

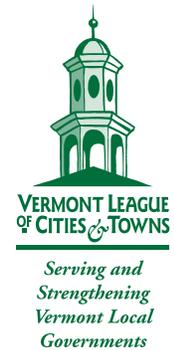
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# MUNICIPAL ASSISTANCE CENTER TECHNICAL PAPER #5

## Managing Stormwater through Low Impact Development (LID) Techniques

MAY, 2008



### INTRODUCTION

During the past several years, a new trend in stormwater management has been evolving and gaining momentum throughout the country. Low impact development (LID) stormwater management includes a set of practices and design approaches that maintain natural drainage patterns and retain more stormwater where it falls. LID practices help cleanse stormwater by filtering and releasing it slowly into receiving waterbodies, thereby improving water quality and reducing the risk of flash flooding.

Vermont municipalities can encourage LID to reduce the impacts of development on Lake Champlain and other lakes, rivers and streams. For new development, LID stormwater management methods mimic drainage and flow patterns that existed prior to development. LID can also be applied to urban retrofits and to redevelopment and revitalization projects to reduce runoff volumes, pollutant loads, and the overall impacts of existing development on receiving waters. This paper and the VLCT Municipal Assistance Center's model LID stormwater management bylaw offer guidance for municipal officials who want to adopt regulations that promote LID stormwater management practices at the local level.

### CONVENTIONAL DEVELOPMENT VS. LID

Stormwater management over the past few decades has relied on highly engineered practices that channel stormwater quickly and efficiently away from the development site and into storm sewers, detention ponds or nearby waterbodies. This often involves clearing vegetation and disturbing and compacting valuable topsoil at a site prior to re-grading and paving. These development practices can reduce soil permeability, increase stormwater volume, increase frequency and magnitude of flood events, increase pollution in waterbodies (due to runoff and erosion), degrade stream channels and decrease groundwater recharge.

In contrast, the LID approach aims to retain the natural ability of the pre-development site to absorb water by capturing, detaining and infiltrating precipitation. These processes clean the water and promote groundwater recharge. LID as a stormwater strategy often uses a series of small-scale non-structural and structural practices linked together on the development site. For example, in lieu of a treatment pond or municipal storm sewer serving a new subdivision's runoff needs, the development site can integrate lot-level practices throughout, such as maintaining native vegetation, incorporating rain gardens, diverting water from downspouts into planting beds (and away from driveway surfaces) and eliminating curbs. This type of integrated approach costs less than conventional methods because the total volume of runoff to be managed is significantly minimized or even eliminated when stormwater is absorbed into the soil, and evaporated and transpired from plant surfaces. Less runoff volume equals less infrastructure and its related maintenance.

LID can also help communities that are looking for ways to reduce the occurrence of combined sewage overflows into surface waters. Combined sewer systems are designed to collect stormwater runoff, domestic sewage, and industrial wastewater in the same pipe. Most of the time, combined sewer systems transport all of their wastewater to a sewage

treatment plant, where it is treated and then discharged to a waterbody. During periods of heavy rainfall or snowmelt the wastewater volume in a combined sewer system can exceed the capacity of the sewer system or treatment plant. When this happens, the excess untreated wastewater is discharged directly into nearby rivers, streams and lakes.

Cities and towns that have not separated their combined sewers can effectively reduce sewer overflows by diverting stormwater away from the sewer system and directing it to areas where it can be absorbed into the ground, evaporated and transpired from plant surfaces, or re-used. This type of LID practice uses soil and vegetation to store and treat the stormwater, keeping it out of the sewer system so that it doesn't contribute to sewer overflows.

Identifying and measuring the full range of benefits and costs of LID as compared to conventional approaches can be challenging. In December, 2007, the U.S. Environmental Protection Agency Nonpoint Source Control Branch released a report concluding that LID practices can reduce project costs and improve overall environmental performance. In the majority of the 17 case studies summarized in the report, LID project costs were significantly lower due to reduced spending for site grading and preparation, stormwater infrastructure, site paving, and landscaping. This report is available on-line at <http://www.epa.gov/owow/nps/lid/costs07/>.

