

PUBLIC NUISANCE ORDINANCE
PURPOSE

Pursuant to the authority vested in the Board of Trustees for the Village of Bradford by 24 V.S.A. Section 1971 and 2291, the Trustees hereby adopt a civil ordinance to provide for the abatement and/or removal of public nuisances as the public health, safety or welfare may require.

DEFINITIONS

1. Board means Board of Trustees
2. Officer means Town Health Officer/Constables
3. Person means any individual, firm partnership, corporation or other legal entity;
4. Public Nuisance means any condition which is detrimental to the public health, safety and welfare or creates a substantial annoyance, inconvenience or injury to the residents of the Village of Bradford including but not restricted to burned out buildings, garbage, rags, waste, or refuse material, swill, sewage, decaying animal or vegetable matter, or any solid or liquid matter that does or may generate disease or emit unhealthy gases or offensive odors, bottles, glass, old automobiles or parts thereof which could create a situation hazardous to children and the general public.

PROVISIONS

1. No person shall permit on land owned or occupied by them or deposit or allow on land owned or occupied by any other person within the Village of Bradford or upon lands owned by the Village of Bradford material and/or a condition which constitutes a public nuisance.
2. It shall be the duty of the officer to investigate any complaints or known instances of a public nuisance and to report any violations of this ordinance to the Board.
3. Upon notification by the officer of an alleged violation, the Board shall timely notify in writing the person responsible for the alleged violation and allow the responsible party to be heard on the allegation. After opportunity by the responsible party to be heard, the Board shall determine whether or not a violation of this ordinance exists, notice of which, if in the affirmative, shall include specific findings of those conditions which constitute a public nuisance and which determination shall be forwarded to the person responsible for such violation.
4. The person notified by the Board of a finding of public nuisance shall, within 10 days, abate by removal, cleaning or repair the public nuisance and shall so notify the Board in writing. No further action shall be taken if corrective action is accepted by the Board. If not accepted, the Board shall again notify, within ten days, the said person with required findings of conditions which still require abatement.

5. If no corrective action is taken by the person within ten days of notification by the Board, the Board may employ its own personnel, equipment and facilities or hire persons, equipment and facilities for the purpose of abating the specific conditions noticed by the Board. The property owner and/or the occupant of the property shall be jointly and severally liable for all cost incurred as a result of corrective action. In the event of a serious and imminent threat to the public health, safety or welfare the Board shall attempt to contact the responsible party by any available means and may take immediate action for the purpose of abating the public nuisance with the liability for costs passing to the property owner and/or occupant of the premises notwithstanding the notification requirements and time frames outlined by this ordinance.
6. Ten days after notice of a finding of violation in writing by the Board pursuant to Paragraph 3 above, any person who does not take action satisfactory to the Board to abate a public nuisance shall be in violation of this ordinance and shall be fined a sum not to exceed \$500.00 per day to be determined by the Board after taking into account the severity of the violation and the expenses incurred by the municipality as a result of the violation. Each day shall be construed as a separate offense and shall be punishable as such hereunder.
7. Any notice required pursuant to this ordinance shall be deemed sufficient if sent to the responsible party by first class mail to the parties last known address on file with the Board of Trustees of Bradford Village.
8. If any portion of this ordinance is found to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain in full force and effect as if written without the offending portion.

Adopted by the Board of Trustees on July 9, 1996

Effective: September 7, 1996