 1 of each year.

503. The Selectmen shall approve or deny all applications for entertainment permits at their regular scheduled meetings next to the closing of the application date deadline.

Section VI - Appeal Procedure

601. A person may appeal to the Selectmen the denial of an application for a First or Second Class Permit by filing a written notice of appeal within 5 days of the denial of the permit. The Selectmen shall forthwith consider the appeal at a hearing at which the applicant may be present. The Selectmen may affirm or reverse the Town Manager's decision, or attach such additional conditions to permit as will in the judgment best protect the public safety and the safety of the persons involved in the assemblage.
602. The Selectmen may deny an entertainment permit if in their judgment such denial would best protect the public safety and the safety of the persons involved in the entertainment, the patrons or general public. Any appeal from the Selectmen's decision shall be to the Addison Superior Court according to law and court rules.

Section VII - Obligations under Permit: Penalties

701. A person who organized, sponsors promotes, aids, forms or starts a public assemblage or entertainment for which a Second or Third Class permit is required, without having obtained a permit therefore, shall be fined not more than $1,000 for each violation.

702. A person who willfully violates any of the terms or conditions attached to the permit for a public assemblage or entertainment permit shall be fined not more than $1,000 for each violation.

703. Neither the Town Manager nor the Selectmen may issue any permit if the proposed public assemblage or entertainment would be in violation of any Town rule, regulations or ordinance.

704. The foregoing shall not be construed to limit the authority of a law enforcement officer in enforcing the criminal laws of the Town of Middlebury or the State of Vermont, or the orders of any Court, or to enjoin in a Court of competent jurisdiction any public assemblage or entertainment, about to be held in Violation of this Ordinance.

Section VII - Severability

801. If any part of this ordinance shall be held to be void, invalid, or unconstitutional either under the laws or constitution of the State of Vermont or the United States by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and such portions shall be in full force and effect.

Section XI - Effective Date

This ordinance shall take effect forty (40) days from adoption by the Selectmen under Section 107 of the Charter of the Town of Middlebury.

ADOPTED AS DRAFT BY BOARD OF SELECTMEN - 25 JULY, 1972
PUBLIC HEARING HELD BY BOARD OF SELECTMEN - 8 AUGUST, 1972
FINAL ADOPTION BY BOARD OF SELECTMEN - 22 AUGUST, 1972
AMENDED - MARCH 9, 1993 **EFFECTIVE** - APRIL 18 1993
AMENDED - JUNE 25, 1996 **EFFECTIVE** - AUGUST 4, 1996
AMENDED - MAY 25, 1999 **EFFECTIVE** - JULY 4, 1999

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE REGULATION OF PUBLIC INDECENCY

The Selectmen of the Town of Middlebury, pursuant to Section 104B of the Town Charter and such other state laws as are applicable do hereby enact the following ordinance to protect the health and welfare of the citizens of Middlebury.

ARTICLE 1 - URINATION AND DEFECATION IN PUBLIC PLACES

No person shall urinate or defecate in any street, sidewalk, park or other public place except in facilities provided for this purpose.

ARTICLE 2 - CIVIL VIOLATION

A violation of this ordinance shall be considered a civil offense.

ARTICLE 3 - PENALTY

The penalty for any violation of this Ordinance shall not exceed $500 for each specific violation there shall be a fine of $100.00 with a waiver fee of $75.00 should a court hearing not be required.

ARTICLE 4 - SEVERABILITY

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

ADOPTED: August 11, 1998 **EFFECTIVE**: September 20, 1998

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE CONTROL OF PUBLIC NUISANCES

ARTICLE I - PURPOSE

Pursuant to Title 24 VSA Appendix, Chapter 3-127 S.104 (10) and Title 24, Chapter 59, S.1971 The Selectboard of the Town of Middlebury adopts an ordinance for the prevention of nuisances, disturbances, and disorderly assemblies, and provide for the enforcement of penalties for violation. There is a need to protect the safety, health, and welfare of residents of the Town of Middlebury by eliminating the proliferation of properties that harbor occupants who disrupt the peace and tranquility of the surrounding community. Other laws and ordinances do not adequately control chronic unlawful or nuisance activity or its detrimental effect on the community where such chronic activity occurs.

ARTICLE II - DEFINITIONS

As used in this ordinance, the following terms have the meaning indicated, unless the context clearly requires otherwise:

1. **Abate** - means to bring a halt, eliminate, put a stop to.
2. **Property** - Any parcel of land, building, dwelling unit, social house, rooming house, rooming unit, tent, trailer, recreational vehicle, camping site or other structure or place within the Town of Middlebury occupied either temporarily or permanently by a human being. For purposes of this Ordinance, each parcel shown on the Middlebury tax maps shall constitute a separate property. Any buildings located on a property shall be considered part of that property unless they are under separate ownership, in which case the building and the underlying land shall be considered separate properties.
3. **Noise Violation** - A violation of the Town of Middlebury Ordinance for the Regulation of Noise, as confirmed by a Town Police Officer and documented in the Police Department records. For purposes of this Ordinance, multiple violations of the Ordinance for the Regulation of Noise occurring on the same property within an eight (8) hour period are considered a single Noise Violation.
4. **Public Nuisance** - An occurrence of four (4) or more separate Noise Violations occurring on the same Property within a one hundred eighty (180) day period. A Public Nuisance will be deemed to continue until a period of 180 days has elapsed with no further Noise Violations, as provided in Section 301. 1911
5. **Owner** - The person, persons, corporation, partnership, association, trustees, or other entity having the legal title or the beneficial interest in a property, as their interest is recorded in the land records of the Town of Middlebury.
6. **Notice And Order** - A notice given pursuant to Section 401 of a violation of this Ordinance for the Control of Public Nuisances with an order to abate and otherwise comply with the ordinance issued in accordance with this chapter.

ARTICLE III - REGULATION

Section 301 - Violations

1. No owner of a property shall commit, conduct, promote, facilitate, permit, fail to prevent, or otherwise let happen, a public nuisance on that owner's property.
2. The initial occurrence of a public nuisance on a property (i.e., the fourth Noise Violation within a 180-day period) shall constitute a violation of this Ordinance (a "Nuisance Violation"). Such a violation shall be punishable as a first offense under Section 501.

3. Once a public nuisance has occurred on a property, each subsequent Noise Violation occurring on that property within 180 days of the last Noise Violation on the property shall constitute an additional Nuisance Violation. Each such violation shall be punishable as a second, third, or subsequent offense under Section 501.
4. Once a public nuisance has occurred on a property, if 180 days elapse with no further Noise Violations occurring on a property, then the public nuisance shall be deemed to have abated, and a new public nuisance will not be deemed to have occurred unless three new Noise Violations occur within any 180-day period.
5. Violations shall be evaluated separately for each property. For example, if an owner owns two properties, and two Noise Violations occur on each property within a 180- day period, a public nuisance shall not be deemed to have occurred because there were not four Noise Violations on a single property.

ARTICLE IV - NOTICES AND ORDERS

Section 400 - Notice and Warning
Within five (5) working days of the a Noise Violation occurring on a property, the Police Department or the Town Manager will cause to be served, in accordance with Section 402, a notice of warning to the owner, containing the following information:

a. the date and times of each Noise Violation;
b. the person or persons against whom action was taken to abate the Noise Violation;
c. the nature and extent of the Noise Violation;
d. a notice to the owner that four separate Noise Violations occurring on the property within a 180-day period will constitute a Public Nuisance and a violation of this Ordinance;
e. a request to the owner to take all necessary steps to avoid future Noise Violations;
f. a copy of the Ordinance for the Regulation of Noise and the Ordinance for Control of Public Nuisances.

Section 401 - Notice of Violation and Abatement Order
1. Within ten (10) working days of any Nuisance Violation, as defined in Section 301, the Town Manager shall cause to be served on the owner, in accordance with Section 402, a Notice of Violation and Order to Abate the Public Nuisance. The Notice and Order shall include:

a. copies of the notices previously sent pursuant to Section 400 for all Noise Violations occurring within the last 180 days;
b. a new notice pursuant to Section 400 for the latest Noise Violation that has given rise to a Nuisance Violation;
c. a notice to the owner that the building is a Public Nuisance and that a Nuisance Violation has occurred;
e. an order to other owner to abate the nuisance immediately; and
f. a copy of the Ordinance for the Control of Public Nuisances.

Section 403 - Delivery of Notices
Any notice required to be made to an Owner under this Ordinance shall be deemed effective if hand-delivered, mailed by certified mail, return receipt requested, or sent by overnight delivery with proof of delivery, to the owner at the address listed in the current Town of Middlebury Grand List. Notice need not be made separately to multiple owners unless there is more than one address listed in the Grand List. Any notice mailed or delivered to any owner as provided herein shall be effective as to the owner identified in the notice notwithstanding such owner's refusal to accept delivery of the notice and notwithstanding any failure of any other owner to actually receive notice.

Section 403 - Affirmative Defenses; Suspension of Enforcement
1. The Town shall suspend enforcement of any Nuisance Violation if the Owner (a) confers with the Chief of Police as required in Paragraph 2 below, and (b) demonstrates that the owner has made diligent efforts to abate the Public Nuisance on its property, as defined in Paragraph 3 below.

2. The Owner or Owner's representative shall meet with the Chief of Police or his or her designee, in person or by telephone, within ten (10) days of receipt of the Notice and Order to Abate or at a time mutually agreed to be the Chief of Police and the Owner or owner's representative, to identify ways to eliminate the public nuisance. 3. For purposes of this Section, the requirement to make "diligent efforts" will be satisfied by either of the following: a. The owner initiates formal eviction proceedings or other similar legal means, beginning prior to the issuance of the Nuisance Violation and continuing until all of the occupants whose conduct gave rise to the Violation have vacated the premises; or b. Beginning prior to the issuance of the Nuisance Violation, the owner undertakes and pursues with due diligence, considering the nature and extent of the separate violations, reasonable means to avoid a recurrence of similar violations on the parcel by the present and future tenants or occupants of the parcel. The owner will be responsible for submitting monthly progress reports to the Police Department as evidence of its diligent efforts. If the owner ceases to make diligent efforts (for example, by discontinuing or failing to actively pursue legal proceedings), then enforcement shall resume and the Town may pursue any enforcement actions allowed by this Ordinance; 5. Steps taken by an owner to abate a public nuisance after receiving a Notice of Violation and Abatement Order may be taken into account by the Town in imposing fines and other abatement actions, but shall not entitle the owner to automatic suspension of enforcement in accordance with Paragraph 1 above.

ARTICLE V - CIVIL PENALTIES

Section 500 - Designation as civil penalties
Violations of the provisions of Article III are civil violations Per Title 24, VSA 1974a and other applicable laws.

Section 501 - Schedule of Penalties

Violation	Fine	Waiver
First Offense	$250-$1,000	$250
Second Offense	$500-$1000	$500
Third and Subsequent Offenses	$750-$1,000	$750

Section 502 - Civil Enforcement Remedies
1. The town may enforce any order or decision issued in accordance with this chapter that is not complied with by the person to whom the order or decision is issued by any method available in law, including but not limited to lien, foreclosure, sale of real and personal property or a civil action. In addition to seeking enforcement of an order or decision, a civil action may be instituted for injunctive and compensatory relief.

Section 503 - Cost Recovery
1. In addition to and independent of any fines provided for under Article 501, the Town may collect from the Owner any expense related to efforts by the Town to abate a public nuisance. This includes the cost of responding to any noise complaints at the building, costs related to the prosecution of the offenders, administrative costs, court fees, and legal fees.
2. A cost-recovery fee schedule, approved by the Board of Selectmen, is an attachment to this ordinance.

ARTICLE VI - INJUNCTIONS

Section 601 - Injunctive Remedies
In addition to and independent of the other remedies provided for by this Ordinance, the Town may, pursuant to Title 24 Chapter 61, S. 2121, seek injunctive relief against the property and the owner to abate the nuisance, which may include, to the extent authorized by law, eviction of any occupants and the closure of the building to occupation for a period not to exceed one (1) year.

ARTICLE VII - INTERPRETATION AND SEPARABILITY

Section 701 - Conflict with Other Standards
In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rule, regulation, or ordinance, the most restrictive or the imposing the higher standard shall govern.

Section 702 - Severability
Should any court of competent jurisdiction determine any provision of this ordinance to be invalid, such jurisdiction shall not affect the validity of the ordinance as a whole or any part other than the part to declared to be valid.

Section 703 - Effective Date
This ordinance or amendments thereto, shall become effective 40 days after adoption consistent with Section 107 A-D of the Town Charter.

ADOPTED: 10/27/2015 **EFFECTIVE**: 12/6/2015

TOWN OF MIDDLEBURY - ORDINANCE REGARDING WORK IN THE PUBLIC RIGHT-OF-WAY

Pursuant to the authority granted under Section 103 and Section 104 (A), (B), and (C) of the Charter of the Town of Middlebury, the Select Board of the Town of Middlebury hereby enacts the following ordinance:

ARTICLE I - PURPOSE

In order to control construction activities in public rights-of-way a permitting process is established which will provide for the public safety, protect existing public facilities such as roads, drainageways and water and sewer mains, and assure that work done in the public rights-of-way conforms to Town standards.

ARTICLE II - PERMIT REQUIRED

1. It shall be unlawful for any person, firm, utility, or corporation to disturb the ground or pavement in any street, sidewalk, curb or greenbelt within the rights-of-way of the Town of Middlebury or State of Vermont without first obtaining a written permit therefore from the Director of Operations or designee.

2. It shall be unlawful for any person, firm, utility, or corporation to temporarily obstruct a street or sidewalk or public parking lot without first obtaining a written permit therefore from the Director of Operations or designee. "Obstruction" as used in this ordinance includes, but is not limited to, temporary obstacles and/or barriers which hinder free and safe passage of pedestrians and vehicles or which has the potential of causing injury or damage, if run over or into by pedestrian or vehicular traffic. Obstruction does not include activities otherwise covered under the Town of Middlebury Street Vending Ordinance.

ARTICLE III - PERMIT APPLICATION & APPROVAL

1. An application for a permit to allow work in the public right-of-way shall be made on forms furnished by the Town.

2. Permits shall contain a commencement date and estimated date of completion. "Completion Date" as used in this ordinance means the date upon which the excavation or obstruction has been substantially repaired or removed. "Final Completion Date" shall mean the date upon which the repair of lawn, sidewalks or resurfacing is finished and accepted by the Director of Operations or designee. A permit shall expire for work not started or completed within the approved time period, and a new permit shall be required before beginning or completing the work. A permit extension, however, may be obtained from the Director of Operations prior to the expiration of a permit with no additional fees.

