



Enforcing Local Ordinances

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What is the purpose of ordinance enforcement?

- Prevention
- Compliance
- Health and Safety
- NOT generation of revenue



Accomplishing the goal

- Education
- Warning
- Compliance agreement
- Civil Ticket



VLCT Guide to Model Ordinances

- The Municipal Assistance Center provides guidance regarding municipal ordinances
 - <https://www.vlct.org/news/vlct-model-templates-policies-and-ordinances>
- Any ordinance with a penalty of \$800 or less shall be brought before the Judicial Bureau (no attorney required) No injunctive relief
- Any ordinance with a penalty of more than \$800 shall be brought before the Criminal Division of the Superior Court (attorney likely required)
- The Municipal Assistance Center can be reached at (802) 229-9111 or info@vlct.org



State law civil ticket vs Municipal Ordinance civil ticket

State law tickets are written by a “Law enforcement Officer”

- Municipal police, sheriff, state police, constable with law enforcement authority
- Local ordinance tickets are written by those authorized in the specific ordinance – law enforcement authority is not required
 - Ordinance must give specific authority to the official who will be issuing the ticket
 - That person may need specific designation by the selectboard/city council
 - Ordinance also must be written so that the violation falls under the authority of the Vermont Judicial Bureau



Municipal ordinance giving authority

Example of ordinance meeting requirement

Definition – “Enforcement Official” – when used herein shall mean any constable, police officer, animal control officer, and pound keeper; it shall also include any other individual specifically designated by the Selectboard to enforce the provisions of this ordinance. No law enforcement training is required for civil ordinance enforcement.

Enforcement – This is a civil ordinance and shall be enforced by an Enforcement Official in the Vermont Judicial Bureau in accordance with 24 V.S.A. § 1974a and section 1977 et seq.



Who has civil ticket writing authority

- Any individual named by position in the municipal ordinance has ticket writing authority
 - Examples of an “Enforcement Official”
 - Constable
 - Animal Control Officer
 - Zoning Officer
 - Community Service Officer
 - Law Enforcement Officer
 - Health Officer



Where do I get tickets (town has been issuing tickets)?

- If your town has been issuing tickets
 - Ask the “custodial official” to obtain an officer number and a ticket book for you
 - Inquire about the current system
 - Who orders tickets?
 - Where are they filed?
 - Who submits them to the Judicial Bureau?
 - Who receives court notices?



Where do I get tickets and envelopes (town has not been issuing tickets)?

- If your town is not set up to issue tickets
 - Determine who the “custodial official” will be. This is the person who will serve as the point of contact for all matters having to do with the Judicial Bureau. They will be responsible for keeping records, notifying issuing officials of court and receiving all communications having to do with municipal tickets.



Where do I get tickets and envelopes (town has not been issuing tickets)?

- Have the head of the town (manager, administrator, chair of select board) send a letter to the Judicial Bureau indicating who the “custodial official” will be. This must include their complete contact information (phone, mailing address and email address)
- Have the head of the town (manager, administrator, chair of select board) send a letter indicating who has been appointed as “enforcement official(s)” and that they have ticket writing authority.
 - The letter must contain the name(s) of the appointed official(s) and their date(s) of birth
- Judicial Bureau
 - Vermont Judicial Bureau, P.O. Box 607, White River Jct., VT 05001
 - 802-295-8869 vjb@vtcourts.gov
- Once established send VCVC request form to Judicial Bureau



What to know about issuing a ticket

- Know the ordinance and make sure you have all the required elements documented
- Have you documented and/or collected all evidence of the violation?
 - Proof of warning (if required by ordinance)
 - Photographs
 - Detailed notes / report
 - Witnesses (subpoena may be needed)
- Write legibly or the ticket may be dismissed without a hearing
- Complete all sections of the ticket



What to know about issuing a ticket

- Include personally identifying information for the defendant
 - Driver's license number and/or date of birth
- Properly inquire of and complete the Service Member's Civil Relief Act affidavit
- Issue the ticket with the envelope provided by the Judicial Bureau
 - In person service is best. If by mail, certified is recommended (only if you can attest to Service Member status).
- The ticket must be legible
- Make sure the ticket is filed with the Judicial Bureau within 30 days



The ticket has been issued, now what?

