



Town of Proctor

Grounds Maintenance Ordinance

Adopted: July 23, 2018
Effective: September 23, 2018

**GROUNDS MAINTENANCE ORDINANCE
TOWN OF PROCTOR, VERMONT**

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Proctor under authority granted in 24 V.S.A. §§ 2291 (13), (14), and (15) and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to establish measures to abate the public nuisances, health and safety hazards, and other harmful effects that arise from failure to maintain the grounds of properties in the Town of Proctor.

SECTION 3. DEFINITIONS.

- A. Enforcement: Property Grounds Inspection Officer. The Town Manager or his designee is the Property Grounds Inspection Officer under this ordinance. The Property Grounds Inspection Officer may hold any other office in the Town of Proctor. Nothing in this ordinance shall prevent the Property Grounds Inspection Officer from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce. In the event that the Property Grounds Inspection Officer is unavailable, or has a conflict of interest, the Chair of the Selectboard shall perform the functions of the Property Grounds Inspection Officer and may designate a person to function as the Property Grounds Inspection Officer.
- B. The Property Owner. The Property Owner is the person or entity holding title to, controlling, occupying, or claiming a right to the property as indicated in the Grand List, on the Tax Map, according to the Land Records of the Town, or the records of a court in which a proceeding against the Property Owner or the property has been brought.

SECTION 4. OBLIGATIONS OF PROPERTY OWNERS. A Property Owner shall ensure that the following measures have been undertaken to maintain a property:

- A. Walkways. Walkways shall be safe for pedestrian passage.
- B. Premises. The grounds shall be clean, safe, and sanitary, free from waste, rubbish, debris, standing water or uncontrolled growth, and shall not pose a threat to the public health or safety. Grass shall not exceed a height of 6 inches.

SECTION 5. VIOLATIONS. If upon inspection, the Property Grounds Inspection Officer determines that a property is not in compliance with any or all of the requirements of Section 4, the Officer will report the findings to the Selectboard. If the Selectboard accepts the findings, it shall give the property owner notice of the failure to maintain the property and demand that the property be brought into compliance with the applicable requirements immediately, in no event later than thirty days following the date of the notice. In the event of a failure to achieve compliance within the time allowed, the Selectboard may take such corrective action as it deems appropriate to bring the property into compliance including employment of the necessary labor and materials to achieve compliance. All costs incurred to perform such work as expeditiously as possible will be billed to the property owner and shall be chargeable as a lien against the property.

SECTION 6. PENALTY AND ENFORCEMENT. A violation of this ordinance shall also result in a penalty which may be enforced in the Vermont Judicial Bureau or in the Rutland Unit, criminal division of the Vermont Superior Court, if the penalty and recoverable costs for continuing violations is greater than \$800 or injunctive relief is sought.

A. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. A civil penalty of \$250.00 may be imposed for an initial violation of this ordinance and an additional \$100.00/day for each day the violation continues.

1. A municipal ticket will be issued 30 days after written notification of violation is mailed by the Selectboard if the violation has not been corrected by the Property Owner in accordance with this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.

2. For purposes of enforcement in the Judicial Bureau, the Property Grounds Inspection Officer shall be the designated enforcement officer. Said designee shall issue tickets and may be the appearing officer at any hearing.

B. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Criminal Procedure. The Town of Proctor may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than \$800.00 may be imposed for violation of this ordinance.

1. A civil action may be initiated in the Superior Court within 30 days after written notification of violation is mailed by the Selectboard if the violation has not been corrected by the Property Owner in accordance with this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.

SECTION 7. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Proctor and all applicable laws of the State of Vermont.

SECTION 8. 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.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Proctor Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Duly enacted and ordained this 23th day of July, 2018 by the Selectboard of the Town of Proctor, County of Rutland, State of Vermont, at a duly called and duly held meeting of said Selectboard.

ATTESTED BY:


Celia Lisananti, Town Clerk

7/31/18
Date