3. The Director of Operations or designee shall require a permit applicant to submit the following documents if determined to be applicable by the Director:

A. Where work is to be performed directly by a private homeowner or private business owner, a certificate of insurance for business general liability or homeowner liability policy shall be required. Where a private homeowner or private business owner has contracted with a third-party to perform the work, then the owner shall also furnish a copy of a written contract with the contractor relating to such work in the right-of-way.

B. A letter of credit in an amount sufficient to cover the permit fee(s) and the full cost to complete the project according to the terms and conditions of the permit and this ordinance for a period of one year beyond the Final Completion Date of the project where significant excavation will occur. Blanket letters of

credit may be arranged with contractors and utilities who conduct a substantial amount of work in the right-of-way, subject to the approval of the Town Manager.

C. Where work is to be performed by a utility or contractor, a certificate of insurance naming the town as an additional insured and affording the following coverages shall accompany every permit application or be on file with the Public Works Department. The insurance required shall not be cancelled, materially changed or not renewed without thirty (30) days written notice to the Director of Operations. The applicant for a permit shall agree to indemnify and hold the Town harmless and/or free of liability arising out of work in the public right-of-way.

i. General Liability

Bodily Injury, per occurrence $1,000,000
Bodily Injury, annual aggregate $2,000,000
Property Damage $1,000,000 3

The insurance shall include coverage for collapse and underground (CU) hazard, explosions (X) coverage, and contractual liability at the discretion of the Director of Operations.

i. Automobile Liability

Bodily Injury, per occurrence $1,000,000
Bodily Injury, annual aggregate $2,000,000
Property Damage $1,000,000

The insurance shall include coverage for owned, non-owned, and hired vehicles.

iii. Workers' Compensation & Employer's Liability

Statutory Coverage $1,000,000 per occurrence.

3. A satisfactory plan for the subject property and adjacent properties showing existing surface and sub-surface conditions including the placement of existing utilities, trees and vital structures such as fire hydrants, water gates, underground vaults, valve housing structures, and any other items as designated by the Director of Operations.

4. Generally, a permit shall cover only contiguous construction and work performed as a continuous operation, except as otherwise determined by the Director of Operations or designee. The Director of Operations or designee may require an applicant to submit separate permit applications depending on the scope of area and time period in which the work in the right-of-way is planned to be performed. Where the work in the right-of-way is planned to be performed in phases or segments separated in location and/or time, the Director of Operations or designee may require individual permit applications for such different phases or segments of work which the Director, in his or her discretion, may deem to be appropriate under the circumstances.

5. When a permit application seeks approval for work where project costs will be in excess of $25,000, the Director of Operations may, in his or her discretion, require:

A. that the permit application, and/or the subsequent work to be performed pursuant to the permit, undergo review and consideration by an appropriate independent engineer qualified in the area(s) of work planned in the public right-of-way. Upon such determination, the Director of Operations shall so advise the permit applicant and request that the applicant agree, as a condition of the permit, to compensate the Town for the cost of engaging such engineering services.

B. A permit bond guaranteeing compliance with the terms and conditions of the permit and this ordinance in an amount to be determined by the Director of Operations, but in any event, not less than $25,000, or 25% of the estimated project costs, whichever is the greater.

6. The Director of Operations or designee reserves the right to withhold issuance of permits when paving materials are unavailable.

7. Emergencies: Nothing in this article shall be construed to prevent emergency work in the right-of-way as may be necessary for the preservation of life or property - provided that the person, firm or corporation performing such work shall apply to the Director of Operations for a permit on the first working day after such work is commenced. Even in emergency situations, notice shall be given immediately by phone to the Public Works Department, Police Department, Fire Department and Ambulance Association and all provisions of this ordinance shall apply to such emergencies.

ARTICLE IV - FEES

1. Permit Fee: A permit fee shall be charged for all work in the public right-of-way permits. The fee is to be set by the Select Board and may be amended from time to time.

2. Other fees shall be required by the Town at the discretion of the Director of Operations or based on past practices of the permit applicant.

3. The permit fee shall be due and payable at the time the permit application is made.

4. The Select Board may waive the permit fee for new developments which are required to reconstruct or upgrade existing Town streets or water and sewer facilities.

5. The Director of Operations may deny a permit for an applicant with any past due balances owed to the Town.

ARTICLE V - SAFETY MEASURES

1. Every person, firm, utility, or corporation making an excavation or obstruction within the public right-of-way under a permit granted under this ordinance must at all times maintain a railing around the excavation or obstruction site for so long as the same shall be unsafe or inconvenient for travel. The permit holder shall in addition keep a suitable number of lights affixed to such railing or fence so as to provide adequate warning to approaching motorists or pedestrians of the excavation or obstruction. The permit holder shall be responsible for his or her own lost or stolen barriers.

2. No excavation shall be made or obstruction placed within the limits of the public right-of-way in such a manner as to interfere unnecessarily with the traveling public. The permit holder shall take appropriate measures to assure, while an excavation or obstruction remains and during the performance of excavation work and until said work is accepted by the Director of Operations or designee, that traffic conditions shall be maintained as near normal as possible at all times so as to minimize inconvenience to the occupants of adjoining properties and the general public. 5

3. The Director of Operations may require that the permit holder prepare a traffic control plan in detail appropriate to the complexity of the work. Said traffic-control plan may require the following:

A. Approval of the Chief of Police or designee;
B. Notification of the Fire Department and Ambulance Association;
C. Adequate warning, delineation and channelization by means of proper pavement markings, signing and use of other devices which are effective under varying conditions of light and weather to assure the motorist of positive guidance of and through the work area;
D. Flagging personnel to control vehicular and pedestrian traffic;
E. Identification, and if necessary, the removal of inappropriate markings to eliminate any misleading cues to motorists under all conditions of light and weather;

F. Identification of what provisions, if any, will be made for the safe operation of work vehicles, particularly on high speed, high volume streets. Notwithstanding any requirements provided for under this Article, every permit holder shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices as currently adopted by the State of Vermont and as amended from time to time.

ARTICLE VI - COMPLIANCE, QUALITY CONTROL, AND DOCUMENTATION OF COMPLETED WORK

When a permit application seeks approval for work where project costs will be in excess of $25,000, the Director of Operations may require, as a condition of the permit, the following:

1. That a permit holder provide funding to engage a Quality Control and Compliance Officer to be selected by the Town. Such Officer shall serve as a liaison between the permit holder and the Director of Operations and will ensure the permit holder's compliance with the conditions of the permit and the standards and specifications set forth in this ordinance.

2. That upon completion of work permitted in the public right-of-way, the permit holder shall, if requested by the Director of Operations, provide the Town with a copy of all as-built plans and record drawings indicating the actual scope of work performed, as well as the locations of all other buried utilities, Municipal infrastructure, and all foreseen and unforeseen objects encountered during the performance of work. The permit holder shall provide the copies of any as-built plans and record drawings to the Town within 90 days of request by the Director of Operations. 6

ARTICLE VII - EXCAVATION REQUIREMENTS

1. The permit holder shall be responsible for understanding and complying with 30 V.S.A. Chapter 86, "Underground Utility Prevention System", otherwise known as the "Digsafe" program, as adopted by the State of Vermont and as may be amended from time to time.

2. The permit holder shall not interfere with any existing public or private utilities. If it becomes necessary to relocate an existing utility line, the Town, through the Town Manager, reserves the authority to determine the new location. If the utility line does not belong to the Town, then the utility company must also be notified and will be responsible for overseeing the relocation. The Town will not be responsible for any expenses incurred for such relocation.

3. The permit holder shall inform itself as to the existence and location of all underground utilities, trees and tree roots, and protect the same against damage. In the event any pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permit holder shall promptly notify the owner thereof and the Director of Operations. It is the intent of this section that the permit holder shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage. Such assumption of liability is a contractual obligation of the permit holder, and the permit holder shall save and hold harmless the Town from any action arising as a result of such damage.

4. All excavations shall be performed in compliance with the standards adopted by the Vermont Occupational Safety and Health Administration as such standards may be adopted, revised and amended. In addition, bracing and sheeting shall be utilized where necessary to preserve and protect adjacent structures and areas. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of

the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Director of Operations or designee shall have the authority to require that the permit holder haul the excavated material to a storage site and then return it to the trench site at the time of backfilling. It shall be the permit holder's responsibility to secure the necessary permission and to make all necessary arrangements for all required storage and disposal sites.

ARTICLE VIII - BACKFILLING REQUIREMENTS

1. The permit holder shall notify the Director of Operations, or designee of the time and date when the backfilling of the excavations will commence. Where no permit has been issued pursuant to 7 the requirements of this ordinance because of an emergency situation, the excavator shall nonetheless likewise notify the Director of Operations, or designee of the time and date of backfilling. Unless otherwise waived by the Director of Operations, a representative of the Town will be present to monitor the backfilling for the purposes of ascertaining whether the backfill material is proper and adequately compacted. In the event the Town representative determines that the permit holder is not using acceptable backfill materials or acceptable backfilling procedures, the official may order the suspension of all work at the site.

2. The Director of Operations or designee may require the permit holder to furnish a soil test by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics in order to determine whether the backfill for the excavation was adequately compacted. All expense of such tests shall be borne by the permit holder. In order for resurfacing to commence, such test must demonstrate that the backfill material meets the requirements for composition and compaction of not less than ninety-five percent (95%) density as recommended by the Director of Operations.

3. All backfilling shall be done in a manner that will permit the restoration of the surface to a reasonable approximation in appearance to that prior to excavation, and to a density condition not less than that existing prior to excavation.

ARTICLE IX - SURFACE RESTORATION

1. For work in the unpaved portion of the public right-of-way, the permit holder shall establish grass by sodding or seeding at the discretion of the Director of Operations or designee. Where existing topsoil is deemed of insufficient quality, the Director of Operations or designee may require that new topsoil be used to replace the top four (4) inches of surface material.

2. All pavement surfaces shall be restored to a condition not less than that existing prior to excavation. However, sidewalk and curbing may be required to be replaced with concrete regardless of prior condition.

3. The permit holder shall, at the direction of the Director of Operations or designee, replace any existing trees, plantings or landscape features disrupted by work in the right-of-way with suitable replacement plantings or landscaping.

4. The permit holder shall remedy any defects due to faulty materials or workmanship and pay for any damage(s) resulting therefrom which shall appear within a period of one year from the final completion date of the project and in accordance with the terms of the permit.

5. Restoration of the public right-of-way following any activity provided for under this ordinance shall be completed by the permit holder within a time period established by the Director of Operations or designee and according to specifications adopted by the Town of Middlebury. 8

6. Work not completed to the satisfaction of the Director of Operations or designee within the time period established, or performed contrary to the orders of the Director of Operations or designee and, after due notice, fails to be corrected, shall require the permit holder to reimburse the Town for any expense incurred in correcting the work, including reasonable attorney's fees.

ARTICLE X - DISCLAIMER

1. The granting of a permit or the monitoring of operations conducted under any permit shall not make the Town, the Select Board, the Director of Operations or any designee responsible for construction means, methods, techniques, sequences, procedures or permit holder's failure to perform the work in accordance with the standards and specifications set forth in this ordinance, nor shall any approval granted by any Town official under this ordinance make any such official responsible for any personal injury, including death, or property damage occurring as a result of the permit holder's operations. Acceptance of this disclaimer shall be a condition of any permit issued under this ordinance.

ARTICLE XI - PENALTIES

1. Any person, firm, utility, or corporation violating any of the provisions of this ordinance shall be fined no less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each offense; and a separate offense shall be deemed committed for each week in which a violation occurs or continues.

2. A fixed fine of one hundred dollars ($100) shall be charged for work in the right-of-way that commences prior to obtaining a permit.

3. Any permit issued under this ordinance may be suspended by the Director of Operations or his or her designee for violation of the permit or failure to observe Town ordinances and specifications. Any permit issued pursuant to this ordinance may be revoked for fraud, misrepresentation or other just cause after a hearing before the Select Board. Where necessary for the protection of public safety, the police department, by any of its officers, may order the suspension of work at an excavation, or the removal of an obstruction, and may order the work site secured. Such order or orders shall be effective only until the Director of Operations or designee has been notified of the activity and has had reasonable opportunity to visit the site to take action for the protection of the public, but in no event shall any order by the police department be effective for a period greater than twenty-four (24) hours.

Cost of restoration of work suspended or revoked under this section shall be paid by the permit holder. 9

ARTICLE XII - APPEAL

1. A permit applicant or permittee shall have the right to appeal a determination of the Director of Operations and/or Town Manager in granting, denying, or setting the terms of a permit.

2. An appeal of a determination by the Director of Operations shall be submitted in writing to the Town Manager, along with a fee of $60, within ten (10) days following the date of the Director's decision and shall set forth the factual and/or legal grounds in support of the appeal. The Town Manager may consider the appeal and issue a determination within ten (10) days of the receipt of the appeal, or the Town Manager may refer the matter to the Select Board which shall consider the appeal at its next regularly scheduled meeting or, in any event, not later than 45 days following the Board's receipt of the appeal.

3. A determination by the Town Manager may be appealed to the Select Board provided that a written notice of appeal is submitted to the Town Manager, along with a Public Hearing Notice Fee of $60, within 10 days of the date of determination. The Selectboard shall consider the appeal at its next regularly scheduled meeting or, in any event, not later than 45 days following the Board's receipt of the appeal.

ADOPTED ADOPTED: JULY 21, 1988 **EFFECTIVE**: AUGUST 30, 1988
AMENDED: JUNE 6, 1989 **EFFECTIVE**: JULY 16, 1989
AMENDED: AUGUST 15, 1989 **EFFECTIVE**: SEPTEMBER 24, 1989
AMENDED: JULY 2, 1991 **EFFECTIVE**: AUGUST 11, 1991
AMENDED: OCTOBER 8, 2013
AMENDED: NOVEMBER 5, 2013 **EFFECTIVE**: DECEMBER 15, 2013

TOWN OF MIDDLEBURY - AN ORDINANCE CONCERNING THE PULP MILL BRIDGE

The Board of Selectmen of the Town of Middlebury acting in accordance with 19 V.S.A. [No. 1622] 313, hereby adopt the following regulations covering Bridge No. 1, known as the Pulp Mill Bridge, on State Aid Road No. 5:

1. The maximum gross weight of any vehicle passing through the bridge shall be 8,000 pounds;
2. The maximum height and width of any vehicle passing through the bridge shall be 8 feet.

