

PART II

MUNICIPAL CODE

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. Designation, citation of Code.

The Charter ordinances and appendices embraced herein shall be designated and cited as the "Municipal Code, Town of Stowe, Vermont."

Charter reference—Procedure for adoption of ordinances, § 204.

State law reference—Procedure for adoption of ordinances, 24 V.S.A. § 1971 et seq.

Sec. 1-2. Rules of construction and definitions.

In the construction of this Code and of all ordinances hereafter enacted, the following interpretations shall be placed on the words and phrases mentioned in this section, unless such construction or interpretation would be manifestly inconsistent with the evident intent of the board of selectman or the voters of the town pursuant to ordinances adopted by referendum or repugnant to the context or to the evident purport of any ordinance:

Board of selectmen or selectmen shall mean the Board of Selectmen of Stowe, Vermont as the legislative body of the Town of Stowe, Vermont.

Charter. The word Charter shall mean the Charter of the Town of Stowe, Vermont printed as Part I of this volume.

Code. The word Code shall mean the Municipal Code printed as Part II of this volume.

Computation of time. The time in which an act is to be done shall be computed by excluding the first and including the last day, except that, when the last day falls on a Saturday, Sunday or a legal holiday, the act may be done on the next succeeding day which is not a Saturday, Sunday or a legal holiday. When a public office in which an act is to be performed is closed to the public for the entire day which constitutes the last day for doing such act, or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

County. The words county shall mean the County of Lamoille in the State of Vermont.

Delegation of authority. Whenever a provision appears requiring the head of a department, authorized supervisor or other officer of the town to do some act or to make certain inspections, it is to be construed to authorize the head of the department, authorized supervisor or other officer of the town, as the case may be, to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper, proprietor. The words keeper and proprietor shall mean and include persons, firms, associations, corporations, clubs and partnership, whether acting by themselves or through a servant, agent or employee.

Month. The word month shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person or thing, and a word importing the plural number may be applied to one (1) person or thing.

Oath. The word oath shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words swear and sworn shall be equivalent to the words affirm and affirmed. The word engaged shall be equivalent to the word sworn or affirmed.

Officers, departments, etc. Whenever the title of an officer, department, board or other agency is given, it shall be construed as though the words "of the Town of Stowe" were added.

Owner. The word owner, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant by the entirety of the whole or of a part of such building or land.

Person. The word person shall include a corporation, firm, partnership, association, organization, club, society, body corporate or politic or any other group acting as a unit, as well as a natural person.

Preceding, following. The words preceding and following shall mean next before and next after, respectively.

Premises. Whenever the word premises is used it shall mean place or places.

Property. The word property shall include real and personal property.

Public place. the term public place shall include, without limitation, any park, cemetery, school yard or open space adjacent thereto and all beaches, canals or other waterways, and any public street or way and any municipal forrest.

Real property, land, real estate. The terms real property, land and real estate shall include lands, tenements and hereditaments and rights thereto and interests therein.

Shall, may. The word shall is mandatory, whereas the word may is permissive.

Signature, subscription. The signature or subscription of a person shall include a mark when the person cannot write.

State. The words state shall be construed to mean the State of Vermont.

Streets, highways, ways. The words streets, highways and ways shall be construed as including public boulevards, avenues, courts, lanes, alleys, squares, drives, roads, corners, park roads, trails and sidewalks.

Tenant. The word tenant or occupant, applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The word town shall mean the Town of Stowe in the County of Lamoille and the State of Vermont.

V.S.A. V.S.A. shall mean the latest edition or supplement of the Vermont Statutes Annotated.

Week. The word week shall be construed to mean seven (7) days.

Written, in writing. The term written or in writing shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section, and unless otherwise expressly so provided, shall not be deemed or taken to be titles of such sections or as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections; including the catchlines, are amended or reenacted.

Sec. 1-4. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

Sec. 1-5. References.

The editor's notes and state law references appearing in the Code are merely information to assist the user of the Code and are of no legal effect.

Sec. 1-6. Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

Sec. 1-7. Additions and amendments deemed incorporated in Code.

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the town to make the same a part hereof, shall be deemed to be incorporated herein, so that reference to the Code shall be understood and intended to include such additions and amendments.

Sec. 1-8. Effect of repeal of ordinance.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

Sec. 1-9. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any ordinance promising or guaranteeing the payment of money by the town, or authorizing the issuance of any bonds of the town, or any evidence of the town's indebtedness, or any contract, agreement, lease, deed or other instrument or obligation assumed by the town or creating interest and sinking funds;
- (2) Any franchise, permit, or other right granted by any ordinance;
- (3) Any personnel regulations; any ordinance establishing salaries of town officers and employees;
- (4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing or vacating any street, alley or other public way in the town;
- (5) Any ordinance establishing and prescribing the street grades in the town;
- (6) Any appropriation ordinance or any ordinance levying or imposing taxes;
- (7) Any ordinance providing for local improvements and assessing taxes therefor;
- (8) Any ordinance dedicating or accepting any plat or subdivision in the town;
- (9) Any ordinance establishing the official plat of the town;
- (10) Any zoning map amendment or land use, rezoning or zoning ordinance;
- (11) Any ordinance annexing territory or excluding territory from the town;

- (12) Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with such Code;
- (13) Any ordinance creating special districts or assessing taxes therefor;
- (14) Any ordinance granting specific tax exemptions;
- (15) Any temporary or special ordinance;
- (16) Any administrative ordinance.

And all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. These ordinances are on file in the town clerk's office.

Sec. 1-10. Amendments to Code.

(a) All ordinances adopted subsequent to this Code, which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission thereof from reprinted pages affected thereby, and the subsequent ordinances, as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are readopted as a new Code by the board of selectmen or by initiative of the voters of the town.

(b) Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of the Code in substantially the following language: "That section _____ of the Municipal Code, Town of Stowe, Vermont is hereby amended to read as follows: (Set out new provisions in full)."

(c) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Municipal Code, Town of Stowe Vermont is hereby amended by adding a section (or article, chapter or other designation, as the case may be), to be numbered _____, which reads as follows: (Set out new provisions in full)."

Sec. 1-11. Supplementation of Code.

(a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the board of selectmen. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted by the board of selectmen or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(d) All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter or other number, as the case may be.

Sec. 1-12. Severability of parts of Code.

It is hereby declared to be the intention of the board of selectmen that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Code, since the same would have been enacted by the board of selectmen without the incorporation in this Code of any such unconstitutional, invalid or unenforceable phrase, clause, sentence, paragraph or section.

Sec. 1-13. General penalty; continuing violations.

(a) Whenever in this Code or in any ordinance or resolution of the town any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor either in this Code

or in state law, the violation of any such provision of this Code or any such ordinance or resolution shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than one (1) year. Each week any violation of this Code or any ordinance or resolution shall continue shall constitute a separate offense.

(b) In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance or resolution shall be deemed a public nuisance and may be, by the town, abated as provided by law and equity including but not limited to an injunction and each day that such condition continues shall be regarded as a new and separate offense.

State law references—Enforcement and penalty provision of ordinances, 24 V.S.A. § 1974(a); abatement and enjoining of violations, 24 V.S.A. 1974(b).

Sec. 1-14. Seal of the town.

The town does hereby adopt the official seal of the Town of Stowe.
(R.B. No. 7, Meeting of 5-6-40)

