

**TOWN OF HIGHGATE
SNOW REMOVAL ORDINANCE**

DATE EFFECTIVE 6/8/23

SECTION I: AUTHORITY

Under the authority granted in 19 V.S.A. §§ 111, 304, 1105, 23 V.S.A. §1126a and 24 V.S.A. §1971 the Town of Highgate Selectboard hereby adopts the following Civil Ordinance regulating the depositing of snow on traveled ways, shoulders, or sidewalks of a State highway or a class 1, 2 or 3 town highway within the Town of Highgate.

SECTION II: PURPOSE

This Snow Removal Ordinance is adopted to promote public health and safety by providing for the regulation of snow removal onto the traveled ways, shoulders, or sidewalks of the Town of Highgate.

SECTION III: DEFINITIONS

1. "Highway" shall include all parts of any bridge, culvert, roadway, street, square, fairground, or other place open temporarily or permanently to public or general circulation of vehicles, and shall include a way laid out under authority of law.
2. "Sidewalk" means the portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

SECTION IV: SPECIFIC PROVISIONS

No person, partnership or corporation shall throw, deposit or cause to be thrown, shoveled, propelled or deposited snow or ice from private property onto the traveled ways, shoulders, or sidewalks of a State highway or a class 1, 2 or 3 town highway of the Town of Highgate.

If snow or ice is thrown, shoveled, propelled or deposited from private property onto the traveled ways, shoulders, or sidewalks of a State highway or a class 1, 2 or 3 town highway of the Town of Highgate, the Town's Public Works Department shall remove such snow and ice at the expense and charge of the abutting property owner or tenant, which expense and charge may be recovered with full costs, in an action for contract in the name and behalf of the Town, and the person, partnership or corporation causing such snow or ice to be thrown, shoveled, propelled or deposited from private property onto the traveled ways, shoulders, or sidewalks of a State highway or a class 1, 2 or 3 town highway of the Town of Highgate shall be fined as set forth below.

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SECTION V: PENALTIES

1. In accordance with 24 V.S.A. §1974 and §1974a, any person who violates a provision of this Civil Ordinance shall be subject to a civil penalty of up to \$800.00 per day for each day that such violation continues. Each day the violation continues shall constitute a separate violation.
2. The Constable of the Town of Highgate, Vermont State Police, any Municipal Police Department Contracted by the Town of Highgate, Franklin County Sheriff's Department and/or any person duly appointed by the Selectboard shall have the authority to act as an Issuing Municipal Official, to issue and pursue before the Judicial Bureau, a municipal complaint.
3. An Issuing Municipal Official shall have the authority to levy and collect a Waiver Fee in lieu of a civil penalty from any person who declines to contest a municipal complaint and pay the Waiver Fee. Offenses shall be counted on a calendar year basis and Waiver Fees levied as follows:
 - a. First Offense \$100.00, Waiver Fee \$75.00
 - b. Second Offense \$200, Waiver Fee \$150.00
 - c. Third or Subsequent Offense \$500.00, Waiver Fee \$300.

SECTION VI: AMENDMENTS

1. This Ordinance may be amended by a majority vote of the legislative body at any duly warned meeting, provided the subject appears on the agenda for that meeting.
2. Any amendments to this Ordinance shall take effect in accordance with 24 V.S.A. §1971.

SECTION VII: APPEALS

1. Any person cited for a violation of this Ordinance may contest the violation before a judge in the Judicial Bureau.
2. A judgment entered by the Judicial Bureau may be appealed under the provisions of 4 V.S.A. §1107.

SECTION VIII: EFFECTIVE DATE

This Ordinance shall become effective sixty (60) days after its adoption by the legislative body, unless a petition is filed under 24 V.S.A. §1973, in which case said statute shall govern the taking effect of this Ordinance.

SECTION IX: ENFORCEMENT

A violation of this Civil Ordinance shall be a civil matter enforceable in the Judicial Bureau in accordance with the provisions of 24 V.S.A. Chapter 59.

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SECTION X: SEVERABILITY

Any part or provision of this Ordinance shall be considered severable and, if any provision of this Ordinance, or the application thereof 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 the application, and to this end the provisions of this Ordinance are declared severable.