A person who violates any provision of these regulations shall be fined not more than $150 (one hundred and fifty dollars) for each offense.

ADOPTED: February 22, 1972
AMENDED: February 28, 1995 **EFFECTIVE** - April 9, 1995

TOWN OF MIDDLEBURY - ORDINANCE REGARDING ROAD, CURB AND SIDEWALK SPECIFICATIONS

In order for a new roadway to be accepted by the Town of Middlebury for maintenance as a public thoroughfare, said roadway, as well as curb and sidewalk, if required, shall be constructed so as to meet the following general requirements and specifications:

Roads And Streets
Line and grade for roadways and streets and curbs shall be furnished by an Engineer or Surveyor and approved by the Town prior to the beginning of actual construction.

Road construction must conform to the Typical Street and Road Construction Detail.

Sub-grade of said road shall be firm, sound, and free from bags and excessive moisture. It shall be drainable to a public run-off. The sub-grade shall be stabilized with bank run gravel or crushed stone at all points where soft spots are known to exist. The road shall be built up of not less than 12" of bank run gravel in sand soil and not less than 12" of bank run gravel in clay soil followed with 4" of crushed run gravel. All aggregate materials shall meet current Vermont State Highway Department specifications of quality for the material and use.

All roads shall be drained so that no water will remain in any spot or pool. Drainage pipe sizes and catch basins shall conform to good street construction practices. Underdrain shall be installed if and where required. Out fall for off road drainage, drainage pipe sized, catch basins shall be approve by the Town Manager's Office. The Town shall be provided with rights-of-way over lands when needed for drainage purposes.

If a new road or drainage installation will create or channel an additional runoff volume so as to require new or improved drainage facilities in, on, or across existing Town highways in another location, such work shall be the responsibility of the developer.

Conveyance of all land to the Town of Middlebury for street purposes must be by Warranty Deed.

Sidewalks
Sidewalks, where required, shall conform to requirements outlined in "Typical Street Section showing one-half of Right-of-way with Curb Detail and Sidewalk not to Scale".

Distance dropped to be kept less than 6" in extreme cases up to 12". In any case, sidewalk should not have a greater pitch than 6" in 10.

Under commercial drives, sidewalk should be 8". Standard sidewalk should be 5". Residential drives should be 6". Size normally should be 5" square blocks.

½" to 12" maximum pitch to side for water run-off.

Line and grade to be furnished by an Engineer or Surveyor subject to approval by the Selectmen.

Base Course: Shall be of 6" compacted gravel or an approved alternate material meeting Town Specifications. After compaction, it shall be a specified depth below finished grade of walk.

Surface Course: Shall consist of Class "B" Concrete laid with a depth of 4" (6" reinforced at driveways).

Material from the concrete pours shall be furnished as requested by Town Inspectors for casting test cylinders. Concrete which does not meet a Minimum 28 day compression strength of 3000 p.s.i. will be considered unsatisfactory and subject to removal and replacement by the contractor, all at his own expense, as directed by the Town. Concrete should be a 6½ bag mix and properly grade aggregate.

Joints: After metal templates have been removed, expansion joints shall be filled with approved type of premolded, bituminous joint filler or an approved liquid joint filler.

Forms: Forms shall be of metal or wood: Straight, free from warp and of sufficient strength to resist springing from the pressure of the concrete. If of wood they shall be of two-inch surfaced plank except that at sharp curves thinner material shall be used. If of metal they shall be of approved section and shall have a flat surface on the top. Forms shall be of a depth equal to the depth staked and tight to prevent leakage. All forms shall be cleaned and oiled or wetted before concrete is placed. Sheet metal templates 1/8" thick, of the full depth and width of the walk shall be placed laterally within the forms at intervals of twelve feet or as directed.

Templates shall remain in place until concrete has been placed on both sides of the template. As soon as the initial set has occurred in the concrete the templates shall be removed.

Surface Protection: The finished surface of the walk to be kept moist or otherwise protected in warm weather for 24 hours to prevent too rapid drying. The finished surface of the walk shall be covered and suitably protected in cold weather to prevent freezing for such a period as may be necessary.

Surface Finishing: The surface of the concrete shall be finished with a wood float or other approved means. Outside edges of the slab and all joints shall be edged with a one-quarter inch radius edging tool.

Backfilling of Sides: The sides of the sidewalk shall be backfilled with suitable material thoroughly compacted and finished flush with the top of the sidewalk. All surplus material shall be removed and the site left in a neat and presentable condition to the satisfaction of the Town Inspector.

The Town will pay½ the cost (replacement or construction) if, in the Town's estimation, the sidewalk is needed and properly designed and will not cause an over expenditure of the sidewalk budget.

Curbs - Curb construction, where required, shall conform to the following specifications:

Concrete: Materials and construction methods shall be in accordance with Section 401C, Standard Specifications, Vermont State Highway Department for Class "B" concrete, 1:.2:3 mix, and as directed by the Town.

Gravel Base: Material shall be processed gravel or a suitable alternate material placed in layers and thoroughly compacted, all subject to inspection and approval by the Town.

Construction Notes: Curbs sections shall have a uniform length of ten feet, unless otherwise directed. Lengths may be varied for closure but no lengths under 6' will be allowed. Curb cuts at driveways shall not exceed 15'. Curb sections shall be separated by premolded expansion joint filler at placing, as approved by the Town.

Tests: Material from the concrete pours shall be furnished as requested by the Town Inspectors for casting test cylinders. Concrete which does not meet a minimum 28 day compression strength of 2500 p.s.i. will be

considered unsatisfactory and subject to removal and replacement by the contractor, all at his own expense, as directed by the Town.

ADOPTED: 14 June 1966
REVISED: 21 August 1968

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE REGULATION OF SCOFFLAWS FOR NONPAYMENT OF PARKING TICKETS

We, the Selectmen of the Town of Middlebury, pursuant to Section 104B and Section 104L of the Middlebury Town Charter and such other state laws as are applicable do hereby make the following ordinance as to the enforcement of violations against scofflaws, who not only park their car or cars illegally in the Town of Middlebury, but then ignore the parking ordinances by their failure to pay the issued parking tickets.

ARTICLE I

Section I. Ordinance

By way of a separate ordinance, any owner of a motor vehicle, which has three or more unpaid parking violations in the Town of Middlebury within the past two (2) years, the owner may be fined not more than $200.00 for such offense, provided the Town of Middlebury shall

(a) provide notice to the owner by certified mail, return receipt requested, at least thirty (30) days before the commencement of the criminal proceeding for this Ordinance violation, or service of such notice by a process server, either Constable, Sheriff, or Deputy Sheriff, upon the owner; and

(b) the owner fails to pay the parking violations by the end of the thirty (30) day grace period or fails to appeal the notice provided for herein.

ARTICLE II

Section I. Definitions In Ordinance

"**Notice**" - a form designed and provided by the Middlebury Police Chief to the owner of the offending vehicle, which form provides the time and place of the violations, copies of the issued tickets and procedure, including the form, for appealing NOTICE to the Town Grand Juror.

"**Offense**" - the offense is the failure to pay, intentionally or unintentionally, parking tickets duly issued by the Town of Middlebury against the owner of the specified motor vehicle as further defined in the ordinance set forth herein.

"**Scofflaw**" - a person who fails to pay parking tickets of the Town of Middlebury.

ARTICLE III

Section I. Appeal Of Notice

If the owner, after receiving the NOTICE of parking violations, disputes the violations, the authority of the officer issuing the same, or wants to raise other defenses to the parking tickets, shall have the right to appeal the NOTICE to the Town Grand Juror.

(a) The Town Grand Juror shall conduct quarterly quasi-judicial hearings and determine the validity of the issued tickets. Hearing dates shall be set by the Grand Juror with two (2) weeks notice provided to the appellant. Failure to appear or to notify the Police Department prior to the hearing date of a conflict shall be deemed as an admission to the validity of the parking ticket.

(b) If the owner does not appeal the NOTICE, then the Town of Middlebury shall deem the failure to appeal as an admission to the validity of the parking ticket.

ADOPTED: June 16, 1992 **EFFECTIVE**: July 26, 1992

AMENDED: January 17, 1995 **EFFECTIVE**: February 20, 1995

TOWN OF MIDDLEBURY - AN ORDINANCE FOR SEWER CAPACITY ALLOCATION

SECTION I - INTRODUCTION AND PURPOSE

The Town of Middlebury owns and operates a wastewater treatment plant and sewer main system. The treatment plant has a limited, permitted capacity and is operated in accordance with a discharge permit issued by the Vermont Department of Environmental Conservation under authority granted to it in 10 V.S.A. Chapter 47. The Middlebury Board of Sewage Disposal Commissioners hereafter referred to as the Sewer Commissioners (Selectmen) are obligated by law to comply with the conditions of that permit and to operate and manage the treatment plant and the sewers as governmental functions under and pursuant to 24 V.S.A. Chapters 97 and 101.

The purpose of this sewer capacity allocation ordinance is to help manage the wastewater treatment plant and sewers in an efficient and fair manner for the benefit of the Town and so as to be consistent with the Town Comprehensive Plan and State laws.

SECTION II - LEGAL ISSUES REGARDING RESERVE CAPACITY ALLOCATION

The permitted capacity of the treatment plant (and the Town sewer system) is the property of the Town of Middlebury. The uncommitted reserve capacity of the plant and the sewer system shall be allocated by the Board of Sewer Commissioners (Selectmen) in the manner described below. This ordinance is adopted pursuant to the provisions of 24 V.S.A. section 3625 and 10 V.S.A. section 1263. This ordinance shall not be construed as an abandonment or relinquishment of responsibility of the Board to regulate, control and supervise all means and methods of sewage collection, treatment and disposal in the Town of Middlebury, nor shall it be construed to impair or inhibit the ability of the Town of Middlebury to contract with persons for the collection, transmission and treatment of sewage. This ordinance shall not affect or imply the granting of a Town sewer discharge permit nor interfere with tap-on fees or sewer charges or matters covered under other Town Ordinances regarding sewers.

This ordinance is adopted under the authority of the Town of Middlebury Charter, Section 107.

SECTION III - CALCULATION OF RESERVE CAPACITY

A. The permitted capacity of Middlebury Wastewater Plant is 2,200,000 gallons per day, total flow, and 5,140 pounds per day b.o.d. (biochemical oxygen demand) loading.
B. Current daily flows at the treatment plant are calculated based on the previous year (12 months) average daily flows as reported by the treatment plant operator to the state. The 1989 12-month average was 1,024,300 gallons per day, with 3,681 pounds per day b.o.d. loading.
C. Commitments for sewer capacity shall be those of record with the Vermont Agency of Natural Resources, Permits Compliance and Protection Division, updated quarterly. As of 3/27/90 the Town had outstanding commitments of approximately 100,000 gallons per day and 153 pounds per day b.o.d. loading. These numbers are subject to change by the Town as new developments and allocations are permitted and subject to variations and conditions of flow at the treatment plant.
D. Estimates of flow for developments shall be made based on the Vermont Environmental Protection Rules, Appendix 7-A, as amended. Estimates of b.o.d. loading shall be based on 0.17 lbs. per day, per employee or per person residing in a dwelling unit. However, the Director of Public Works may modify an estimate of flow or

b.o.d. loading for allocation commitment purposes based on the particular characteristics of a development or more appropriate engineering estimates.
E. The uncommitted reserve capacity is computed by taking the permitted capacity (paragraph A above) and subtracting the current flow (paragraph B above) and further subtracting the latest computation of commitments (paragraph C above). As of March 27, 1990 it is estimated that the uncommitted reserve capacity of the Wastewater Treatment Plant is 1,075,700 gallons per day, and 1,306 pounds per day b.o.d. loading.

SECTION IV - PRIORITIES FOR ALLOCATION

A. The first priority for sewer capacity shall be for abatement of pollution or health hazards from failed on-site systems of existing development. The Town hereby reserves 150,000 per day flow capacity and 216 pounds per day b.o.d. loading capacity for this purpose.

B. The second priority for allocation shall be for planned development in accordance with the current Town Plan and Zoning Ordinance. This will account for the following:

1. Expansion of existing uses.
2. New development adjacent to existing uses.
3. New development within planned growth areas per the latest Town Plan Map.

Planned development projections have been made for the above (reference "Water/Sewer Projections", 3 pages, dated 1/12/89) for which the Town hereby allocates 257,000 gallons per day total flow, and 357 pounds per day b.o.d. loading.

C. The third priority shall be for future planned development in the Town of Middlebury. There is hereby allocated 568,700 gpd and 583 lbs/day b.o.d. loading capacity for future planned development. As a general, long-range planning policy, the Board shall have the discretion to either:

1. Transfer capacity to priorities 1 or 2 above upon finding that the need for such capacity was unforseen and is in the best interests of the Town of Middlebury, or;
2. Reserve capacity for future Town planned development in the following categories:
    a. Affordable housing, 20%
    b. Other residential 20%
    c. Commercial 20%
    d. Industrial 30%
    e. Institutional and other 10%

D. The remaining 100,000 gpd and 150 lbs b.o.d. capacity shall be reserved as provided in Section VII E.

SECTION V - ALLOCATION APPROVAL PROCESS

A. For individual dwellings and non-residential projects involving only employee toilets, and where such projects are approvable under current zoning with a normal service connection to an existing Town main, the sewer allocation approval is hereby delegated to the Administrative Officer to be issued with the zoning permit.
B. Otherwise (for example, in the case of the developments or any project involving the construction of sewer mains or pump stations, or any project involving industrial process or unusual wastes) the approval process shall be as follows:

1. The applicant shall submit plans and an estimate of water and sewer use and calculations of b.o.d. loading, together with such supporting information as may be reasonably required to determine the impact on the Town sewer system and treatment plant. Copies of this material shall be circulated to the Treatment Plant Operator and to the Director of Public Works and to the Town Manager.