## **VLCT MODEL LID STORMWATER MANAGEMENT BYLAW**

The VLCT model LID stormwater bylaw is one tool local officials have to help reduce the impacts of conventional development practices on water quality. It is important that prior to adopting any part of the VLCT model LID stormwater management bylaw, municipalities make sure that the LID standards are consistent with their general regulations and standards already in place. Many of the requirements in the model bylaw may already be covered elsewhere in a town's zoning and subdivision regulations, and related road, public works and stormwater management ordinances. For example, standards for natural area preservation, river corridor and vegetated buffer protection and limited development on steep slopes are all low impact development objectives that minimize land disturbance and limit stormwater runoff and erosion. The VLCT model bylaw offers municipalities a framework from which to extract and integrate the LID standards that best fit specific town needs into existing zoning and subdivision regulations.

### **Pre-development**

The VLCT model LID stormwater bylaw includes general pre-development and construction site standards. These standards control all sources of soil erosion and sediment on the construction site and preserve existing site features that naturally aid in stormwater management. They also reflect the accepted management practices recommended by the State in its most recent editions of the *Low Risk Handbook for Erosion Prevention and Sediment Control* and *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.

### **Post-construction**

The model bylaw also includes post-construction review standards and guidelines that ensure LID stormwater management design approaches are utilized to the maximum extent practical. The standards express the development and design intentions of the model bylaw. The guidelines for each standard suggest how an applicant might comply with the standard. The guidelines help the applicant during the design process; the administrative officer or review board can also use them to determine compliance with the bylaw. The options for compliance with the standards are not limited to the guidelines listed in the model bylaw, allowing for flexibility and creativity. The four post-construction review standards are as follows:

1. **Vegetation and Landscaping.** Vegetative and landscaping controls that intercept the path of surface runoff shall be considered as a component of the comprehensive stormwater management plan.

2. **Steep Slopes.** Development on steep slopes equal to or in excess of 15% shall be sited and constructed (and slopes stabilized) to minimize risks to surface and ground waters and to protect neighboring properties from damage.
3. **Impervious Surfaces.** Stormwater shall be managed through land development strategies that emphasize the reduction of impervious surface areas such as streets, sidewalks, driveway and parking areas and roofs.
4. **Low Impact Integrated Management Practices (IMPs).** Stormwater shall be managed through the use of small-scale controls to capture, store and infiltrate it close to its source. Some of the more commonly used LID small-scale practices are described in the IMP post-construction review guidelines.

## STATE VS. LOCAL STORMWATER MANAGEMENT CONTROL

The State of Vermont issues permits for stormwater runoff from both construction sites and impervious surfaces. Any project that disturbs more than one acre of land requires a construction permit and must include erosion and sediment control measures. Additionally, projects that will result in new impervious surfaces of one or more acres require an “operational” (or “post-construction”) permit. To obtain this permit, a project must demonstrate that it meets the State’s stormwater treatment standards relevant to water quality, channel protection, groundwater recharge and flood protection.

The potential effects of development involving less than one acre are not addressed under the State’s stormwater program. With residential and other small-scale development increasing nearly everywhere, the most important reason to adopt the VLCT LID stormwater management bylaw is to ensure that this incremental development occurs with minimal impact on water quality. Based on local conditions and policies, municipalities using the VLCT model LID stormwater bylaw determine the size of development that they intend to regulate. There are three different ways in which state and local stormwater regulations can interact:

***State Approval Equals Local Approval.*** For projects requiring a state stormwater permit, municipalities may decide to accept that permit as evidence of compliance with their local stormwater bylaw by adding language such as: *For those projects that fall under the jurisdiction of the State stormwater requirements, the Town of \_\_\_\_\_ may accept a copy of the issued State Stormwater Operational permit and/or the State of Vermont General permit for construction site runoff as evidence of compliance with this bylaw.*

***State Approval Equals Local Exemption.*** It’s important to note, however, that local review often precedes state review. There may also be some concern that adopting a state permit as proof that local criteria have been met might require a municipality to enforce the state’s permit conditions. Municipalities concerned with local acceptance of state permits can simply exempt projects requiring a state stormwater permit from local regulation.

