

1 H.144

2 Introduced by Representatives Bissonnette of Winooski and Atkins of

3 Winooski

4 Referred to Committee on

5 Date:

6 Subject: Municipal government; ordinances and rules; enforcement of criminal

7 and civil ordinances

8 Statement of purpose: This bill proposes to increase fines and penalties in the

9 enforcement of criminal and civil municipal ordinances.

10 An act relating to increasing fines and penalties in the enforcement of
11 criminal and civil municipal ordinances

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 24 V.S.A. § 1974 is amended to read:

14 § 1974. ENFORCEMENT OF CRIMINAL ORDINANCES

15 (a) The violation of a criminal ordinance or rule adopted by a municipality
16 under this chapter shall be a misdemeanor. The criminal ordinance or rule may
17 provide for a fine or imprisonment, but no fine may exceed ~~\$500.00~~ \$2,500.00,
18 nor may any term of imprisonment exceed one year. Each day the violation
19 continues shall constitute a separate offense.

1 (b) The presiding judge of the superior court, on application of the
2 legislative body of a municipality, shall have jurisdiction to enjoin the
3 violation of an ordinance or rule but the election of a municipality to proceed
4 under this subsection shall not prevent prosecutions under subsection (a) of this
5 section.

6 (c) Prosecutions of criminal ordinances shall be brought before the criminal
7 division of the superior court pursuant to 4 V.S.A. ~~§ 441~~ § 32(b).

8 (d) Prosecutions of criminal ordinances may be brought on behalf of the
9 municipality by the municipal attorney, grand juror, or other person designated
10 by the legislative body of the municipality.

11 Sec. 2. 24 V.S.A. § 1974a is amended to read:

12 § 1974a. ENFORCEMENT OF CIVIL ORDINANCE VIOLATIONS

13 (a) A civil penalty of not more than ~~\$500.00~~ \$2,500.00 may be imposed for
14 a violation of a civil ordinance. Each day the violation continues shall
15 constitute a separate violation.

16 (b) All civil ordinance violations, except municipal parking violations, and
17 all continuing civil ordinance violations, where the penalty is ~~\$500.00~~
18 \$2,500.00 or less, shall be brought before the judicial bureau pursuant to
19 Title 4 and this chapter. If the penalty for all continuing civil ordinance
20 violations is greater than ~~\$500.00~~ \$2,500.00, or injunctive relief, other than as
21 provided in subsection (c) of this section, is sought, the action shall be brought

1 in the criminal division of the superior court, unless the matter relates to
2 enforcement under chapter 117 of this title, in which instance the action shall
3 be brought in the environmental division of the superior court.

4 * * *

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on passage.