2. When the project has received preliminary or conceptual approval by the Planning Commission or Zoning Board (as the case may be) then the request for sewer allocation shall be forwarded to the Selectmen's Public Works Committee.
3. The recommendation of the Public Works Committee shall be considered at the next available Board of Sewer Commissioners (Selectmen's) meeting. The Board may approve, approve with conditions, or deny the allocation in accordance with this ordinance.
4. The sewer allocation approval shall take effect upon approval of the development project, after any final Planning Commission or Zoning Board hearing, effective on the date of issuance of the permit by the Administrative Officer.

SECTION VI - ADMINISTRATION AND RECORD KEEPING

A. The Planning Office shall maintain a computer log of outstanding sewer allocations and shall issue letters confirming the approval of sewer capacity allocation in accordance with this ordinance and other reports which a State agency may request. All such record keeping shall be available to the public.
B. There shall be a regular system of consultation on this process amongst the Administrative Officer/Town Planner, Utilities Superintendent, Director of Public Works and Town Manager.
C. The Public Works Committee and Board of Sewer Commissioners (Selectmen) shall be kept informed of the status of sewer reserve capacity allocations by periodic reports.

SECTION VII - CONDITIONS AND POLICIES IN GRANTING SEWER ALLOCATION

A. Although a sewer allocation shows an estimated flow and b.o.d. loading, the allocation will be the actual flow and b.o.d. loading for the project as built in accordance with the zoning permit. Any surplus is not necessarily available to the owner or developer to allocate to another project or to development expansion, but is owned by the Town. Only the Town may allocate or transfer sewer capacity in accordance with this ordinance.
B. Any sewer allocation may be granted in phases not to exceed three years worth of development. In the event one year has passed since the Town Zoning permit has expired, or if construction has commenced but the Selectmen deem after three years that the development has been abandoned, then any sewer allocation may be revoked and reallocated in accordance with this ordinance.
C. The Board may attach reasonable conditions, within its authority as sewer commissioners under State law. Such conditions may include (but shall not be limited to):
1. That the development or project be responsible for pre-treatment for unusual waste or industrial process volumes.
2. That the approval be conditioned upon payment of costs which are directly attributable to the development, and which would not otherwise be incurred by the Town, under such cost sharing agreement as the Board shall specify.
3. That the project shall employ water conservation measures to prevent undue waste.
D. The Board reserves the right to deny any sewer allocation if the proposed use would represent an undue or unforeseen burden on the treatment plant or the Town sewer system, or if the project is not consistent with the Town Plan, or if the project would impose an unreasonable burden on maintenance or other sewer costs caused by the development.
E. When the uncommitted reserve capacity falls below 100,000 gallons per day, or 150 pounds per day b.o.d., then the Board may declare a moratorium on any further allocations for new development. Such moratorium may continue, at the Board's discretion, until no longer warranted (e.g. until storm water separation projects frees up additional plant capacity, or until voters approve funding for a treatment plant expansion, or until an industrial pretreatment plant is built, etc.).

SECTION VIII - COST RECOVERY FOR INDUSTRIAL OR INSTITUTIONAL MAJOR CAPACITY

A. Any request by an individual industry or institution for sewer capacity which cumulatively exceeds 5% of the planned development sewer allocation in Section IV B or C of this ordinance, in either flow or b.o.d. loading, may be granted by the Board if it determines it is in the best interests of the Town, and subject to the special conditions of this section as the Board deems appropriate.
B. The Board may condition such major allocation upon payment of an amount to cover the cost of replacement sewer treatment capacity. This shall be determined by the Board based on the cost of the pre-treatment facility or based upon the proportionate fair market or replacement value of the Town sewer treatment facilities. Any amount paid under this section shall be separate from sewer operating or user fees or tap-on fees which may be payable under other Town ordinances.

SECTION IX - SUBSTANTIAL CHANGES

Even though the existing sewer allocation running with an existing building use may be used by a new owner or tenant, the Town reserves the right to require a review and approval under this ordinance if there is a substantial change in the volume or type of water or sewer usage.

SECTION X - SEVERABILITY

If any provision of this ordinance is deemed invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

ADOPTED: August 28, 1990 **EFFECTIVE**: October 07, 1990

TOWN OF MIDDLEBURY - ORDINANCE PROHIBITING SMOKING IN PLACES OF PUBLIC ACCESS

The Select Board of the Town of Middlebury hereby ordains:

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1. PURPOSE

It is the purpose of this Ordinance to promote the public health, safety and welfare of residents of and visitors to the Town of Middlebury by prohibiting smoking in places of public access.

2. AUTHORITY

This Ordinance is adopted pursuant to the authority contained in 24 V.S.A. Section 2291(14), 18 V.S.A. Section 1746 and Section 104 of the Middlebury Town Charter.

3. DEFINITIONS

3.1. **''Persons**": as used in this Ordinance shall mean and include any person, furn, partnership, association, corporation, company or organization of any kind.

3.2. **''Place or Public Access"**: shall have the same meaning contained in 18 V.S.A. Section 1741 (2), as now enacted and hereafter amended.

3.3. **''Publicly owned buildings and offices**": shall have the same meaning contained in 18 V.S.A. Section 1741 (3), as now enacted or hereafter amended.

3.4. "**Tobacco products**": shall have the same meaning contained in 7 V.S.A. Section 1001 (4), as now enacted or hereafter amended.

4. SMOKING PROHIBITED IN PLACES OF PUBLIC ACCESS

All persons shall be prohibited from possessing any lighted tobacco products, in any form, in the common areas of all enclosed indoor places of public access and publicly owned buildings and offices.

5. EXCEPTIONS

The restrictions in Section 4 on possession of lighted tobacco products shall not apply to:

5.1. Buildings owned and operated by social, fraternal, or religious organizations when used by the membership or the organization, their guests or families, or any facility that is rented or leased for private functions from which the public is excluded and for which arrangements are under the control of the sponsor of the function;

5.2. Workplace smoking areas designated under 18 V.S.A. Chapter 28, subchapter 2;

5.3. Areas not commonly open to the public of owner-operated businesses with no employees.

6. POSTING OF "NO SMOKING" SIGNS

6.1. Any person or employer who owns, manages, operate or otherwise controls the use of any premises subject to the restrictions contained in Section *5,* above, shall have the responsibility of properly posting and maintaining ''No Smoking" signs or the international "No Smoking'' symbol (a picture of a burning cigarette inside a red circle with a red bar across it) clearly and conspicuously throughout the premises.

6.2. The color of such signs, when not of the international type, shall have lettering that is distinct, contrasting to the background and easily read.

7. **ENFORCEMENT & PENALTIES**

7.1 In order to have this ordinance designated as one of several Civil Ordinances, by amending Section 1. of the Comprehensive Amendments to Ordinances of the Town of Middlebury adopted on February 28, 1995 and amended April 9, 1995, by adding the following:
Section 112. Prohibiting smoking in Places of Public Access

7.2. Further amending the Comprehensive Amendments, Section II, Schedule of Penalties and Waiver Fees, by adding the following:

	Fine	Waiver
Prohibiting Smoking (Individual)		
First Offense	$50.00	$25.00
Second Offense	$75.00	$50.00
Subsequent Offenses	$125.00	$100.00
Prohibiting Smoking - Owner/Lease		
First Offense	$50.00	$25.00
Second Offense	$75.00	$50.00
Subsequent Offense	$125.00	$100.00

Offenses shall be counted on a calendar year basis.

7.3. By amending Section ID-Designation of Issuing Municipal Official, Subsection 301 and adding to Section 301 to the list authorizing the Chief of Police to sign Complaints and at the end of civil ordinances adding the following:
Ordinance Prohibiting Smoking In Places of Public Access, Page ___.

8. **SEVERABILITY**

Any part of provision of this Ordinance shall be considered severable, and if any provision of this Ordinance or the application thereto to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions of application, and to this end the provisions of this Ordinance are declared severable.

TOWN OF MIDDLEBURY - ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF SOLID WASTE

ARTICLE I - PURPOSE

Section 101
To protect the health and welfare of the citizens of Middlebury and to promote the conservation of natural resources and the wise use of the environment, the Board of Selectmen of the Town of Middlebury hereby adopt this ordinance to regulate the separation, recovery, collection, removal, storage and disposition of solid waste, including recyclables, in the Town of Middlebury, Vermont.

ARTICLE II - DEFINITIONS

Section 201
"**Air Contaminants**" shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

Section 202
"**Authorization**" by the Town of Middlebury means authorized pursuant to a legal contract or other written authorization entered into by the Town of Middlebury and a private third person as defined herein.

Section 203
"**Emission**" shall mean a release into the outdoor atmosphere of air contaminants.

Section 204
"**Fire Warden**" shall mean the person appointed to office as defined under Vermont Statute V.S.A. 10, Section 2641.1901

Section 205
"**Incineration**" shall mean the burning of solid waste in an enclosed outdoor container.

Section 206
"**Open Fire Burning**" shall mean 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.

Section 207
"**Person**" shall mean any person, firm, partnership, association, corporation, company or organization of any kind. 1901

Section 208
"**Recyclable**" shall mean recyclable material as specifically identified in regulations promulgated by the Board of Selectmen. "Solid Waste" shall mean any solid waste as defined in Title 10 V.S.A. section 6602.

ARTICLE III - SOLID WASTE REGULATION

Section 301

In accordance with Chapter 1, Section 104E of the Town Charter, the collection, removal and disposal of all solid waste within the limits of the town of Middlebury shall be regulated by the Board of Selectmen of the Town of Middlebury which shall have the power to establish the time, method and routes of service, the providers of service and such other regulations as said Board shall promulgate for the orderly provision of such service and the general health, safety, and welfare of the Town inhabitants.

ARTICLE IV - COLLECTION

Section 401
The Board of Selectmen 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 consistent with the Town Purchasing Policy. Contracts may be rejected or awarded at the sole discretion of the Board of Selectmen 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 Board of Selectmen may adopt regulations regulating the preparation of solid waste for collection.

Section 402
All collections and haulers of solid waste in the Town of Middlebury 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. The Board of Selectmen may set a registration fee.

ARTICLE V - PUBLIC SAFETY

Section 501
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 Middlebury 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 ordinance. Household 1902 hazardous wastes may only be disposed of in accordance with regulations adopted by the Board of Selectmen from time to time.

ARTICLE VI - ILLEGAL DUMPING

Section 601
It shall be unlawful for any person, business, or corporation to enter any Town of Middlebury 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 thereto, whenever said facility is open.

Section 602
It shall be unlawful for any person to deposit, dump, or leave solid waste in any privately owned or maintained disposal container other than their own, nor any other private property, without the consent of the owner.

Section 603
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.

ARTICLE VII - SEPARATION OF RECYCLABLES

Section 701
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 ordinance. Recyclables placed at the curb or curbline shall be placed in a manner designated by regulation as established by the Board of Selectmen for collection on the morning of the collection day as set forth under a schedule determined by the Town Manager.

Section 702
Apartments, condominium, businesses, institutions and industries located within the Town of Middlebury shall separate recyclables from all other solid waste in accordance with regulations adopted pursuant to this ordinance and shall have an area designated for recyclables. The area so designated shall be clearly marked.

Section 703
In accordance with regulations adopted pursuant to this ordinance, any person within the Town of Middlebury may properly dispose of recyclables at private collection facilities or at collection areas maintained by the Town of Middlebury or its designated agent for that purpose. Recyclables shall be separated according to standards that shall be promulgated as regulations pursuant to this ordinance by the Board of Selectmen. 1903

Section 704
Placement requirements may be waived for reasons of age, infirmity or handicap.

ARTICLE VIII - COLLECTION BY UNAUTHORIZED PERSON

Section 801
It shall be a violation of this ordinance for any person not authorized by the Town of Middlebury to collect or pick up or cause to be collected or picked up any solid waste, including recyclables. Any and each such collection shall constitute a separate and distinct offense punishable as hereinafter provided.

ARTICLE IX - PENALTIES & ENFORCEMENT

Section 901
Any person violating any provision of this ordinance or the regulations enacted hereunder shall be fined not more than $1000.00 for each offense.

Section 902
The Town of Middlebury, 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 ordinance or the regulations promulgated hereunder are ignored or violated. The Town further reserves the right to terminate the authorization of any hauler who violates this ordinance or the regulations promulgated hereunder.

Section 903
Unless otherwise provided for herein, each day that a violation shall continue or exist shall constitute a separate offense.

Section 904

The Town of Middlebury may, upon the violation of any provision of this Ordinance, maintain an action to enjoin the violation of these ordinances, 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 Ordinance. Expenses incurred by such action shall be recovered by the person whose legal duty it was to comply with these Ordinances.

ARTICLE X - INCONSISTENT REPEAL 1904

Section 1001
All ordinances or parts of ordinance, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

ARTICLE XI - SEVERABILITY

Section 1101
This ordinance and the various parts, sentences, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

ARTICLE XII - EFFECTIVE DATE

Section 1201
This ordinance shall take effect forty (40) days from date of adoption by the Selectmen, under Section 197 of the Charter of the Town of Middlebury.

ADOPTED: NOVEMBER 17, 1987	**EFFECTIVE**: DECEMBER 27, 1987
AMENDED: APRIL 03, 1990	**EFFECTIVE**: MAY 13, 1990
AMENDED: AUGUST 25, 1998	**EFFECTIVE**: OCTOBER 4, 1998
AMENDED: MARCH 9, 1999	**EFFECTIVE**: JUNE 1, 1999
AMENDED: JUNE 13, 2000	**EFFECTIVE**: JULY 23, 2000
AMENDED: APRIL 13, 2021	**EFFECTIVE**: MAY 23, 2021

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE REGULATION OF SPEED

We, the Selectmen of the Town of Middlebury, pursuant to Section 104B of the Middlebury Town Charter and such other state laws as are applicable, hereby make the following ordinance as to speed of motor vehicles on the highways and streets within the limits of the Town of Middlebury.

Section I. Definition Of Motor Vehicle
As used in this ordinance "motor vehicle" shall include all vehicles propelled or drawn by power other than muscular power.