***State and Local Approval.*** With appropriate technical capacity and staff support, municipalities may decide to require that a development that is subject to a state stormwater permit must also meet the LID standards provided in the LID bylaw. The model bylaw states: *Applicants shall demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site to storm sewer systems, detention ponds, and receiving bodies of water.* For example, a municipality could reject an application for a development with a state permitted stormwater collection system if the proposal did not include LID landscape design techniques that manage stormwater close to its source.

## CONCLUSION

Low impact development can be used almost anywhere that soil and vegetation can be worked into the landscape. It can be customized to fit environmentally sensitive sites and open spaces as well as constrained urban areas. LID is most effective when a variety of storage and infiltration techniques are used on-site at the same time. For example, a single family home might incorporate permeable pavement for infiltration and a rain barrel or cistern to capture and re-use rainfall for watering plants or flushing toilets. Integrating LID stormwater management strategies into local land use regulations is a straightforward way for municipalities to develop economically while improving the water quality of lakes and streams, reducing the risk of flash flooding and conserving natural areas.

The VLCT model LID stormwater management bylaw is designed to offer municipalities a flexible, clear-cut framework that is simple to develop and administer. The stormwater management model language can easily be incorporated into an existing land use regulation and can be adapted to meet the unique conditions in your community. For assistance in reviewing existing regulatory language and manipulating the model to fit specific town needs, contact Milly Archer, Water Quality Coordinator, at the VLCT Municipal Assistance Center, 800/649-7915, or [marcher@vlct.org](mailto:marcher@vlct.org). To access the on-line version of the VLCT model low impact development stormwater management bylaw, please visit the Resource Library at [www.vlct.org](http://www.vlct.org).

## ABOUT THE MAC TECHNICAL PAPERS

The Municipal Assistance Center began publishing its series of technical papers in 2007. Based on member inquiries, the MAC staff picks topics that need to be treated in more detail than a newsletter article, but less than a handbook. Papers previously issued are:

- #1, *Making It Stick: The Art of Writing Effective Zoning Decisions*, March 2007.
- #2, *Creating an Effective Riparian Buffer Ordinance*, April 2007.
- #3, *Creating a Development Review Board*, July 2007.
- #4, *On the Record Review*, February 2008.

### PAPERS ON THE FOLLOWING TOPICS ARE COMING SOON:

- Roles and Responsibilities in Planning and Zoning
- The Intersection of Agricultural Practices and Zoning: Q & A



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## MEMORANDUM

**To:** Selectboard Chairs, Municipal Managers and Administrators,  
Zoning Administrators, Planning Commission Chairs, DRB Chairs

**From:** Milly Archer  
Water Quality Coordinator

**Date:** May 2008

**RE:** Model Low Impact Development Stormwater Management Bylaw

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The Vermont League of Cities and Towns has produced the enclosed model low impact development stormwater management bylaw for municipalities interested in regulating stormwater runoff from residential and other small-scale development not covered under the State stormwater program. Integrating low impact development strategies into local land use regulations is one way for municipalities to ensure that incremental small-scale development occurs with minimal impact on water quality from stormwater runoff.

Low impact development (LID) stormwater management includes a set of practices and design approaches that maintain natural drainage patterns and retain more stormwater where it falls, allowing the site to absorb water by capturing, detaining and infiltrating precipitation. This type of approach costs less than conventional methods that channel stormwater into storm sewers, detention ponds and/or nearby waterbodies because the total volume of runoff to be managed is significantly minimized or even eliminated. Less runoff volume equals less stormwater infrastructure and its related maintenance.

The VLCT model bylaw is designed to offer municipalities a framework from which to extract and integrate LID standards that best fit specific town needs into zoning and subdivision regulations. For assistance in reviewing existing regulatory language and manipulating the model to meet the unique conditions in your community, contact Milly Archer, Water Quality Coordinator, at the VLCT Municipal Assistance Center, 800/649-7915, or [marcher@vlct.org](mailto:marcher@vlct.org). I look forward to hearing from you!

*Sponsor of:*

VLCT Health Trust, Inc.