- Issuing official must make adequate notes on their copy so they can effectively prosecute the ticket in the future. In VT the issuing official is the prosecutor when it comes to Judicial Bureau hearings.
- The copy of the ticket with notes must be filed in a safe location for documentation and retrieval should a hearing be requested.
- The custodial official will receive notices of the ticket being paid or a notice of a pending court hearing



The ticket has been issued, now what? (cont)

- The issuing official must be prepared to attend court and serve as the prosecutor of the ticket
 - Go to court prepared with certified copies of the ordinance, copies of minutes or documents showing your appointment as an issuing authority
 - Be aware of court room decorum
 - Be knowledgeable and prepared to testify on all pertinent elements of the violation
 - Do you need to request / subpoena witnesses?
 - Know the town policy on negotiations (plea bargain) when it comes to issued tickets



The ticket has been issued, now what?

- The ticket must be submitted to the Judicial Bureau using a state approved “batch form (Form 701)” within 30 days of issuance.
<http://www.vermontjudiciary.org/law-enforcement> (password required)

Form 701
8/04 SML

Vermont Judicial Bureau
P.O. Box 607
White River Junction, Vermont 05001
(802) 295-8869

POLICE BATCH FORM

This batch contains the following tickets:

Please Complete

Police Department Name		
Address		
Town	Vt.	Zip

1.		11.	
2.		12.	
3.		13.	
4.		14.	
5.		15.	
6.		16.	
7.		17.	
8.		18.	
9.		19.	
10.		20.	

Distribution: Original ~ Police 2nd and 3rd copies ~ Judicial Bureau

Signature

Date



Violators Response

- Admit offense and pay the waiver fee
 - Not contest the charge and pay the waiver fee
 - Deny the charge and request a hearing
 - Fail to respond within 20 days, resulting in a default judgment.
-
- If the violator pays the waiver fee, the money collected by the Judicial Bureau is sent to the town, minus a fee which is retained by the Judicial Bureau for administrative expenses.



What if the violator refuses to pay the fine?

- Monthly report of nonpayment is sent to the municipality for fines not paid within 30 days
- The municipality may pursue all civil remedies
 - Attaching wages or property, filing or foreclosure of judgment liens, and small claims actions
 - The Judicial Bureau can initiate civil contempt proceedings and refer non-payments to a collection agency 4 VSA § 1109 (c) and (d)
 - If the fine remains unpaid after the issuance of a notice of nonpayment, the Court Administrator may authorize the clerk of the Judicial Bureau to refer the matter to a designated collection agency.



Ticket modifications

- Amend <https://www.vermontjudiciary.org/sites/default/files/documents/500-00702.pdf>
- Dismiss (same form as amendment)
- Change of plea <http://www.vermontjudiciary.org/law-enforcement>
(password required)
- What rules does the jurisdiction have regarding the above?



Track Ticket Payments

The VT Judiciary posts monthly Ticket Payments online

<https://www.vermontjudiciary.org/about-vermont-judiciary/court-statistics-and-reports/town-traffic-ticket-reports>



VERMONT JUDICIAL BUREAU
PO BOX 607
WHITE RIVER JUNCTION, VT 05001

Account Detail - Municipal Ordinances and F&G
Deposit Date: 05/01/2019 through 05/31/2019

9091 West Windsor MO

Ticket	Defendant	Penalty	Payment	Ovrcred	Admin	File-Fee	Surchg	Allocation
113821	Osgood, Lex	50.00	50.00	.00	-12.50	.00	.00	37.50
113822	Osgood, Lex	50.00	50.00	.00	-12.50	.00	.00	37.50
113823	Osgood, Lex	50.00	50.00	.00	-12.50	.00	.00	37.50
9091	Total	150.00	150.00	.00	-37.50	.00	.00	112.50



