



**ARTICLE I. PURPOSE**

It is the purpose of this ordinance to protect public health and enforce the health regulations of the City of Winooski and the State of Vermont.

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Statutory Cross-References: 18 V.S.A. § 601 et. seq.; 24 V.S.A. § 2291(13); 24 V.S.A. § 2291(14).

**ARTICLE III. GENERAL REGULATIONS**

**SECTION 18.01. HEALTH DEPARTMENT TO BE ESTABLISHED; HEALTH OFFICER**

There shall be a public health department for the city which shall be administered by the department head who shall be the health officer of the city.

Statutory Cross-Reference: 18 V.S.A. § 601.

**SECTION 18.02. DUTIES OF DEPARTMENT AND HEALTH OFFICER GENERALLY**

It shall be the duty of the health department and health officer to see that the health regulations of the city are enforced and to take such steps as may be necessary to abate or prevent an unhealthy condition.

**SECTION 18.03. ORDERS OF THE HEALTH OFFICER**

An order of the health officer made in connection with the duties of his/her office shall specify the time within compliance with same is required, and shall be served by First Class Mail, return receipt, or by a constable, law enforcement officer or duly appointed code enforcement officer for the city, upon the person which the order is made.

**SECTION 18.04. HEALTH OFFICER TO PERFORM WORK REQUIRED BY ORDER**

If a person shall neglect or refuse to obey a lawful and properly served order of the health officer, the health officer in his/her discretion may, after the expiration of the time specified in the order, do the work required by the order, and the expense thereof with full costs may be recovered of the person so neglecting or refusing, by lien against the property or other legal action deemed appropriate.

**ARTICLE IV. NUISANCES CREATED BY WEEDS OR NOXIOUS PLANTS**

**SECTION 18.05. DEFINITIONS**

The following terms, as used in this article, unless the context specifically indicates otherwise, are defined as follows:

CODE ENFORCEMENT OFFICER - shall mean the duly appointed director of code enforcement for the city or their designee.

CITY CLERK - shall mean the duly appointed clerk for the city or his/her authorized subordinate representative.

GREEN BELT AREA - shall mean any green belt area which is between the city curb or road and where there is no curb and the sidewalk is within the city right-of-way.

NOXIOUS PLANTS - shall mean any plant capable of poisoning, including but not limited to poison ivy, at any height or state of maturity.

OCCUPANT - shall mean any person who has a legal or equitable interest in a parcel of real property other than a fee interest in a parcel of real property, including a life tenant, tenant, lessee, tenant at will, tenant at sufferance, or adverse possessor, as well as a person in possession or a person who has charge, care or control of the parcel of real property, as the agent or personal representative of the person(s) holding legal title to a fee interest.

OWNER - shall mean any person who alone or jointly or severally with others shall have legal title to a fee interest in the parcel of real property, with or without accompanying actual possession thereof.

PARCEL OF REAL PROPERTY - shall mean all property within the legal description for that lot, tract or parcel of land.

PERSON - shall mean and include any individual, firm, corporation, association, partnership, cooperative or governmental agency.

RANK WEEDS - shall mean all vegetation twelve (12) inches or more in height, which may emit unpleasant or noxious odors, or transmit pollen into the air at any state of maturity; all vegetation, regardless of height, including thickets, which may conceal or invite filthy deposits, harbor rodents, refuse or vermin, create a fire hazard, or present a blighting effect on the neighborhood.

THICKETS - shall mean dense growth of wild shrubbery having stems or trunks less than one (1) inch in diameter and briar patches.

**SECTION 18.06. NUISANCE DECLARED**

It shall be unlawful for the owner and/or occupant of any parcel of real property to allow grass twelve (12) inches or more in height, rank weeds and noxious plants, as herein defined, which are allowed to stand at any season of the year upon any lot, track or parcel of land, or unpaved alley, or along the sidewalk, street or paved alley adjacent to such lot, tract or parcel of land.

**SECTION 18.07. RANK WEEDS PROHIBITED; REMOVAL REQUIRED**

It shall be unlawful for the owner and/or occupant of any parcel of real property to allow grass twelve (12) inches or more in height, rank weeds or noxious plants, as defined herein, to grow or stand upon such parcel of real property. It shall be the duty of such owner and/or occupant to immediately cut, remove or destroy any and all weeds and noxious plants on such parcel of real property.

**SECTION 18.08. NOTICE AND ORDER**

- A. All notices and orders shall:
1. Be in writing;
  2. Set forth the alleged violations of this chapter;
  3. Describe the parcel of real property where the violations are alleged to exist or to have been committed;
  4. Set the date, time and location of a hearing to be held before the Board of Health not less than ten (10) days from the date such notice is mailed, posted or served;
  5. Advise that if the grass, rank weeds or noxious plants are not cut down or removed, the code enforcement officer will order the rank weeds, noxious plants or grass to be cut down and removed with the cost thereof being specially assessed against the property; and
  6. Be served upon the owner and/or occupant of the premises by either delivery of a copy of the notice on them personally or by leaving such a copy at their usual place of abode with a member of the family over the age of fifteen (15) years or by United States mail, addressed to the owner and/or occupant, or an agent authorized to receive service of process on behalf of the owner or occupant. If one (1) or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice on the parcel of real property described in the notice and by causing such notice to be published in a newspaper of general circulation.