Section II. Twenty And Twenty-Five Mile Speed Limit
A. An operator of a motor vehicle shall not operate or drive a motor vehicle at a rate of speed greater than twenty miles per hour on the following streets and highways: Mary Hogan Drive

B. An operator of a motor vehicle shall not operate or drive a motor vehicle at a rate of speed greater than twenty-five miles per hour on the following designated streets and highways:

- Adirondak View
- Bakery Lane
- Benedict Lane
- Birch Drive
- Birchard Park
- Blinn Lane
- Brookside Butternut
- Ridge Drive
- Buttolph Drive
- Charles Avenue
- Chipman Heights
- Chipman Park
- College St. - between Main St. and the beginning of the State Highway
- Colonial Drive
- Cones Drive
- Court Street - extending from North Pleasant Street southerly to the intersection with Creek Road
- Creek Road - between Route 7 and the State Highway Garage
- Cross Street
- Danyow Drive 1601
- Drew Lane
- Duane Avenue
- Dwire Circle
- East Munger Street - beginning at a point on East Munger Street 3,400 feet from the intersection of Munger Street and East Munger Street to the intersection of Cobble Road
- East Road
- Elm Street
- Exchange Street - from the Elm Street intersection to a point 0.268 miles north of the Elm Street intersection
- Fairview Circle
- Forbes Circle
- Forrest Lane

- Forest Ridge Drive
- Foster Circle
- Franklin Street
- Gambrel Court
- Gorham Drive
- Green Mountain Place
- Greyledge Road
- Grist Mill Road
- Harrow Way
- High Street
- Hillcrest Road
- Mainelli Road
- Juniper Lane
- King's Row
- Leno Lane
- Locust Lane
- Lower Plains Road
- Maecliff Court
- Main Street - between North Pleasant Street and Storrs Avenue
- Maple Court
- Maple Street
- Mead Lane
- Meadow Glen Drive
- Meadow Lane
- Merchant's Row
- Methodist Lane
- Middle Road
- Mill Street
- Monroe Street
- Morningside
- Mountain Road (School House Hill Road) south of Forest Ridge Drive
- Munson Road 1602
- Murdock Court
- North Pleasant Street - between Main Street and a point 240' North of the Stewart Lane intersection
- North Street
- Oak Drive
- Painter Hills Road
- Park Road
- Park Street
- Peterson Terrace
- Pinewood Street
- Piper Road
- Pond Lane
- Rogers Road
- Rolling Acres
- School Street
- Seminary Street

- Seminary Street Extension - from the junction of Washington to Forbes Circle
- Seymour Street Seymour
- Street Extension
- Shannon Street
- South Ridge Drive
- South Street - between Main Street and Porter Field Road
- South Main Street - from the junction of Storrs Avenue to the most westerly parking lot entrance of the Field House complex
- South Pleasant Street - between Main Street and Cross Street
- Star Point Drive
- Stearns Circle
- Stonegate Drive
- Springside Road
- Stewart Lane
- Storrs Avenue
- Sunrise Avenue
- Swanage Court
- Thomas Street
- Valley View
- Washington Street - from Court Square to Seminary Street
- Washington Street Extension - from the junction of Seminary Street to the most northern line of the northeasterly exit out of Peterson Heights
- Water Street
- Weybridge Street - between College Street and Shannon Street
- Willard Street
- Willow Road
- Wilmar Street
- Wilson Road
- Woodland Park

Section III. Thirty Mile Speed Limit
An operator of a motor vehicle shall not operate or drive a motor vehicle on any of the following designated streets at a rate of speed greater than thirty miles per hour:

- South Street Extension from Porter Field Road intersection southerly to the town line
- Lower Foote Street from the intersection of Foote Street to U.S. Route 7 South

Section IV. Thirty-Five Mile Speed Limit
An operator of a motor vehicle shall not operate or drive a motor vehicle on any of the following designated streets at a rate of speed greater than thirty-five MPH:

- Airport Road
- Blake Roy Road
- Boardman Street - both ends
- Burnham Drive
- Case St/ VT Rte 116 - between Ossie Rd and a point .08 mile south of Leno LN
- Cobble Road
- Creek Road - from State Highway Garage to Three Mile Bridge Road
- East Main St / VT Rte 125 East - between .021 mile east of North Branch RD and the Ripton Town Line

- Foote Street - from intersection of Foote Street - Schoolhouse Road to Route 7
- Halpin Road
- Happy Valley Road
- Industrial Avenue
- Mountain Road - School House Hill Road) north of Forest Ridge Drive
- Munger Street - Quarry Road to Painter Road
- North Branch Road
- North Pleasant Street - at a point 240' north of the junction of Stewart Lane northerly to the northerly junction of High Street
- Ossie Rd and Ossie Rd / VT Rte 116 (between US Route 7 and East Main St VT Rte 125)
- Schoolhouse Road - Route 7 to Halladay Road
- Seminary Street Extension - from Forbes Circle to the west boundary of Foote Street
- South Main Street - from the most westerly parking lot entrance of the Field House complex, westerly to Golf Course Road.
- South Munger Street
- Upper Plains Road
- Washington Street Extension - from the most northern line of the north easterly exit out of Peterson Heights to Halpin Road
- Weybridge Street - from Shannon Street northerly to the town line to Weybridge

Section V. Forty Mile Speed Limit

An operator of a motor vehicle shall not operate or drive a motor vehicle at a rate of speed greater than forty miles per hour on the following designated streets and highways:

- Cady Cross Road
- East Main St - entrance ramp to U.S. 7 northbound
- East Main St / VT Rte 125 East between U.S. Rte 7 and a point .01 mile west of Wilmar St.
- East Munger Street - from the intersection of Munger St. easterly for a distance of 3,400 feet
- Happy Valley Road
- Foote Street - from intersection of Quarry Road to intersection with Schoolhouse Road
- Halladay Road - entire length Munger Street (from Painter Road to the town line
- Painter Road
- Quarry Road - from Foote Street to Route 116
- Route 7 North - from the intersection with High Street northerly to the Grand View Road
- Route 7 South - from the intersection with Creek Road southerly to a point just south of the intersection of Route 7 and Boardman Street
- Schoolhouse Road - from intersection of Foote Street to intersection of Route 7
- Exchange Street - from a point 0.268 miles north of the Elm Street intersection to the intersection with U.S. Route 7
- Three Mile Bridge Road

Section VI. Fifty Mile Speed Limit

An operator of a motor vehicle shall not operate or drive a motor vehicle at a rate of speed greater than fifty miles per hour on any local or state highway within the Town limits unless otherwise posted or designated herein.

Section VII. New Street And Private Rights-Of-Way

"An operator of a motor vehicle shall not operate or drive a motor vehicle at a rate of speed greater than twenty-five (25) miles per hour on any new public or private right-of way after the effective date of the most recent amendment of this ordinance provided that signs are posted as provided in Section VI".

Section VIII. Signs
Signs indicating the speed limits provided for above in this ordinance shall be posted conspicuously within the highway limits at the point where such speed limits become effective under this ordinance.

Section IX. Police And Fire Vehicles
The speed limitations set forth in this ordinance shall not apply to vehicles when operated with due care for safety under the direction of law enforcement officers in the performance of their duties, nor to fire department vehicles when traveling to an alarm, nor to public or private ambulances when traveling in emergencies.

Section X. Penalties
A person who violates any provision of this ordinance shall be fined in accordance with the Vermont Judicial Bureau schedule of fines in effect at the time of the violation incorporated by references

Section XI. Repeal Of Prior Speeding Regulations
The speeding regulations in the Town of Middlebury adopted by the Selectmen of the Town of Middlebury on 6 December 1966 together with all subsequent amendments thereto, are repealed as to the effective date of this ordinance. However, any violation which occurred prior to the effective date of this ordinance may be prosecuted under the provisions of the 6 December 1966 ordinance, or any amendments thereto, as though such earlier ordinance and amendments thereto had not been repealed.

Section XII. Effective Date
This ordinance shall become effective as provided in Section 107 of the Middlebury Town Charter. 1606

ADOPTED: 11 AUGUST 1972	**EFFECTIVE**: 1 OCTOBER 1972
AMENDED: 24 MAY 1977	**EFFECTIVE**: 3 JULY 1977
AMENDED: 25 APRIL 1978	**EFFECTIVE**: 4 JUNE 1978
AMENDED: 28 OCTOBER 1980	**EFFECTIVE**: 7 DECEMBER 1980
AMENDED: 10 NOVEMBER 1981	**EFFECTIVE**: 20 DECEMBER 1981
AMENDED: 20 APRIL 1982	**EFFECTIVE**: 30 MAY 1982
AMENDED: 30 DECEMBER 1986	**EFFECTIVE**: 8 FEBRUARY 1987
AMENDED: 1 NOVEMBER 1988	**EFFECTIVE**: 11 DECEMBER 1988
AMENDED: 6 JUNE 1989	**EFFECTIVE**: 16 JULY 1989
AMENDED: 2 JANUARY 1990	**EFFECTIVE**: 11 FEBRUARY 1990
AMENDED: 15 JANUARY 1991	**EFFECTIVE**: 3 MARCH 1991
AMENDED: 25 MAY 1993	**EFFECTIVE**: 6 JULY 1993
AMENDED: 24 AUGUST 1993	**EFFECTIVE**: 3 OCTOBER 1993
AMENDED: 19 SEPTEMBER 1995	**EFFECTIVE**: 29 OCTOBER 1995
AMENDED: 25 AUGUST 1998	**EFFECTIVE**: 4 OCTOBER 1998
AMENDED: 10 AUGUST 1999	**EFFECTIVE**: 19 SEPTEMBER 1999
AMENDED: 23 NOVEMBER 1999	**EFFECTIVE**: 31 DECEMBER 1999
AMENDED: 25 APRIL 2000	**EFFECTIVE**: 4 JUNE 2000
AMENDED: 29 JULY 2014	**EFFECTIVE**: 15 SEPTEMBER 2014
AMENDED: 13 AUGUST 2019	**EFFECTIVE**: 22 SEPTEMBER 2019
AMENDED: 13 APRIL 2021	**EFFECTIVE**: 23 MAY 2021

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE REGULATION OF STREET NAMING & STREET ADDRESSING

ARTICLE I - PURPOSE

In accordance with 24 V.S.A. 2291 (16) and 24 V.S.A. 4421 and Section 103 (A) and (M) of the Town Charter, the Board of Selectmen of the Town of Middlebury hereby establish the following ordinance in order to develop a more uniform street naming and street addressing system throughout the Town of Middlebury to enable people to locate addresses effectively for providing emergency services and deliveries.

ARTICLE II - STREET NAMING

Each street or road shall be assigned a name that is separate and distinct from any previously assigned name in the Town of Middlebury. (Existing street and road names are in Appendix A)

Through streets shall be named: drive, street, or road. Cul de sacs shall be named: court, place, lane, way, heights, row, circle or alley.

Due to the numerous existing streets and developments with "wood" in their names, the use of "wood" in a street name shall be discouraged.

Streets or private rights of way with three or more dwelling units shall be named.

ARTICLE ILL - GENERAL NUMBERING SYSTEM GUIDELINES

The starting point for addressing is to begin at the end of the road which connects to a larger traffic artery. Where there is no obvious end to a larger traffic artery, low numbers shall start nearest the center of Town and increase as they head out of Town.

Odd numbers shall be assigned to the left side of the street and even numbers to the right, as they head out of Town. However, on established streets (eg: Weybridge Street, Court Street) numbering systems may continue in the present pattern.

All numbers shall be assigned in relation to the front entrance from the street.

All numbers shall be properly affixed on or near the front entrance or in some other manner as to be visible from the street. The numbers shall be legible figures not less than three inches (3") high using of a contrasting color. The home owner or occupant is responsible for the numbers on the house or unit. If a house is not visible from the road, the home owner or occupant shall place or affix a number at a point at or by the driveway visible from the road.

Numbers shall be reserved to provide for future numbering of developable property.

ARTICLE IV - SPECIFIC NUMBERING SYSTEM

Apartment House - Means a building under one ownership in which the rooms are arranged and rented as apartments. Apartment houses shall be numbered as follows: the Apartment House shall be given one street

number and each individual apartment shall be given an apartment number. For example, 21 Seminary St., Apt. #1; 21 Seminary St., Apt. #2.

Residential Condominium Complex - Means a building or buildings with individual separately owned units in a multi-unit structure usually with land owned in common. These shall be numbered as follows: each condominium road shall be given a road name and each condominium unit within the complex shall be given its own street number. For example, 62 Otterside Court.

Commercial Complex - Means a building or buildings under one ownership used for commerce or industrial use, shall be numbered as follows: each building shall be given its own street number and each unit shall be given its own unit or suite number. For example, 111 Exchange Street, Suite 1. Where there are multiple roads in a complex, each road shall be named and each building given its own number. In the case of commercial condominiums each separately owned unit in the building should have a unit number and further leased/division should be given a letter. For example, 5 Park Street, Unit 3; 5 Park Street, Unit 3A.

Combined Commercial And Apartment Complex - Means a building or buildings used for commercial use in which there is also apartments, shall be numbered as follows: each building shall be given its own street number; each commercial unit shall be given a respective unit or suite number and each apartment number a respective apartment number. At no time shall there be a unit or apartment number that are the same. For example, 58 No. Pleasant St., Unit 1 (first floor business), 58 No. Pleasant St., Apt. 3 (third floor apt).

Duplex Apartment - Means an apartment with rooms on two floors and a private inner stairway, shall be numbered as follows: each building shall be given its own street number and each apartment within that building shall be given its own apartment number. For example, 3 Benedict Lane, Apt. 1; 3 Benedict Lane, Apt. 2.

Duplex House - Means a dwelling consisting of two separate family units that is separated from adjoining units by a wall that extends from ground to floor shall be numbered as follows: each family unit shall be given its own street number. For example, 5 Bridge St., 7 Bridge St.

Mobile Home Park - Means a parcel or lot under single or common ownership or control which contains or is designed, laid out or adapted to accommodate more than two mobile homes for occupancy. Each unit shall be given its own street number. For example, 12 Lindale Park Road.

Single Family Dwelling - Means a detached one family house, shall be given its own street number. For example, 44 Seymour Street.

Single Family Dwelling Unit With Apartment - Means a detached one family house with an apartment, shall be numbered as follows: each single family dwelling unit shall be given a street number and each apartment shall use that street number along with a respective apartment number. For example, 5 Old College Farm Road, 5 Old College Farm Road, Apt. 1.

ARTICLE V - ADMINISTRATION

Prior to the issuance of the Certificate of Occupancy a developer shall furnish a plan for a street addressing and street naming system in accordance with this policy to the Town Planner/Zoning Officer and obtain written approval from the postmaster that a satisfactory mail delivery system has been established.