VLCT Municipal Assistance  
Center

VLCT Property and Casualty  
Intermunicipal Fund, Inc.

VLCT Unemployment  
Insurance Trust, Inc.

# **MODEL LOW IMPACT DEVELOPMENT STORMWATER MANAGEMENT BYLAW**

## **SECTION 1. AUTHORITY.**

This bylaw is adopted by the Town of \_\_\_\_\_ under authority of 24 V.S.A. § 4410 and 24 V.S.A. § 4414 (9).

## **SECTION 2. PURPOSE**

The purpose of this bylaw is:

(A) To promote stormwater management practices that maintain pre-development hydrology through site design, site development, building design and landscape design techniques that infiltrate, filter, store, evaporate and detain stormwater close to its source;

(B) To protect natural resources, particularly streams, lakes, wetlands, floodplains and other natural aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions;

(C) To protect other properties from damage that could be caused by stormwater and sediment during construction activities and post-construction conditions on the development site;

(D) To reduce the impacts from impervious surfaces such as streets, parking lots, rooftops and other paved surfaces; and

(E) To protect public safety from flooding and streambank erosion, reduce public expenditures in removing sediment from stormwater drainage systems and natural resource areas, and to prevent damage to municipal infrastructure caused by inadequate stormwater controls.

## **SECTION 3. SCOPE AND APPLICABILITY**

(A) This bylaw shall apply to all development within the Town of \_\_\_\_\_ requiring a municipal land use permit.

(B) Exemptions:

(1) Any activity that will disturb an area less than [ ] square feet or less than [ ]% of contiguous property, whichever is less;

- (2) Any activity that will increase an impervious area or contiguous impervious area less than [ ] square feet;
- (3) The construction of any fence that will not alter existing terrain or drainage patterns.

#### **SECTION 4. LID/ STORMWATER MANAGEMENT APPLICATION MATERIALS**

For all development requiring a municipal land use permit, the following information shall be presented on a plan or plans drawn to scale with supporting documents and technical details as necessary:

(A) An existing condition site assessment providing baseline information on features including slope profiles showing existing gradients, soil types, tree canopy and other vegetation, natural waterbodies, wetlands and sensitive natural communities, and site features that aid in stormwater management including natural drainage ways and forested and vegetated lands located on stream and wetland buffers;

(B) An erosion and sediment control plan that incorporates accepted management practices as recommended by the state in the most recent editions of the *Low Risk Handbook for Erosion Prevention and Sediment Control* or *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control*, as determined by the [AMP].

(C) A stormwater management plan identifying the construction disturbance area and demonstrating that stormwater runoff is minimized through the use of natural drainage systems and on-site infiltration and treatment techniques. The plan shall demonstrate that soils best suited for infiltration are retained and that natural areas consisting of tree canopy and other vegetation are preserved, preferably in contiguous blocks or linear corridors where feasible, for protection of the best stormwater management features identified in the site assessment. The Administrative Officer or [AMP] may consider and impose appropriate safeguards, modifications and conditions relative to the general standards and guidelines listed in Section 7 of this bylaw.

#### **SECTION 5. GENERAL PRE-DEVELOPMENT AND CONSTRUCTION SITE STANDARDS.**

All development in the Town of \_\_\_\_\_ is subject to the following pre-development and construction site standards to ensure that all sources of soil erosion and sediment on the construction site are adequately controlled, and that existing site features that naturally aid in stormwater management are protected to the maximum extent practical.

**(A) Minimize Land Disturbance.** Development of a lot or site shall require the least amount of vegetation clearing, soil disturbance, duration of exposure, soil compaction and topography changes as possible.

(1) To the extent feasible, soils best suited for infiltration shall be retained and natural areas consisting of tree canopy and other vegetation shall be preserved, preferably in contiguous blocks or linear corridors.

(2) The time the soil is left disturbed shall be minimized. The Administrative Officer or [AMP] may require project phasing to minimize the extent of soil disturbance and erosion during each phase of site development.

(3) There shall be no soil compaction except in the construction disturbance area, which shall be identified and delineated in the field with appropriate safety or landscape fencing. In areas outside the disturbance area there shall also be no storage of construction vehicles, construction materials, or fill, nor shall these areas be used for circulation.