**SECTION 18.09. ABATEMENT**

Following a hearing before the Board of Health, the code enforcement officer may declare the weeds to be a nuisance, and order such nuisance abated by the owner and/or occupant within five (5) days. If the owner and/or occupant fails to cut down and remove such rank or noxious plants as ordered and fails to notify the director of such cutting, the building and zoning administrator may proceed to have the same cut down and/or prosecute the owner or occupant in municipal court.

**SECTION 18.10. ENTRY TO ABATE**

The code enforcement officer may enter the premises upon which such nuisance is situated for the purpose of abating the same, with or without the consent of the owner of the property, without being deemed to have committed a trespass. This limited right of entry shall extend to any person hired by the code enforcement officer to abate such nuisance.

**SECTION 18.11. SPECIAL ASSESSMENT**

Upon causing abatement of any nuisance as set out above, the code enforcement officer shall determine the cost of such abatement, including as a portion thereof an administrative fee of abatement with respect to the property affected and shall determine whether proper service was made on the owner(s). Upon determining that proper service was made on the owner(s), the code enforcement officer shall certify a statement of such service and of such costs, with a description of the real property upon

which such abatement was accomplished, to the city clerk as a special assessment upon such real property. The city clerk shall enter such costs as a special assessment against the real property and shall cause a copy of such statement to be sent to the owner(s) of such property by regular United States mail, the original thereof to be retained in the office of the city clerk. Each special assessment shall constitute a lien upon the real property described thereon, and shall be payable within sixty (60) days after the date of issuance without interest and thereafter with interest from the date of its issue until paid at a rate not to exceed eight (8) percent per annum. The lien may be enforced by any method appropriate for the enforcement of special assessments generally.

**SECTION 18.12. SCOPE OF ARTICLE**

- A. This Article shall pertain only to the "Truck Route" within the city and the Central Business District. The Truck Route is defined as:
  - 1. Main Street (U.S. route 7)
  - 2. East Allen Street (VT Route 15)
  - 3. West Allen Street (from Main Street to Malletts Bay Avenue)
  - 4. Malletts Bay Avenue
  - 5. Tigan Avenue
- B. For the purposes of this Article the Downtown Business District is defined as:
  - 1. Those streets between Mayo Street to the west and East Street to the east; the Railroad Bridge on Main Street to the north and Winooski River Bridge on Main Street to the south.

**ARTICLE IV: SMOKING IN PUBLIC PLACES**

**SECTION 18.13. PURPOSE**

It is the purpose of this section to promote the public health, safety and welfare of residents of and visitors to the city by prohibiting smoking in places of public access. This ordinance is adopted pursuant to the authority contained in the Winooski City Charter and 24 V.S.A. § 2291.

**SECTION 18.13.01. SMOKING PROHIBITED**

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 as defined in 18 V.S.A. §1741, and publicly owned buildings and offices. No person who owns, manages, operates or otherwise controls any premises described above shall knowingly allow any person to possess any lighted tobacco products at any time in a place of public access. A proprietor, or the agent or employee of a proprietor, who observes a person in possession of lighted tobacco products in apparent violation of this ordinance, shall ask the person to extinguish all lighted tobacco products. If the person persists in the possession of lighted tobacco products, the proprietor, agent or employee shall ask the person to leave the premises.

Statutory Cross-References: 18 V.S.A. § 1741 and 18 V.S.A. § 1742.

**SECTION 18.13.02. EXCEPTIONS**

- A. The restrictions above on possession of lighted tobacco products shall not apply to:
1. Designated exterior smoking areas adjacent to licensed cabarets which may include decks, patios, tents or other similar areas;
  2. Buildings owned and operated by social, fraternal, or religious organizations when used by the membership of 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; or
  3. Areas not commonly open to the public of owner-operated businesses with no employees.

**SECTION 18.13.03. “NO SMOKING” SIGNS**

Any person or employer who owns, manages, operates or otherwise controls the use of any premises subject to the restrictions contained in this article, 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. The color of such signs, when not of the international type, shall have lettering that is distinct, contrasting to the background and easily read.

**ARTICLE VI. PENALTIES**

**SECTION 18.14. CRIMINAL PENALTIES**

**SECTION 18.14.01. PENALTY FOR FAILING TO OBEY ORDER OF HEALTH OFFICER**

A person who, after receiving notice, fails to comply with the terms of an order of the health officer shall be subject to criminal penalties and enforced as provided for in Chapter 1, Section 1.11 of the Winooski City Code.

Statutory Cross-Reference: 24 V.S.A. §1974

**SECTION 18.15. CIVIL PENALTIES**

Unless otherwise stated, any violation of this Chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 1, Section 1.11 of Winooski City Code.

Charter Reference: 19-406(a)

Statutory Cross-Reference: 24 V.S.A. § 1974a

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