VERMONT CIVIL VIOLATION, FISH AND WILDLIFE VIOLATION, MUNICIPAL VIOLATION											
<input type="checkbox"/> CDL		 <div style="font-size: 24pt; font-weight: bold; margin-top: 5px;">4025451</div>				Form 500 Rev. 3/2019					
License State											
Driver License Number				Hunting/Fishing/Trapping License Number							
Defendant Last or Organization Name						First		Mid. Initial			
Defendant Current Mailing Address						Home Phone					
						- -					
City				State		Zip Code		Business Phone			
						- -					
Date of Birth		<input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="checkbox"/> Corp/Org <input type="checkbox"/> Other		Place of Birth		Height		Weight	
										Hair	
										Eyes	
Vehicle or Boat Reg. number:		State		Year		Make		Color		Model	
Violation Date		Time		Municipality							
Highway				Place or Landmark							
Defendant did then and there commit the following acts in violation of Vermont /local law:											
Alcohol Lev.		Actual Speed		Posted Limit		<input type="checkbox"/> Accident		<input type="checkbox"/> Fatality		<input type="checkbox"/> Seat Belt Viol.	
0. %		MPH		MPH							
<input type="checkbox"/> Commercial Vehicle		<input type="checkbox"/> Hazardous Material		Municipal Ordinance							
In violation of V.S.A. §				49 C.F.R. §				Violation Code			
PENALTIES	If you plead DENIED and the State proves the violation, the penalty must be within the penalty range. Commonly, the waiver amount plus \$65.00 in court costs are assessed.				POINTS		If you plead ADMITTED or NO CONTEST , you may pay the waiver amount instead of appearing in court.				
					PENALTY RANGE						
					MINIMUM \$						
					MAXIMUM \$						
					RESTITUTION (F&W) +						
I have just and reasonable grounds to believe the person named above committed this violation.											
Delivered To (Defendant, Reg. Agent, or Corp. Officer)						Date Served		<input type="checkbox"/> In Hand <input type="checkbox"/> U.S. Mail			
Officer No.		Officer Name (printed)				Officer Signature					
Dept. No.		Department Name				<input type="checkbox"/> Related criminal charge					
Parent or Guardian Last Name						First Name					
Street Address				City		State		Zip Code			
Servicemembers' Civil Relief Act Declaration: Signed under penalty of perjury, I state:											
<input type="checkbox"/> Defendant said he/she is NOT on active duty in the U.S. armed forces.											
<input type="checkbox"/> Defendant is under 17 years of age.											
<input type="checkbox"/> Defendant is a business or corporation.											
<input type="checkbox"/> Defendant said he/she IS on active duty or is scheduled to be on active duty in the U.S. armed forces.											
Officer Signature:										ORIGINAL	

Officer's Notes

DISCRETIONARY STOP DATA COLLECTION

P refers to any passengers in the vehicle. Check boxes that apply to passengers when relevant.

Driver Race <input type="checkbox"/> A = Asian/Pac. Island <input type="checkbox"/> B = Black <input type="checkbox"/> H = Hispanic <input type="checkbox"/> I = Native Amer/ Alaska Nat. <input type="checkbox"/> W = White ****Arab/Middle Easterners are part of the Asian category	Reason for Stop <input type="checkbox"/> M = Moving Violation <input type="checkbox"/> E = Externally Generated <input type="checkbox"/> I = Investigatory <input type="checkbox"/> D = Susp DUI <input type="checkbox"/> V = Vehicle Equipment <input type="checkbox"/> O = Other	Type of Search <input type="checkbox"/> NS = No Search <input type="checkbox"/> SW = Search w/ Warrant <input type="checkbox"/> SPC = Consent Search w/ PC <input type="checkbox"/> SRS = Search Reasonable Suspicion <input type="checkbox"/> PSW = Search w/ Warrant <input type="checkbox"/> PSPC = Consent Search w/ PC <input type="checkbox"/> PSRS = Search Reasonable Suspicion	Evidence <input type="checkbox"/> X = N/A (no search) <input type="checkbox"/> C = Contraband or Evidence of Crime <input type="checkbox"/> NC = No Contraband <input type="checkbox"/> PX = N/A (no search) <input type="checkbox"/> PC = Contraband or Evidence of Crime <input type="checkbox"/> PNC = No Contraband	Outcome <input type="checkbox"/> W = Warning <input type="checkbox"/> T = Ticket <input type="checkbox"/> A = Arrest for Violation <input type="checkbox"/> AW = Arrest Warrant <input type="checkbox"/> PW = Warning <input type="checkbox"/> PT = Ticket <input type="checkbox"/> PA = Arrest for Violation <input type="checkbox"/> PAW = Arrest Warrant
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SPEED MEASUREMENT DEVICE TESTS