(4) Development on steep slopes equal to or in excess of 15%, or which results in such slopes, shall be subject to conditional use review.

**(B) Preserve Natural Areas.** Development shall not result in an undue adverse impact on fragile environments, including wetlands, wildlife habitats, streams, lakes, steep slopes, floodplains and vegetated riparian buffers.

(1) Open space or natural resource protection areas shall be retained preferably in contiguous blocks or linear corridors where feasible, for the protection of the best stormwater management features identified in the site assessment as required in Section 4(A) of this bylaw.

(2) Forested lands located on stream and wetland buffers and steep slopes are priority areas and clearing them shall be avoided in order to protect wildlife habitats and prevent erosion and sedimentation resulting from stormwater runoff.

(3) A minimum 50-foot vegetated buffer shall be established along any lakes and/or streams located within the property lines. The buffer shall increase to 100-feet for watersheds greater than 2 square miles. The applicant shall default to the Fluvial Erosion Hazard (FEH) zone along streams if one has been established.

(4) Lot coverage and building footprints shall be minimized and where feasible, and development clustered, to minimize site disturbance and preserve large areas of undisturbed space. Environmentally sensitive areas, such as areas along streams, wetlands, and steep slopes shall be a priority for preservation and open space.

**(C) Manage Water, Prevent Erosion and Control Sediment During Construction.** Applicants shall maintain compliance with the accepted erosion prevention and sediment control plan as required by Section 4(B) of this bylaw.

- (1) Runoff from above the construction site must be intercepted and directed around the disturbed area.
- (2) On the site itself, water must be controlled, and kept at low velocities, to reduce erosion in drainage channels.
- (3) The amount of sediment produced from areas of disturbed soils shall be minimized by utilizing control measures such as vegetated strips, diversion dikes and swales, sediment traps and basins, check dams, stabilized construction entrances, dust control, and silt fences.
- (4) Immediate seeding and mulching or the application of sod shall be completed at the conclusion of each phase of construction, or at the conclusion of construction if not phased.
- (5) The applicant shall follow the erosion prevention and sediment control practices for construction that occurs from October 15<sup>th</sup> to May 15<sup>th</sup> found in Section 3.2 *Winter Construction Limitations* as outlined in *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control*, or the most recent Agency of Natural Resources standards for winter construction.

## **SECTION 6. LOW IMPACT DEVELOPMENT DESIGN**

The use of LID design approaches is preferred and shall be implemented to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. To the extent that LID design approaches are not proposed in the stormwater management plan, as required in Section 4(C) of this bylaw, the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

## **SECTION 7. LID/ STORMWATER GENERAL POST CONSTRUCTION REVIEW STANDARDS AND GUIDELINES**

All applications for development are subject to the following post construction stormwater management standards and guidelines to ensure that stormwater management approaches that maintain natural drainage patterns and infiltrate precipitation are utilized to the maximum extent practical.

Standards are statements that express the development and design intentions of this bylaw. The guidelines suggest a variety of means by which the applicant might comply with the standards. The guidelines are intended to aid the applicant in the design process and the Administrative Officer and the [AMP] when reviewing applications. Options for compliance with the standards are not limited to the guidelines listed.

### **Standard 1: Vegetation and Landscaping**

Vegetative and landscaping controls that intercept the path of surface runoff shall be considered as a component of the comprehensive stormwater management plan.

**Guideline 1.1.** Utilize two-track surfaces with grass in-between to provide water infiltration for roads, driveways, parking lots and other types of drivable or walkable surfaces.

**Guideline 1.2.** Design parking lot landscaping to function as part of the development's stormwater management system utilizing vegetated islands with bioretention functions.

**Guideline 1.3.** Incorporate existing natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration.

**Guideline 1.4.** Divert water from downspouts away from driveway surfaces and into bioretention areas or rain gardens to capture, store, and infiltrate stormwater on-site.

**Guideline 1.5.** Encourage construction of vegetative LID stormwater controls (bioretention, swales, filter strips, buffers) on land held in common.