ARTICLE VI - CIVIL ORDINANCE AND FINES

A violation of any provision of this Ordinance or this street addressing and street naming system furnished in a plan by Developer and approved by the Planner/Zoning Officer, shall be administered as a Civil Ordinance and all penalties or fines assessed for such violations thereunder shall be imposed as civil penalties. The Town shall not impose a maximum penalty of more than Five Hundred Dollars ($500) for a violation.

Each day the violation continues shall constitute a separate offense.

602
The schedule of penalty and waiver fees for this Ordinance is as follows: fine - $25.00; waiver - $15.00

ARTICLE VII - EFFECTIVE PERIOD

This Ordinance shall take effect forty days from date of adoption by the Selectmen.

ARTICLE VIII - INCONSISTENT REPEAL

All Ordinances or parts of an Ordinance (s), Resolution (s), Regulations (s) or other documents inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

ARTICLE IX - SEVERABILITY

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

ADOPTED: June 25, 1996 **EFFECTIVE**: August 4, 1996

TOWN OF MIDDLEBURY - ORDINANCE FOR THE REGULATION OF SWIMMING POOLS

Pursuant to the authority vested in it under 24 V.S.A. § 2291(13), (14), and (15) and Section 104(2) and (4) of the Middlebury Town Charter, the Board of Selectmen of the Town of Middlebury hereby adopts the following Ordinance.

ARTICLE I - PURPOSE

The purpose of this Ordinance is to ensure that swimming pools are used and enjoyed in a responsible manner that protects the health, safety and well-being of all residents, guests and visitors within the Town of Middlebury.

ARTICLE II - DESIGNATION AS CIVIL ORDINANCE

This Ordinance shall be designated as a civil ordinance.

ARTICLE III - APPLICABILITY

Section 301
This Ordinance shall apply to all swimming pools located within the designated areas of the Town of Middlebury other than those swimming pools specifically exempted by a provision of this Ordinance.

Section 302
For purposes of this Ordinance, the "designated areas" of the Town of Middlebury are all areas defined as the Medium Density Residential (MDR) and High Density Residential (HDR) zoning districts on the Town of Middlebury Land Use Districts map dated May 2005, attached as Exhibit A and incorporated herein by reference. The designated areas shall not be affected by subsequent changes to the Town of Middlebury Land Use Districts Map or the Middlebury Zoning Regulations.

Section 303
For purposes of this Ordinance, a “swimming pool” is defined as any receptacle for water, other than one that is entirely enclosed by roofs and walls within a home or other structure, that: a. is used or intended to be used for the purpose of immersion or partial immersion of human beings for swimming, bathing or diving; b. is constructed of concrete, mortar, steel, fiberglass, plastic, wood or other permanent manufactured material; c. is permanently affixed to the ground or to a structure; and 1971 d. is capable of being filled, at any point, to a depth of 24 or more inches.

Section 304
A swimming pool that is under construction shall not be subject to this Ordinance until construction is completed or until it fills with water to a depth of 24 or more inches, whichever occurs first.

Section 305
Any swimming pool whose use for swimming, bathing or diving has been discontinued or abandoned shall remain subject to this Ordinance unless filled to the surface with earth or other similar material.

Section 306
This Ordinance shall not apply to any swimming pool owned by the Town of Middlebury or by any public or private educational institution.

Section 307
This Ordinance shall not apply to any swimming pool which has a setback distance from the edge of the owner's property of at least 300 feet in every direction. For purposes of this section, the setback distance shall be measured by a straight line from the edge of the swimming pool to the boundary line of the nearest neighboring lot or Town Highway right-of-way. The owner of a swimming pool who seeks to rely on the exemption in this Section shall have the burden of establishing that the setback distance is at least 300 feet.

ARTICLE IV - SWIMMING POOL STANDARDS

Section 401
Unless it is equipped with a safety cover meeting the requirements of Section 404 below, every swimming pool shall be completely enclosed by a wall, fence, barrier or other substantial structure not less than 4 feet in height as measured on the outside of the enclosure. No openings other than doors and gates with any dimensions greater than 4 inches shall be permitted therein, except that picket fences may be erected or maintained having horizontal spacing between pickets of not more than 4 inches.

Section 402
All doors or gates in the pool enclosures required by Section 401 above shall be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such doors or gates securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings forming any part of the enclosure here and above required need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least 4 feet above the ground or otherwise equally inaccessible to small children. 1972

Section 403
The vertical walls of an on-ground or above-ground pool structure shall satisfy the enclosure requirement of Section 401 above, provided that such walls comply with all standards of Section 401 (including but not limited to the 4-foot height requirement), and subject to the further requirement that if access is provided by a ladder, steps, or similar means, the means of access shall either be surrounded by an enclosure meeting the standards of Section 401 or be capable of being secured, locked, or removed to prevent access.

Section 404
A swimming pool without an enclosure meeting the standards of Section 401 above shall nevertheless be deemed to comply with this Ordinance if it is equipped with a cover which complies with the standards set forth in ASTM F 1346-91.

ARTICLE V - VIOLATIONS AND ENFORCEMENT

Section 501
It shall be a violation of this Ordinance for any landowner to own, maintain, use or operate a swimming pool on his or her property that does not comply with the standards set forth in Article IV of this Ordinance, unless the swimming pool is specifically exempted by a provision of this Ordinance.

Section 502
Any landowner who violates this Ordinance shall be liable for a fine of no more than one hundred dollars ($100.00) for a first offense, no more than two hundred fifty dollars ($250.00) for a second offense, and no more than five hundred dollars ($500.00) for each third or subsequent offense. After receiving notice of a first offense, a landowner shall have two (2) weeks to remedy the violation without an additional fine being imposed. If the

violation is not remedied within the 2-week period, each subsequent week that the violation continues shall constitute a separate offense.

Section 503
Any violation of this Ordinance shall be enforced as a civil ordinance violation pursuant to 24 V.S.A. § 1974a, as such statute may be amended from time to time. The Town Zoning Administrative Officer shall sign the Complaints for violations of this Ordinance.

ARTICLE VI - EFFECTIVE DATES

Section 601
With respect to any swimming pool that is complete and in existence on July 8, 2008, the provisions of this Ordinance shall take effect on June 1, 2009.

Section 602
With respect to any swimming pool constructed or installed after July 8, 2008, the provisions of this Ordinance shall take effect on November 24, 2008.

Adopted October 14, 2008

TOWN OF MIDDLEBURY - ORDINANCE FOR THE REGULATION OF TRAFFIC LIGHTS AND TRAFFIC SIGNS

The Town of Middlebury Ordinance for the Regulation of Traffic Lights and Traffic Signs, adopted 22 August 1972, and amended from time to time:

We, the Selectmen of the Town of Middlebury, pursuant to the Section 104B of the Middlebury Town Charter and such other state laws as are applicable, hereby make the following ordinance as to traffic lights, one way traffic streets, stop signs and yield right-of-way signs within the limits of the Town of Middlebury.

ARTICLE I

Section I. Definitions

1. **Traffic Control Device**. Any sign, signal, marking, pavement striping or text, or other device used to regulate, restrict, or guide the movement of motor vehicles, placed on, over, or adjacent to a public street or highway, parking lot, pedestrian facility, or bikeway by authority of the Town of Middlebury or the State of Vermont.

ARTICLE II

Section I. Traffic Signal Lights

The operator of a motor vehicle facing a traffic control signal exhibiting the word "Stop" or the color "Red" shall bring his vehicle to a complete stop, and shall not proceed until said traffic control signal exhibits the word "Go" or the color "Green", except when directed otherwise by a police officer.

Section II. Flashing Signals

Whenever a flashing red or yellow signal is used in a traffic sign or signal, it requires obedience by vehicular traffic as follows:

1. Flashing Red: Drivers shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if there are none, before entering the intersection, and the right to proceed is subject to the rules applicable after making a stop at a stop sign.
2. Flashing Yellow: Drivers of vehicles may proceed through the intersection or past the signal only with caution.

Section III. Turn On Red Signal

1. Right turn on red is prohibited at any intersection where a “No Right Turn” signal or red right turn arrow is activated.
2. Left turn on red is permissible eastbound on the southern loop of Court Square where it intersects the northbound lane after stopping and granting the right-of-way to northbound vehicles.

ARTICLE III

Section I. One-Way Streets

1. Where streets or any portion thereof have been designated as one-way streets, and signs are posted indicating the direction, drivers shall not move their vehicles contrary to the direction posted on the sign and/or pavement marking, unless directed otherwise by a traffic control person or police officer.
2. Drivers shall not enter a street when it is posted “DO NOT ENTER”

Section II. The Following Streets Are Hereby Declared To Be One-Way Streets:

- Academy Street: Southbound travel only between College Street and South Main Street.
- Bakery Lane: This Street shall be entered only from its intersection on Main Street. Motor vehicles shall exit from Bakery Lane through the municipal parking lot at its southern driveway.
- College Street: Westbound from the intersection with Main Street to the intersection with Academy and Weybridge Streets.
- Court Square: Motor vehicles shall proceed only in a counter-clockwise manner, i.e.: only northerly on the roadway easterly of Court Square; only westerly on the roadway northerly of Court Square; only southerly on the roadway westerly of Court Square; and only easterly on the roadway southerly of Court Square.
- Franklin Street: Westbound from Academy Street to Storrs Avenue.
- High Street: Motor vehicles shall only proceed in a northerly direction on this roadway from the roadway that leads to Chipman Hill to Route 7 (North Pleasant Street).
- Methodist Lane: Motor vehicles shall only proceed in a westerly direction on this roadway.
- Mill Street: Motor vehicles shall only proceed in a westerly direction on this roadway from its intersection with Main Street to 182 feet from the intersection of Mill Street and Weybridge Street.

MUHS Campus

- Motor vehicles shall only proceed around the rotary traffic island, which makes up the bus loop in front of the main entrance and shall be driven only to the right of the island.
- Motor vehicles shall only proceed in a northerly direction in the drop-off zone adjacent to the auditorium.
- Motor vehicles shall only proceed in a southerly direction in the drop-off zone area south of the bus circle.
- Park Street: Motor vehicles shall only proceed in a southerly direction on this roadway.
- Pleasant Street: Motor vehicles shall only proceed in a southerly direction on this roadway from its intersection with the line which is a projection of the southerly line of the highway on the north side of Court Square to its intersection with the northerly side of Merchants Row.
- Printer's Lane: Motor vehicles shall only proceed in a north westerly direction on this roadway, i.e. off of Main Street, from its intersection with Main Street to the rear line of the Beckwith Block.

ARTICLE IV

Section I. Designation Of Stop Signs At Intersections

Stop signs shall be erected on the following streets for the regulation of traffic at the following intersections.

- Abbey Pond Trail - West bound traffic at the intersection with Route 116.
- Adirondack View - Northbound traffic at the intersection with College Street.
- Airport Road - Westbound traffic at the intersection with Route 116
- Bakery Lane - Westbound traffic at the intersection with Main Street.
- Birchard Park - Southwest bound traffic at the intersection with Rogers Road.
- Blake Roy Road - Northbound traffic at the intersection with the Three Mile Bridge Road.
- Blinn Lane - Southbound traffic at the intersection with Route 125.
- Boardman Street - Westbound traffic at the intersection with Route 7 South.
- Brookside Drive - Northeast bound traffic at the intersection with Valley View. Southwest bound traffic at the intersection with Buttolph Drive.
- Burnham Drive - Westbound traffic at the intersection with Mountain Road and Munson Road.
- Buttolph Drive - 1) southbound traffic at the intersection with Monroe Street; 2) North and south bound traffic at the intersection with Brookside Drive; 3) northbound traffic at the intersection with Washington Street; 4) north and southbound traffic at the intersection with Meadow Way.
- Cady Cross Road - Westbound traffic at the intersection with U.S. Route 7. Eastbound traffic at the intersection with Route 116.

- Cedar Court - westbound at its intersection with Buttolph Drive
- Charles Avenue - 1) Northbound traffic at the intersection with Duane Court. 2) Westerly bound traffic at the point where Charles Avenue makes a 90-degree turn thence continuing in a northerly direction. 3) Southbound traffic on Charles Avenue at the MUHS bus circle.
- Chipman Park - Eastbound traffic at the north and south entrances intersecting with South Street.
- Cobble Road - Westbound traffic at the intersection with Munger Street. Eastbound traffic at the intersection with Route 116.
- Collins Drive -Westbound at the intersection with South Street
- Colonial Drive - Eastbound traffic from the north and south entrances intersecting with Washington Street Extension.
- College Street - eastbound at its intersection with Academy and Weybridge Streets.
- Cone Drive - North bound traffic at the intersection with Ossie Road (Route 116).
- Courthouse Driveway - eastbound at its intersection with Buttolph Drive.
- Creek Road - Northbound traffic at the intersection with U.S. Route 7.
- Danyow Drive - Eastbound traffic at the North and South intersections with Rogers Road.
- Deerfield Lane - at its intersection with Middle Road
- Duane Court - Westbound traffic at the intersection with Charles Avenue.
- East Street - Westbound traffic at the intersection with Valley View. Northbound traffic at the intersection with Seminary Street Extension.
- East Munger Street - Westbound traffic at the intersection with Munger Street. North bound traffic at the intersection with Cobble Road.
- Elm Street - Eastbound traffic at the intersection with North Pleasant Street; Westbound traffic at the intersection with Exchange Street. Eastbound traffic at triangular island which delineates the intersection with Seymour Street and Exchange Street.
- Eastview Terrace - Westbound at the intersection with South Street Extension
- Exchange Street - Southbound traffic at the intersection with Elm Street. Eastbound traffic at the intersection with Route 7.
- Field Road - southbound traffic at both intersections with Middle Road.
- Foote Street - Southbound traffic at the intersection with Cady Cross Road and at the intersection with U.S. Route 7. Northbound traffic at the intersection with Cady Cross Road. Northbound traffic at the intersection with Quarry Road.
- Forbes Circle - Eastbound traffic at the intersection with Valley View Drive.
- Forest Ridge Road - Westbound traffic at the intersection with Mountain Road/Schoolhouse Hill Road.
- Franklin Street - Westbound at the intersection with Storrs Avenue.
- Golf Course Road - Northbound traffic at the intersection with Route 30.
- Gorham Lane - Eastbound traffic at the intersections with Weybridge Street.
- Green Mountain Place - Westbound traffic at the intersection of South Street.
- Grey Ledge Road - Northbound traffic at the junction with Painter Road.
- Halpin Road - Southbound traffic at the intersections with Washington Street Extension and Painter Road.
- Halladay Road - Northbound traffic at the intersection with U.S. Route 7. Southbound traffic at the intersection with the Three Mile Bridge Road.
- Happy Valley Road - Southbound traffic at the intersection with Washington Street Extension. Westbound traffic at U.S. Route 7.
- Harrow Way - Eastbound traffic at the intersection with Woodland Park. Westbound traffic at the intersection with Buttolph Drive.
- Heritage Circle - Eastbound traffic at the intersection with Woodland Park.

