

**VILLAGE OF ESSEX JUNCTION  
MUNICIPAL CODE**

**CHAPTER 2.  
GENERAL REGULATION OF PUBLIC STREETS**

**SECTION 201: ENACTMENT AUTHORITY:**

This article is adopted by the Trustees of the Village of Essex Junction pursuant to the authority granted them under Sec. 1.07 (d) and (e) of the Village Charter.

**SECTION 202:**

- (a) No person shall throw or put, or cause to be thrown or put, snow or ice in any street, road, park or public ground without first having secured permission of the Public Works Superintendent or his designee.
- (b) No person shall sprinkle any salt, or chloride in any street, road, park or public ground without first having secured permission of the Public Works Superintendent or his designee.
- (c) No person shall slide on a sled or sleigh in any street, road, walk, lane, or alley.

**SECTION 203:**

No person shall allow vegetation to grow into the public right-of-way from an abutting property that in part or whole obstructs a sidewalk, road or public trail. A minimum of seven (7) feet of clearance shall be maintained over a public sidewalk.

The Village of Essex Junction reserves the right to prune or remove trees, shrubs or any other object in order to maintain its public right-of-way.

Landscaping may be approved for planting in the public right-of-way by the Planning Commission as part of a site plan review in accordance with the Essex Junction Land Development Code or by the Essex Junction Tree Warden.

**SECTION 204:**

No person shall engage in a coin drop within a public right of way. No person shall seek donations, sell a product, or otherwise solicit money within the public right of way of a Class 1 or 2 highway, except as noted below and as allowed in the Essex Junction Land Development Code. No person shall seek donations, sell a product or otherwise solicit money within the public right of way of a Class 3 highway, without first obtaining approval of the Village Trustees, except as noted below and as allowed in the Essex Junction Land Development Code. If approval is obtained, the person shall follow all guidelines that may be established by the Trustees to help maintain public safety and shall provide the Village of Essex Junction with a certificate of insurance demonstrating that they have a combined single limit of \$1,000,000 per occurrence and in the aggregate of general liability insurance and property damage; including products completed operations & Auto Liability coverage with a \$1,000,000 combined single limit for Bodily Injury and Property Damage; per occurrence. The Village of Essex Junction shall be named on the certificate as an Additional Insured.

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On the streets closed by the Village Trustees, the Essex Business and Professional Association (EBPA) may approve street vendors during the Memorial Day Parade. The Essex Junction Block Party Committee may approve street vendors in accordance with the Village of Essex Junction Trustee's Policy Regarding the Essex Junction Block Party Committee for streets the Trustees have agreed to close for this purpose. Due to the streets being closed to vehicular traffic, no insurance shall be required from street vendors participating in these events, unless otherwise required by EBPA or the Essex Junction Block Party Committee

### **SECTION 205:**

- (a) Any person or firm desiring to excavate within the public right-of-way shall be required to submit a completed Village of Essex Junction Excavation Permit accompanied by a certificate of insurance demonstrating \$1 million of commercial general liability insurance naming the Village of Essex Junction as an additional insured.
- (b) No person or firm shall excavate within a public right-of-way for construction without first having obtained an approved Village of Essex Junction Excavation Permit signed by the Public Works Superintendent or his/her designee.
- (c) No person or firm shall close or otherwise obstruct a public right-of-way for construction or the storage of equipment and/or construction related material without first having obtained approval of the Public Works Superintendent or his/her designee.
- (d) The Village Manager, Public Works Superintendent or his/her designee, or the Essex Police Department to reserve the right to rescind any permission to close, obstruct or excavate within a public right-of-way without advance notice if the public interest and/or safety so requires.

### **SECTION 206:**

- (a) No person shall operate Village of Essex Junction water system infrastructure (i.e., main line water valves, home service curb stops, fire hydrant gate -valves, fire hydrants, etc.) without permission of the Public Works Superintendent or his/her designee.
- (b) No person shall open covers to sewer manholes, water system valves or catch basins without permission of the Public Works Superintendent or his/her designee.
- (c) The Public Works Superintendent, Water Quality Superintendent, Village Manager or the Essex Police Department reserve the right to rescind any permission authorized under this section without notice if the public interest and/or safety so requires. The Village Manager may authorize the Essex Police to issue a notice of trespass. A notice of trespass may be appealed to the Village Trustees.

### **SECTION 207:**

No person shall close or obstruct a public right-of-way for a neighborhood block party without first having obtained unanimous consent signatures from the households and/or businesses that abut the section of street to be closed or obstructed and approval of the Village Manager.

In reviewing the application, the Manager shall take the following into consideration.

1. Whether adequate provisions have been made to protect the public health, safety and general

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welfare.

2. Whether another event has been previously scheduled that would be in conflict.

3. Whether the event will result in severe traffic congestion or interfere with the quiet of the neighborhood from 9 PM to 7 AM.

If the applicant does not comply with the conditions of authorization, violates the law or endangers public safety, the Essex Police Chief or his designee may cancel the event.

### **SECTION 208:**

No event, parade, procession, gathering or demonstration may take place on a public road without obtaining approval of the Village Trustees, except for a block party in accordance with Section 207.

In reviewing the written request, the Trustees shall take the following into consideration.

1. Whether adequate provisions have been made to protect the public health, safety and general welfare.

2. Whether another event has been previously scheduled that would be in conflict.

3. Whether the event will result in severe traffic congestion or interfere with the quiet of the neighborhood from 9 PM to 7 AM.

If the applicant does not comply with the conditions of authorization, violates the law or endangers public safety, the Essex Police Chief or his designee may cancel the event.

### **SECTION 209.**

No recreational equipment shall permanently be installed in the public right-of-way. Temporary recreational structures may not be placed in the public right-of-way on Class 1 or 2 roads. Temporary recreational structures may be placed in the public right-of-way of Class 3 roads, but not within the traveled portion of the road or sidewalk. No temporary structures shall be allowed in the right-of-way from December 1st through April 1st. The Village of Essex Junction and Essex Police Department reserves the right to remove any temporary or permanent structure that is in violation of this ordinance, is creating a safety hazard, impedes pedestrian or vehicle traffic, or interferes with the maintenance of municipal infrastructure. The Village of Essex Junction shall not be liable for damages to any temporary or permanent structure in the public right-of-way.

### **SECTION 210: APPEAL**

A decision of the Public Works Superintendent, Village Manager or Essex Police Chief may be appealed in writing to the Essex Junction Village Trustees, c/o Village Manager, 2 Lincoln Street, Essex Junction, VT 05452, whose decision shall be final.

*Chapter 2 amended by Board of Trustees on 10/14/03, 06/08/04, 08/10/04, 4/25/06 and 3/13/07.*