

**VILLAGE OF ESSEX JUNCTION, VT**  
**MUNICIPAL CODE**  
**CHAPTER 13**  
**REGULATION OF PUBLIC NUISANCE**

**PURPOSE:** In accordance with 24 V.S.A. 2291, to define what constitutes a public nuisance, and to provide procedures and take action for its abatement or removal as the public health, safety or welfare may require.

**SECTION 1301. DISORDERLY CONDUCT, ASSAULT AND BATTERY:**

- a. No person shall intentionally cause public inconvenience, disturbance or annoyance, or with reckless disregard of the risk thereof by:
  1. Engaging in fighting or in violent or tumultuous behavior which a reasonable person would believe to be threatening; or
  2. In a public place or upon private property generally accessible to the public, engaging in conduct, including uttering words or making gestures, which a reasonable person would believe constitutes threats to his or her personal safety, combative behavior or interference with public peace and order; or
  3. In a public place or upon private property generally accessible to the public, obstructing or impeding vehicular or pedestrian traffic upon any street, or highway or sidewalk; or
  4. Obstructing, impeding, or in any way inhibiting access to an entrance to public or private property.
- b. Prior to issuing a citation to any person under Paragraph a (3 or 4), a law enforcement officer shall give notice to the person that his or her conduct is in violation of a Village Ordinance, and shall order the person to cease such conduct and leave that place. Upon the person's failure to comply with such order, a citation for violation of Paragraph a (3 or 4) may be issued and the person's refusal to comply with the order of the law enforcement officer shall create a permission inference that the proscribed conduct was done intentionally or recklessly.
- c. In addition to citing a person for violating the provisions of paragraphs a (1-4), whenever any law enforcement officer shall observe any act or conduct proscribed in such paragraphs, the officer may, if he/she deems it necessary for the preservation of the public peace and safety, order the person engaged in such act or conduct to leave that place. Any person who shall refuse to leave after being ordered to do so by a law enforcement officer can be charged with unlawful trespass according to 13 V.S.A. Section 3705.

**SECTION 1302. OPEN BURNING:**

Burning brush, leaves, trash or debris is not allowed in the Village of Essex Junction. Cooking or outdoor fireplaces are allowed with proper fuels to include charcoal, firewood, liquid propane (LP) or natural gas. In no circumstance shall an otherwise permissible fire be allowed that creates, in the discretion of the Village or its designate, a public nuisance. Fires must be attended at all times with an extinguishment resource within twenty (20) feet of the fire. Fires must be ten (10) feet away from a structure and must be built where they will not escape. A person starting a fire is responsible for preventing its escape. This prohibition shall not include training exercises by the Essex Junction Fire Department. The Village Trustees, with the concurrence of the Essex Junction Fire Chief, may approve a burn permit for a community event provided that the Essex Junction Fire Department is present.

**SECTION 1303. PENALTIES:**

a. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of Section 1302 or waive if appropriate:

First offense - **\$0** (warning) Third offense - **\$500**

Second offense - **\$250** Fourth - and subsequent offenses - **\$750**

Offenses shall be counted on a calendar year basis.

*Chapter 13 adopted by Trustees October 13, 1998, amended 9/14/04, 02/12/08 and 5/14/18.*