- High Street - Northbound traffic at the intersection with Seminary Street, and at the intersection with North Pleasant Street. Southbound traffic at the intersection with Seminary Street, and at the intersection with Washington Street.
- Hillcrest Road - Northbound traffic at the intersection with College Street.
- Kings Row - Southbound traffic at the intersection with Route 125.
- Lacrosse Street - northbound at the intersection with Creek Road; southbound at the intersection with Middle Road.
- Leno Lane - Westbound traffic at the intersection with Route 116.
- Lindale Trailer Park - West bound traffic at the intersection with Route 116.
- Lodge Road - Eastbound at the intersection with Middle Road and South Ridge Drive.
- Lower Plains Road - Northbound traffic at the intersection with Route 125.
- Main Street - Northeast bound traffic at the intersection with North Pleasant Street.
- Mainelli Road - Southbound at the intersection with Pond Lane.
- Mainelli Road - Eastbound at the intersection with Exchange Street
- Maple Street - Eastbound traffic crossing the Railroad grade crossing, at the intersection with Seymour Street.
- Maple Court - Southbound traffic at the intersection with Route 125.
- Mary Hogan Drive - Northerly exit westbound traffic at the intersection with Rte 7.
- Mead Lane - Eastbound traffic at the intersection with Route 116. Southbound traffic at the intersection with Route 116.
- Meadow Way - Westbound at the intersection with Buttolph Drive. Eastbound at the intersection with Woodland Park.
- Meadow Glen Drive - at its intersection with South Ridge Drive.
- Merchants Row - Eastbound traffic at the intersection with Court Square.
- Methodist Lane - Westbound traffic at the intersection with Seymour Street.
- Middle Seymour Street - Northbound at the intersection with Seymour Street.
- Mill Street - Westbound traffic at the intersection with Weybridge Street.
- Monroe Street - Westbound traffic at the intersection with Court Street. Westbound traffic at the intersection with Buttolph Drive.
- Morningside - Eastbound traffic at the intersection with Weybridge Street.
- Mountain Road or Schoolhouse Hill Road - Southbound traffic at the intersection with Route 125. Northbound traffic at the intersection with Munson Road.
- MUHS Campus Area - 1) Easterly exit of the MUHS bus circle; 2) North bound traffic adjacent to the faculty parking lot exiting on to Charles Avenue; 3) North bound traffic exiting the faculty parking lot on to Charles Avenue.
- Munger Street - Southbound traffic at the intersection with Quarry Road. Northbound traffic at the intersection with Cobble Road. Southbound traffic at the intersection with Painter Road. Northbound traffic at the intersection with Painter Road.
- Munson Road - Southbound traffic at the intersection with Burnham Drive. Westbound traffic at the junction of Route 116. Eastbound traffic at the intersection with Burnham Drive and Mountain Road.
- Murdock Court - Northeast bound traffic at the intersection with Weybridge Street.
- Newton Lane - Northbound traffic at the intersection with Ossie Road (Route 116).
- North Branch Road - Westbound traffic at the intersection with Route 125.
- North Street - Southbound traffic at the intersection of Seminary Street. Northbound traffic at the intersection of Stewart Lane.
- Old College Farm Road - Northbound traffic at the junction of Seminary Street Extension.
- Ossie Road - Eastbound traffic at the intersection with Route 125.

- Painter Hills Road - Northwest bound traffic at the junction with Washington Street Extension/Painter Road.
- Painter Road - Eastbound traffic at the intersection with Munger Street.
- Parent-Child Center Driveway - northbound at the intersection with Monroe Street.
- Park Road (Industrial Park) - Southeast bound traffic at the intersection with Exchange Street. Southbound traffic at the intersection with Pond Lane.
- Peterson Terrace - Northwest bound traffic at both the intersections with Washington Street Extension.
- Pinewood Street - Eastbound traffic at the intersection with Seymour Street Extension.
- Pleasant Street - Northbound traffic at the intersection with the northerly branch of Merchants Row.
- Porter Drive - Eastbound at the intersection with South Street
- Porter Field Road - Eastbound at the intersection with South Street. Westbound at the intersection with South Main Street.
- Pulp Mill Bridge Road - Southwest bound at the intersection of Weybridge Street.
- Quarry Road - Eastbound traffic at Route 116; southwest bound at the triangular intersection with Foote Street.
- Recreation Park - East Parking Lot. Eastbound traffic at the intersection of Buttolph Drive.
- Ridgeview Terrace - westbound at the intersection with Meadow Glen Drive.
- Rogers Road - Southwest bound traffic at the intersection of Route 7. Northbound traffic at the intersection with Monroe Street.
- Rolling Acres - Southbound traffic at the east and west entrance intersecting with Quarry Road.
- Route 116 - Northbound traffic at the intersection with Route 125. Southbound traffic at the intersection with Route 125.
- Route 116 - Southbound traffic at the intersection with Ossie Road.
- Schoolhouse Road - Southbound and northbound traffic at the intersections with Route 7.
- Seminary Street - a) Westbound traffic at the intersection with Washington Street, at the intersection with High Street, and at the intersection with North Pleasant Street. b) Eastbound traffic at the intersection with high Street, and at the intersection with Washington Street.
- Seymour Street - a) Northbound traffic at the intersection with Elm Street. b) Southbound traffic at the intersection with Middle Seymour Street. c) Southbound traffic at the intersection with Main Street.
- Seymour Street Extension - Southbound at the intersection with Seymour Street and the Pulp Mill Bridge.
- Shannon Street - Northeast bound traffic at the intersection with Weybridge Street; Southbound traffic at the intersection of College Street.
- Shard Villa Road - Northbound traffic at the intersection with the Three Mile Bridge Road.
- Shaw Lane - Eastbound traffic at the intersection with Seymour Street.
- South Munger Street - Northbound traffic at the intersection with Quarry Road.
- South Pleasant Street - at its intersection with Cross Street.
- South Street - Northbound traffic at the intersection with Main Street.
- South Village Green - eastbound at the intersection with Court Street Extension.
- Star Point Drive - eastbound at the intersection with Meadow Glen Drive.
- Star Point Terrace - northbound at the intersection with Star Point Drive
- Springside Road - Southbound traffic at the intersection with Seminary Street.
- Stewart Lane - Westbound traffic at the intersection with North Pleasant Street.
- Stonegate Drive - southbound at the intersection with Boardman Street.
- Storrs Avenue - Southbound traffic at the intersection with South Main Street; Northbound traffic at the intersection with College Street.
- Swanage Court - Westbound traffic at the intersection with Buttolph Drive.
- Thomas Street - Westbound traffic at the intersection with Court Street.

- Three Mile Bridge Road - Eastbound traffic at the intersection with Route 7.
- Upper Plains Road - Northbound traffic at the intersection with Route 125.
- Valley View Drive - Northbound traffic at the intersection with Seminary Street Extension; Northbound traffic at the intersection with Forbes Circle/East Street; Southbound traffic at the intersection with Forbes Circle/East Street; Northbound traffic at the intersection with Brookside Drive.
- Vocational Center Parking Lot - Northbound traffic at Charles Avenue.
- Washington Street - Eastbound traffic at the intersection of Seminary Street; Westbound traffic at the intersection with Seminary Street; Eastbound traffic at the intersection with High and Buttolph Drive; Westbound traffic at the intersection with High and Buttolph Drive.
- Water Street - Southbound traffic at the point which Water Street turns west to the railroad trestle; Eastbound traffic at Charles Avenue, the point at which Water Street turns north toward Cross Street; Northbound traffic at the intersection with Cross Street.
- Weybridge Street - Southbound traffic at the intersection with College Street.
- Willow Road - Westbound traffic at the intersection with Route 7; Eastbound traffic at the intersection with Wilson Road.
- Wilmar Street - Northbound traffic at the intersection of Route 125; Southbound traffic at the intersection with Route 116.
- Wilson Street - Northbound traffic at the intersection with Boardman Street.
- Woodland Park - Southbound traffic at the intersection with Meadow Way; Northwest bound traffic at the intersection with Brookside Drive.
- Woodland Park Condo - Southbound traffic at the intersection with Woodland Park.

Section II. Designation Of Stop Signs For Private Parking Lots
Stop signs shall be erected at the property owner's expense at the exit onto Town highways for the regulation of traffic at the following locations:

Shaw’s driveway at the Buttolph Drive and Washington Street exits.

ARTICLE V

Section I. Designation Of Yield Right-Of-Way Signs At Intersections
Yield right of way signs shall be erected on the following streets for the regulation of traffic at the following intersections:

- College Street - Eastbound traffic at the intersection with Main Street.
- Court Square - Westbound traffic at the intersection with North Pleasant Street. Eastbound traffic at the intersection with Court Street.
- Foote Street - Northbound traffic at the intersection with Schoolhouse Road and Foote Street.
- Merchants Row - Eastbound traffic at the intersection with South Pleasant Street.
- Seymour Street - Southeast bound traffic at the intersection with Pleasant Street. Northwest bound traffic at the intersection with Main Street.
- Stewart Lane - Eastbound traffic at the intersection with High Street.
- Washington Street - Westbound traffic at the intersection with Court Square.

ARTICLE VI

Section I. Operating At Stop And Yield Signs
Every vehicle immediately before entering the limits of an intersection designated as a "stop" intersection, shall be brought to a full stop and shall yield the right-of-way to all vehicles or pedestrians approaching from either direction, except when the operator thereof is otherwise directed by a police officer or by a traffic signal, and

upon entering an intersection designated as a "yield right-of-way" intersection shall not exceed a speed reasonable for conditions and shall yield the right-of-way to all vehicles or pedestrians approaching from either direction.

ARTICLE VII

Section I. No Left Turns

No left turn signs shall be erected on the following streets for the regulation of traffic at the following intersections, and a person shall not make a left turn in violation of such signs:

- Battell Block Parking Area - Northeast bound traffic at the intersection with Merchants Row.
- Mahady Court - westbound at the intersection with Court Square.
- Merchants Row - Eastbound traffic at the intersections of South Pleasant Street and Court Square.
- Middlebury Inn Parking Area - Eastbound traffic at the intersection with Court Square.
- MUHS Facility Parking Area - Northbound traffic at the intersection of Charles Avenue between the hours of 7:30 A.M. to 9:00 A.M. and 2:45 P.M. to 3:30 P.M.
- North Pleasant Street - Northbound at the intersection with Main Street.
- Painter House Parking Area - Northbound traffic at the intersection with Court Street.
- Route 7 - Southbound traffic at the intersection of High Street.
- South Pleasant Street - Northbound traffic at the four-corner intersection of Merchants Row and Court Square.

Section II. No Right Turns

No right turn signs shall be erected on the following streets for regulation of traffic at the following intersections, and a person shall not make a right turn in violation of such signs:

- Main Street - Northbound traffic at the intersection of North Pleasant Street.
- Route 7 - Northbound traffic at the intersection of High Street.

ARTICLE VIII

Section I. Pedestrian Control Signals

1. Whenever special pedestrian-control signals exhibiting the words “Walk” or “Don’t Walk” or universal symbols thereto as specified in the Manual On Uniform Traffic Control devices, the signals indicate as follows:
   (a) “Walk”: pedestrians facing the signal may proceed across the roadway in the direction of the signal and shall be given the right of way by all drivers.
   (b) “Don’t Walk: no pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has begun his or her crossing on a “Walk” signal shall proceed to a sidewalk or a safety island while the “Don’t Walk” signal is showing.

ARTICLE IX

Section I. Roundabouts

1. Vehicles approaching a roundabout shall yield left and grant the right of way to vehicles moving within the roundabout.
2. Traffic in roundabouts shall move one-way in a counter-clockwise direction only.

ARTICLE X

Section I. Prohibited Turns

1. Where turns are prohibited and traffic control devices are posted prohibiting the turn, drivers shall not move the vehicle as indicated unless directed to do so by a traffic control person or police officer.

ARTICLE XI

Section 1. Travel Lanes Shared By Motor Vehicles And Bicycles

(a) A shared lane is a travel lane in which motor vehicles and bicycles have equal rights and privileges to the travel lane.
(b) Travel lanes that are too narrow for a motor vehicle and bicycle to travel side by side, have a speed limit less than 35 MPH, contain obstructions such as drains in the main travel portion that are hazardous to bicycle travel, and have on-street parallel parking which creates a risk of a passing bicycle impacting the open door of a parked vehicle may be designated as shared lanes.

Section 2. Designated Shared Lane Roads

(a) Main Street, both directions, between the intersections with Seymour Street and Academy Street
(b) Merchants Row, both directions
(c) Park Street

Section 3. Markings

The standards for marking shared lanes must be in compliance with the Manual on Uniform Traffic Devices.

ARTICLE XII

Section I. Temporary Or Emergency Traffic Controls

Upon authorization of the Selectmen, Town Manager, Chief of Police or Director of Operations, temporary signage or controls may be ordered for public safety or for temporary management of traffic. Drivers shall obey the direction of all temporary traffic control devices unless otherwise directed by a traffic control person or police officer.

ARTICLE XIII

Section I. Penalties

A person who violates any provision of this Ordinance shall be fined not more than $100.00.

Section II. Effective Date

This Ordinance shall become effective as provided in Section 107 of the Middlebury Town Charter.

Section III. Repeal Of Prior Ordinance

The special regulations as to traffic lights, one-way streets, stop signs, and yield right-of-way signs in the Town of Middlebury adopted by the Selectmen of the Town of Middlebury on 11 April 1967 together with all subsequent amendments thereto are repealed as to the effective date of this Ordinance. However, any violations which occurred prior to the effective date of this Ordinance may be prosecuted under the provisions of the 11 April 1967 Ordinance, or any amendment thereto, as though such earlier Ordinance and amendments thereto had to repealed.