Radar ID No.				Laser ID No.			
Time Tested (Before Stop)		Time Tested (After Stop)		Time Tested (Before Stop)		Time Tested (After Stop)	
Before Test	Pass Fail	After Test	Pass Fail	Before Test	Pass Fail	After Test	Pass Fail
Tuning Forks	<input type="checkbox"/> <input type="checkbox"/>	Tuning Forks	<input type="checkbox"/> <input type="checkbox"/>	Self	<input type="checkbox"/> <input type="checkbox"/>	Self	<input type="checkbox"/> <input type="checkbox"/>
Internal Calibration	<input type="checkbox"/> <input type="checkbox"/>	Internal Calibration	<input type="checkbox"/> <input type="checkbox"/>	Scoops Alignment	<input type="checkbox"/> <input type="checkbox"/>	Scoops Alignment	<input type="checkbox"/> <input type="checkbox"/>
Speedometer Verif.	<input type="checkbox"/> <input type="checkbox"/>	Speedometer Verif.	<input type="checkbox"/> <input type="checkbox"/>	Known Distance	<input type="checkbox"/> <input type="checkbox"/>	Known Distance	<input type="checkbox"/> <input type="checkbox"/>
Display Lights	<input type="checkbox"/> <input type="checkbox"/>	Display Lights	<input type="checkbox"/> <input type="checkbox"/>	Display Lights	<input type="checkbox"/> <input type="checkbox"/>	Display Lights	<input type="checkbox"/> <input type="checkbox"/>

CONDITIONS

Weather <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Raining <input type="checkbox"/> Snowing <input type="checkbox"/> Fog <input type="checkbox"/> Sleet	Highway <input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Muddy <input type="checkbox"/> Snowy <input type="checkbox"/> Ice <input type="checkbox"/> Loose Material	<input type="checkbox"/> Concrete <input type="checkbox"/> Blacktop <input type="checkbox"/> Gravel <input type="checkbox"/> Unimproved <input type="checkbox"/> Divided Lanes	Traffic <input type="checkbox"/> Light <input type="checkbox"/> Medium <input type="checkbox"/> Heavy <input type="checkbox"/> Vehicle <input type="checkbox"/> Pedestrian <input type="checkbox"/> Cross-Traffic	Light <input type="checkbox"/> Daylight <input type="checkbox"/> Darkness <input type="checkbox"/> Dawn/Dusk <input type="checkbox"/> Other
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KEEP THIS COPY FOR REFERENCE

You are charged with a civil violation within the jurisdiction of the Judicial Bureau of Vermont. The Judicial Bureau is designed to allow you to speak for yourself without an attorney, but you may hire an attorney at your own expense. The Judicial Bureau will not provide an attorney to you, and its staff will not provide legal advice to you.

If you plead admitted or no contest to the alleged violation, then you may waive your right to appear in court and pay the waiver amount.

If you plead denied to the alleged violation, then you will be scheduled to appear in court at least once. A corporation must have an attorney or corporate officer (i.e. president, vice president) appear in court. A minor should be accompanied by a parent or legal guardian.

The trial is a summary hearing without a jury. The judge may be a licensed attorney appointed as judicial hearing officer or the judge may be a citizen elected by a county as assistant judge. You and the State/Municipality may offer testimony and exhibit into evidence. All witnesses must appear in person and testify truthfully under oath. Written statements usually are excluded from the evidence.

The law enforcement officer who issued the complaint is the prosecutor. The judge will not discuss the case with you or the officer, except in court at a hearing. The judge does not have authority to issue a "warning", even when leniency is appropriate. The decision to issue a warning, rather than file a complaint, rests with the law enforcement officer.

The burden of proof is on the State or Municipality to prove the violation by clear and convincing evidence.

which is defined by law as establishing the truth of the facts asserted is highly probable. If the State or Municipality satisfies the burden of proof, then judgment will be entered against you. Depending on the type of violation, you may be subject to a variety of penalties as provided by law (i.e. fine, surcharge, court costs, points, driving suspension, community service, alcohol screening and counseling, hunting/fishing/trapping license suspension and Fish & Wildlife restitution). If the State or Municipality fails to meet the burden of proof, the case will be dismissed.

Most decisions are delivered orally in court at the end of the hearing, but some decisions are issued in writing and mailed to the parties. Occasionally, more than one hearing is required for the judge to reach a decision.

Either party may appeal the decision to the Superior Court. The filing fee to appeal is \$120.00. The appeal will be on the record (meaning neither party will be allowed to present new evidence), unless you file a written request for a new trial by judge or a new trial by jury.

CONTACT THE JUDICIAL BUREAU

The Judicial Bureau is open Monday through Friday, except holidays, between 8:00 a.m. and 4:30 p.m. The Judicial Bureau intends to digitally scan all written correspondence. Thus, letters and motions should be typed on white letter-size paper (8 1/2 in. by 11 in.) and signed in black or dark blue ink.

JUDICIAL BUREAU
 82 Railroad Row, POB 607
 White River Jct., VT 05001
 (802) 295-6865
 JUD.VJB@vermont.gov
 Visit our website www.vermontjudiciary.org

Questions / Contact information

Questions?

Contact Information

Law Enforcement Consultation Program

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