### **Standard 2: Development on Steep Slopes**

Development on steep slopes equal to or in excess of 15% shall be sited and constructed, and slopes stabilized to minimize risks to surface and ground waters and to protect neighboring properties from damage.

**Guideline 2.1.** Prohibit development, re-grading and clearing of vegetation on land where the slope is greater than 25%.

**Guideline 2.2.** Locate house sites, subsurface sewage systems and parking areas on the flattest portion of the site.

**Guideline 2.3.** Minimize crossing steep slopes with roads and driveways and lay them out to follow topographic contours in order to minimize soil and vegetation disturbance. Avoid long driveways.

### **Standard 3: Reduce Impervious Surfaces**

Stormwater shall be managed through land development strategies that emphasize the reduction of impervious surface areas such as streets, sidewalks, driveway and parking areas and roofs.

**Guideline 3.1.** Evaluate the minimum widths of all streets and driveways to demonstrate that the proposed width is the narrowest possible necessary to conform with safety and traffic concerns and requirements.

**Guideline 3.2.** Reduce the total length of residential streets by examining alternative street layouts to determine the best option for increasing the number of homes per unit length.

**Guideline 3.3.** Minimize the number of residential street cul-de-sacs and incorporate vegetated islands to reduce their impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and maintenance vehicles. Consider alternative turn-around areas.

**Guideline 3.4.** Reduce driveway lengths by minimizing setback distances. Encourage common driveways.

**Guideline 3.5.** Use permeable pavement for parking stalls and spillover parking, sidewalks, driveways and bike trails.

**Guideline 3.6.** Establish parking maximums and utilize shared parking for uses with different peak demand periods.

**Guideline 3.7.** Reduce building footprints by using more than one floor level.

#### **Standard 4: Low Impact Integrated Management Practices (IMPs)**

Stormwater shall be managed through the use of small-scale controls to capture, store and infiltrate stormwater close to its source.

**Guideline 4.1.** Create vegetated depressions, commonly known as bio retention areas or rain gardens that collect runoff and allow for short-term ponding and slow infiltration. Rain gardens consist of a relatively small depressed or bowl shaped planting bed that treats runoff from storms of one inch or less.

**Guideline 4.2.** Locate dry wells consisting of gravel or stone-filled pits to catch water from roof downspouts or paved areas.

**Guideline 4.3.** Use filter strips or bands of dense vegetation planted immediately downstream of a runoff source to filter runoff before it enters a receiving structure or water body. Natural or man-made vegetated riparian buffers adjacent to waterbodies provide erosion control, sediment filtering and habitat.

**Guideline 4.4.** Utilize shallow grass-lined channels to convey and store runoff.

**Guideline 4.5.** Incorporate rooftop gardens which partially or completely cover a roof with vegetation and soil or a growing medium, planted over a waterproofing membrane.

**Guideline 4.6.** Use permeable paving and sidewalk construction materials that allow stormwater to seep through into the ground.

**Guideline 4.7.** Use rain barrels and cisterns of various sizes that store runoff conveyed through building downspouts. Rain barrels are generally smaller structures, located above ground. Cisterns are larger, often buried underground, and may be connected to the building's plumbing or irrigation system.

**Guideline 4.8.** Add minerals and organic materials to soils to increase its capacity for absorbing moisture and sustaining vegetation.

**Guideline 4.9.** Utilize tree box filters placed below grade, covered with a grate, filled with filter media and planted with a tree, to act both as a water retention tank and a natural filter.

**SECTION 8. INDEPENDENT CONSULTANTS.**

The [AMP] may retain independent consultants to facilitate the review of applications for development subject this bylaw and whose services shall be paid for by the applicant. The consultant(s) shall work at the [AMP]'s direction and shall provide the [AMP] such reports and assistance, as the [AMP] deems necessary to determine compliance with this bylaw.

**SECTION 9. OTHER LAWS.**

This bylaw is in addition to all other ordinances and bylaws of the Town of \_\_\_\_\_ and all applicable laws of the State of Vermont.

**SECTION 10. SEVERABILITY.**

If any section of this bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this bylaw.

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SIGNATURES

\_\_\_\_\_  
DATE