Traffic Lights and Traffic Signs

ADOPTED AS DRAFT BY BOARD OF SELECTMEN: 25 JULY 1972
PUBLIC HEARING HELD BY BOARD OF SELECTMEN: 8 AUGUST 1972
FINAL ADOPTION BY BOARD OF SELECTMEN: 22 AUGUST 1972

AMENDED: 3 JULY 1977
AMENDED: 4 JUNE 1978
AMENDED: 19 JULY 1979
AMENDED: 7 DECEMBER 1980
AMENDED: 20 DECEMBER 1981
AMENDED: 29 AUGUST 1982
AMENDED: 22 MARCH 1983 **EFFECTIVE:** 1 MAY, 1983
AMENDED: 4 DECEMBER 1984 **EFFECTIVE:** 12 JANUARY, 1985
AMENDED: 30 JUNE 1987 **EFFECTIVE:** 10 AUGUST, 1987
AMENDED: 29 SEPTEMBER 1987 **EFFECTIVE:** 9 NOVEMBER, 1987
AMENDED: 1 NOVEMBER 1988 **EFFECTIVE:** 11 DECEMBER, 1988
AMENDED: 6 JUNE 1989 **EFFECTIVE:** 16 JULY, 1989
AMENDED: 2 JANUARY, 1990 **EFFECTIVE:** 11 FEBRUARY, 1990
AMENDED: 15 JANUARY, 1991 **EFFECTIVE:** MARCH 3, 1991
PUBLIC HEARING HELD BY BOARD OF SELECTMEN: 3 SEPTEMBER, 1991
ADOPTED: 17 SEPTEMBER, 1991 **EFFECTIVE:** OCTOBER 26, 1991
ADOPTED: 25 MAY, 1993 **EFFECTIVE:** 6 JULY, 1993.
ADOPTED: NOVEMBER 30, 1993 **EFFECTIVE**: JANUARY 9, 1994
AMENDED: JUNE 27, 1995 **EFFECTIVE**: AUGUST 6, 1995
AMENDED; AUGUST 8, 1995 **EFFECTIVE**: SEPTEMBER 17, 1995
AMENDED: MARCH 12, 1996 **EFFECTIVE** APRIL 22, 1996
AMENDED: JUNE 25, 1996 **EFFECTIVE:** AUGUST 4, 1996
AMENDED: OCTOBER 22, 1996 **EFFECTIVE:** DECEMBER 1, 1996
AMENDED: DECEMBER 9, 1997 **EFFECTIVE**: JANUARY 18, 1998
AMENDED: AUGUST 25, 1998 **EFFECTIVE**: OCTOBER 4, 1998
AMENDED: MAY 9, 2005 **EFFECTIVE**: JUNE 18, 2005
AMENDED: JULY 29, 2014 **EFFECTIVE**: SEPTEMBER 15, 2014
AMENDED: OCTOBER 27, 2015 **EFFECTIVE**: DECEMBER 6, 2015
AMENDED: AUGUST 13, 2019 **EFFECTIVE**: SEPTEMBER 22, 2019
AMENDED: APRIL 13, 2021 **EFFECTIVE**: MAY 23, 2021
AMENDED: MAY 25, 2021 **EFFECTIVE**: JULY 4, 2021

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE PROTECTION OF TREES AND PLANTS IN THE BATTELL WOODS AND MEANS WOODS

The Selectmen of the Town of Middlebury, pursuant to Chapter 1, Section 104 (F) of the Middlebury Charter, hereby enact the following ordinance regulating the removal of trees, plants, shrubs, and flowers on certain municipal property:

Parcel #1: D.M. Means Memorial Woods. D.M. Means Memorial Woods, so-called, located on the northerly side of Seminary Street Extension, and being the 29-acre parcel conveyed to the Town of Middlebury by Deed of Elinor H. Means, dated 15 August 1969, and recorded in the Middlebury Land Records, said lands being described in the Town of Middlebury Ordinance Regarding: The Discharge of Firearms in the Battell Woods and Means Woods.

"Reference is made to survey dated June 18, 1969 entitled "TO THE TOWN OF MIDDLEBURY FROM ELINOR HAVEN MEANS" on file at the Office of the Middlebury Town Clerk and prepared by J.R. Widli and A.K.D. Healy, Jr."

Parcel #2: Battell Woods. The Battell Woods, so-called, located on the southerly side of Seminary Street Extension and being more particularly described on a survey map prepared by Lee H. Lowell, Surveyor, and dated March 31, 1966, and entitled "Property of Battell Park Trust". A copy of this plan is on file in the Middlebury Town Clerk's Office.

Extension, by lands of Wilson E. Noyes, and by lands of Alson Drew; easterly by lands of Buttolph and lands now or formerly of Brayman; southerly by the Rogers Road Development and the Birchard Park Development; and easterly by lands now or formerly of Hector Sabourin and E. Lawrence Roberts.

This Ordinance shall not apply to the picking, transplanting, or removal or trees, plants, shrubs, or flowers within these areas for sound forestry management purposes or for preservation, biological, zoological, botanical, or educational purposes, by the D.M. Means Memorial Woods Trustees, by the Trustees of the Battell Woods or by persons acting with express permission of the Town of Middlebury or with express permission of the D.M. Memorial Woods Trustees or the Battell Woods Trustees.

A person who violates any provision of this Ordinance shall be fined not more than $75.00 for each offense.

ADOPTED: FEBRUARY 9, 1971
AMENDED: FEBRUARY 28, 1995 **EFFECTIVE** APRIL 9, 1995

TOWN OF MIDDLEBURY - AN ORDINANCE FOR THE REGULATION OF VEHICLE WEIGHT AND HEIGHT LIMITS ON TOWN HIGHWAYS

We, the Middlebury Board of Selectmen, pursuant to 23 V.S.A. 1400a et seq do hereby make the following civil ordinance for the regulation of overweight vehicles on Town bridges and highways within the limits of the Town. All penalties or fines assessed hereafter shall be imposed as civil penalties.

ARTICLE I

Section 101. Jurisdiction
A person or corporation owning or operating a traction engine, tractor trailer, motor truck or other motor vehicle that desires to operate it in excess of the weight and size limits provided hereto over bridges and class 2, 3 and 4 highways under the jurisdiction of the Town shall be regulated under the conditions set forth in this ordinance.

ARTICLE II

Section 201. Application
An application is required to be filed with the Town Manager for the operation of any vehicle, which by weight or size exceeds the road, and bridge limits established by the Board of Selectmen.

Section 202. Town Weight Limits
The Town shall be responsible for establishing any weight limits, which are more restrictive than the 80,000 lbs. authorized by the State. The Town shall file a complete copy of the weight limitations with the Department of Motor Vehicles.

ARTICLE III

Section 301. Administrative Fee
An administrative fee of $5.00 shall be filed by the applicant at the time of the request for permit and shall cover the period expiring March 31 of each year for a vehicle.

Section 302. Fleet Permit - Administrative Fee
An administrative fee of $10.00 shall be filed by the applicant at the time of the request for a permit and shall cover the period expiring March 31 of each year for all the registered vehicles which are intended to be operated in the Town of Middlebury.

ARTICLE IV

Section 401. Insurance
A valid certificate of insurance in the amount of a minimum of $100,000/$300,000 Personal Injury Liability Coverage and $100,000 Property Damage Coverage shall be provided to the Town at the time of application.

ARTICLE V

Section 502. Posting of Permit

A single issued permit shall be posted by the operator in the applicable vehicle. A fleet permit is not required to be posted as long as the operator can provide confirmation that the permit has been issued within 24 hours of having been stopped by a police officer.

ARTICLE VI

Section 601. Weight Limits/State
When a Town bridge or highway is posted for state limits, the gross weight limits on town highways and bridges shall be the weight allowed by the state, including any additional weight allowed by permit.

ARTICLE VII - WEIGHT LIMITS/TOWN

Section 701. 8,000 lbs.
The following highways or bridges shall be restricted to a weight not to exceed 8,000 lbs.: Pulp Mill Bridge

Section 702. 10,000 lbs.
The following highways or bridges shall be restricted to a weight not to exceed 10,000 lbs.: Grist Mill Bridge

Section 703. 24,000 lbs.
The following highways or bridges shall be restricted to a weight not to exceed 24,000 lbs. at all times:

Highways

- Bakery Lane
- Blake Roy Road
- Butternut Ridge Drive
- Chipman Heights
- Cone Drive
- Dragon Brook Road
- Dwire Circle
- Fairview Circle
- Forrest Ridge Road
- Benedict Lane
- Boardman Street (east & west)
- Buttolph Drive
- Chipman Park
- Creek Road (from end of pavement to Three Mile Bridge Road)
- Danyow Drive
- East Munger Street
- Foote Street
- Forrest Lane
- Birchard Park
- Brookside Drive
- Charles Avenue
- Colonial Drive
- Drew Lane
- East Road
- Forbes Circle

- Foster Circle
- Franklin Street
- Fred Johnson Circle
- Gambrel Court
- Gorham Lane
- Grist Mill Road
- Green Mountain Place
- Grey Ledge Road
- Grist Midd Road
- Halladay Road
- Halpin Road
- Halpin Covered Bridge Road
- Happy Valley Road
- Harrow Way
- Heritage Circle
- High Street
- Hillcrest Road
- Juniper Lane
- Kings Row
- Locust Lane
- Lower Foote Street
- Lower Plains Road
- Maecliff Court
- Maple Court
- Maple Street
- Mary Hogan Drive
- Mead Lane
- Meadow Glen Drive
- Meadow Way
- Methodist Lane
- Middle Road (north & south)
- Mill Street
- Monroe Street
- Morningside Drive
- Morse Road
- Munger Street
- Murdock Court
- North Leno Lane
- North Street
- Painter Road
- Painter Hills Road
- Park Street
- Peterson Terrace
- Pinewood Road
- Piper Road
- Quarry Road

- Rogers Road
- Rolling Acres
- School House Hill Road
- Seminary Street & Extension
- Shannon Street
- Seymour Street Extension
- Short Shannon Street
- Shard Villa Road
- South Gorham Lane
- South Leno Lane
- South Pleasant Street
- South Ridge Drive
- South Street Extension (from end of pavement south to end of road)
- Star Point Drive
- Stewart Lane
- Stonegate Drive
- Swanage Court
- Thomas Street
- Three Mile Bridge Road
- Upper Plains Road
- Valley View Road
- Washington Street & Extension
- Water Street
- Willard Street
- Wilmar Street
- Willow Drive
- Wilson Road
- Woodland Park

Bridges
- Muddy Branch Bridge
- Halpin Bridge

ARTICLE VIII

Section 801. Height Limit
The following bridge shall be restricted to an overhead clearance of 8': Pulp Mill Bridge

ARTICLE IX

Section 901. Special Weight Limits
Special weight limits shall be reviewed on an annual basis by the Director of Public Works. Changes from previously established limits, or to the state legal limits for highways or bridges 2604 shall be approved by the Selectmen and filed with the Department of Motor Vehicles no later than February 10 of each year. The filing shall include name of the highways or bridges, the time of the year that the restriction applies, and weight limitations in effect. Failure to notify the state within three days of the posting of any changes to the previously filed list shall make the newly established limit unenforceable.

Section 902. Temporary or Special Weight Restrictions
Temporary weight restrictions can be applied to any bridge or highway by the Town Manager based on weather-related circumstances, which are of a temporary or special nature. Such a restriction shall not exceed a 3-month period. The application of such restriction shall follow the statutory requirements for filing, posting and records management.

Section 903. Temporary Weight Limits from April 1 to June 1
The following highways or bridges shall be restricted to a weight not to exceed 24000 lbs. from April 1 to June 1st, or as dictated by seasonable weather conditions:

- Birch Drive
- Burnham Drive
- Duane Court
- Munson Road
- North Branch Road
- Oak Drive
- South Munger Street

ARTICLE X. EXCLUSIONS

Section 1001. Town Construction
Nothing contained in this ordinance shall restrict the weight of snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks or other construction or maintenance equipment when used by the Town, in the construction or the maintenance of any highway, provided that such construction or maintenance is performed by persons employed by or under contract with such town, for such purpose. However, any operation of motorized highway building equipment or road making appliances used in construction work contracted by a town, or by the town using its own equipment, shall be unrestricted as to weight only within a construction area.

Section 1002. Fire Vehicles
Nothing contained in this ordinance shall restrict the weight of municipal and volunteer fire apparatus.

Section 1003. Material Hauling Exemptions
Vehicles specially equipped to haul unprocessed milk; unprocessed forest products or unprocessed quarry products shall be subject to state registration and regulation requirements only.

Section 1004. Farm Exemption
Farm equipment used for routine, non-commercial farm operations shall not be subject to these requirements.

ARTICLE XI

Section 1101. Civil Penalties
This ordinance is designated as a Civil Ordinance and all penalties or fines assessed thereunder shall hereafter be imposed as civil violations and any persons who violates any provisions of this ordinance shall be fined as hereinafter provided.

Determination of a violation shall be based on the lightweight of the vehicle and the contents contained within it. An officer shall have the authority to request the operator to proceed to a location within the Town where registered scales are present to confirm weight if the operator questions whether a violation of this ordinance has occurred. A person who violates any provision of this ordinance shall be fined not more than $500. A fine may be imposed for each violation.

Section 1102. Fine/Waiver Fee

	Fine	**Waiver Fee**
Failure to obtain a permit	$ 15.00	$10.00
Excess weight	$250.00	$100.00
Height Limit	$85.00	$75.00

ARTICLE XII

If any part of this ordinance shall be held to be void, invalid or unconstitutional either under the laws or constitution of the State of Vermont or the United States by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and such portions shall be in full force and effect.

ARTICLE XIII

This ordinance shall become effective 40 days from the date of adoption as provided in Section 107 of the Middlebury Town Charter. Upon the effective date of this ordinance the Town of Middlebury Ordinance Concerning the Pulp Mill Bridge shall be repealed in its entirety.

ADOPTED: MARCH 28, 1995 **EFFECTIVE:** MAY 7, 1995
AMENDED: AUGUST 25, 1998 **EFFECTIVE:** OCTOBER 4, 1998
AMENDED: AUGUST 24, 2021 **EFFECTIVE:** OCTOBER 3, 2021

TOWN OF MIDDLEBURY - ZONING & SUBDIVISION REGULATIONS

The complete updated version of the Town of Middlebury's Zoning and Subdivision regulations, and any associated appendix documents, can be found on the Town's website under the Planning & Zoning Department.

ADOPTED: 8/23/2022 **EFFECTIVE**: 9/13/2022